

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 591

Representative Duffey

Cosponsors: Representatives Seitz, Riedel, Schaffer, Reineke, Gavarone, Lang

A BILL

To amend sections 3301.0710, 3301.0711, 3301.0714, 1
3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 2
3302.03, 3302.033, 3302.036, 3302.04, 3302.05, 3
3302.063, 3302.10, 3302.12, 3302.13, 3302.15, 4
3302.151, 3302.21, 3302.22, 3310.03, 3311.741, 5
3311.80, 3313.413, 3313.618, 3313.6113, 6
3313.903, 3314.012, 3314.015, 3314.016, 7
3314.017, 3314.02, 3314.03, 3314.034, 3314.05, 8
3314.085, 3314.35, 3317.0216, 3319.111, 9
3319.112, 3324.05, 3326.17, 3326.41, 3328.26, 10
3333.041, 3333.048, and 3333.391; to amend, for 11
the purpose of adopting a new section number as 12
indicated in parentheses, section 3302.03 13
(3302.032); to enact new section 3302.03; and to 14
repeal sections 3302.031, 3302.032, 3302.034, 15
3302.035, and 3314.37 of the Revised Code to 16
revise the state report card rating system for 17
school districts and public schools. 18

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

Section 1. That sections 3301.0710, 3301.0711, 3301.0714, 19

3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 3302.03, 20
3302.033, 3302.036, 3302.04, 3302.05, 3302.063, 3302.10, 21
3302.12, 3302.13, 3302.15, 3302.151, 3302.21, 3302.22, 3310.03, 22
3311.741, 3311.80, 3313.413, 3313.618, 3313.6113, 3313.903, 23
3314.012, 3314.015, 3314.016, 3314.017, 3314.02, 3314.03, 24
3314.034, 3314.05, 3314.085, 3314.35, 3317.0216, 3319.111, 25
3319.112, 3324.05, 3326.17, 3326.41, 3328.26, 3333.041, 26
3333.048, and 3333.391 be amended; section 3302.03 (3302.032) be 27
amended for the purpose of adopting a new section number as 28
indicated in parentheses; and new section 3302.03 of the Revised 29
Code be enacted to read as follows: 30

Sec. 3301.0710. The state board of education shall adopt 31
rules establishing a statewide program to assess student 32
achievement. The state board shall ensure that all assessments 33
administered under the program are aligned with the academic 34
standards and model curricula adopted by the state board and are 35
created with input from Ohio parents, Ohio classroom teachers, 36
Ohio school administrators, and other Ohio school personnel 37
pursuant to section 3301.079 of the Revised Code. 38

The assessment program shall be designed to ensure that 39
students who receive a high school diploma demonstrate at least 40
high school levels of achievement in English language arts, 41
mathematics, science, and social studies. 42

(A) (1) The state board shall prescribe all of the 43
following: 44

(a) Two statewide achievement assessments, one each 45
designed to measure the level of English language arts and 46
mathematics skill expected at the end of third grade; 47

(b) Two statewide achievement assessments, one each 48

designed to measure the level of English language arts and	49
mathematics skill expected at the end of fourth grade;	50
(c) Three statewide achievement assessments, one each	51
designed to measure the level of English language arts,	52
mathematics, and science skill expected at the end of fifth	53
grade;	54
(d) Two statewide achievement assessments, one each	55
designed to measure the level of English language arts and	56
mathematics skill expected at the end of sixth grade;	57
(e) Two statewide achievement assessments, one each	58
designed to measure the level of English language arts and	59
mathematics skill expected at the end of seventh grade;	60
(f) Three statewide achievement assessments, one each	61
designed to measure the level of English language arts,	62
mathematics, and science skill expected at the end of eighth	63
grade.	64
(2) The state board shall determine and designate at least	65
five ranges of scores on each of the achievement assessments	66
described in divisions (A)(1) and (B)(1) of this section. Each	67
range of scores shall be deemed to demonstrate a level of	68
achievement so that any student attaining a score within such	69
range has achieved one of the following:	70
(a) An advanced level of skill;	71
(b) An accelerated level of skill;	72
(c) A proficient level of skill;	73
(d) A basic level of skill;	74
(e) A limited level of skill.	75

(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) 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) (c) of this section.

(4) Each school district or school shall teach and assess social studies in at least the fourth and sixth grades. Any assessment in such area shall be determined by the district or school and may be formative or summative in nature. The results of such assessment shall not be reported to the department of education.

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

(2) The state board shall prescribe an assessment system 106
in accordance with section 3301.0712 of the Revised Code that 107
shall replace the Ohio graduation tests beginning with students 108
who enter the ninth grade for the first time on or after July 1, 109
2014. 110

(3) The state board may enter into a reciprocal agreement 111
with the appropriate body or agency of any other state that has 112
similar statewide achievement assessment requirements for 113
receiving high school diplomas, under which any student who has 114
met an achievement assessment requirement of one state is 115
recognized as having met the similar requirement of the other 116
state for purposes of receiving a high school diploma. For 117
purposes of this section and sections 3301.0711 and 3313.61 of 118
the Revised Code, any student enrolled in any public high school 119
in this state who has met an achievement assessment requirement 120
specified in a reciprocal agreement entered into under this 121
division shall be deemed to have attained at least the 122
applicable score designated under this division on each 123
assessment required by division (B) (1) or (2) of this section 124
that is specified in the agreement. 125

(C) The superintendent of public instruction shall 126
designate dates and times for the administration of the 127
assessments prescribed by divisions (A) and (B) of this section. 128

In prescribing administration dates pursuant to this 129
division, the superintendent shall designate the dates in such a 130
way as to allow a reasonable length of time between the 131
administration of assessments prescribed under this section and 132
any administration of the national assessment of educational 133
progress given to students in the same grade level pursuant to 134
section 3301.27 of the Revised Code or federal law. 135

~~(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B) (1) of this section that is of comparable length to the actual test.~~ 136
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~~(E)~~ Any committee established by the department of 139
education for the purpose of making recommendations to the state 140
board regarding the state board's designation of scores on the 141
assessments described by this section shall inform the state 142
board of the probable percentage of students who would score in 143
each of the ranges established under division (A) (2) of this 144
section on the assessments if the committee's recommendations 145
are adopted by the state board. To the extent possible, these 146
percentages shall be disaggregated by gender, major racial and 147
ethnic groups, limited English proficient students, economically 148
disadvantaged students, students with disabilities, and migrant 149
students. 150

Sec. 3301.0711. (A) The department of education shall: 151

(1) Annually furnish to, grade, and score all assessments 152
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 153
the Revised Code to be administered by city, local, exempted 154
village, and joint vocational school districts, ~~except that each~~ 155
~~district shall score any assessment administered pursuant to~~ 156
~~division (B) (10) of this section.~~ Each assessment so furnished 157
shall include the data verification code of the student to whom 158
the assessment will be administered, as assigned pursuant to 159
division (D) (2) of section 3301.0714 of the Revised Code. ~~In~~ 160
~~furnishing the practice versions of Ohio graduation tests~~ 161
~~prescribed by division (D) of section 3301.0710 of the Revised~~ 162
~~Code, the department shall make the tests available on its web~~ 163
~~site for reproduction by districts.~~ In awarding contracts for 164
grading assessments, the department shall give preference to 165

Ohio-based entities employing Ohio residents.	166
(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.	167 168 169 170
(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:	171 172 173 174
(1) Administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code.	175 176 177 178 179 180
(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	181 182 183
(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	184 185 186
(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	187 188 189
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	190 191 192
(6) Administer the assessments prescribed under division	193

(A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	194 195
(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	196 197 198
(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:	199 200 201
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	202 203 204 205
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	206 207 208 209 210 211
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B) (8) (b) of this section.	212 213 214 215 216 217 218 219 220 221
(10) If the district has a three-year average graduation	222

~~rate of not more than seventy five per cent, administer each~~ 223
~~assessment prescribed by division (D) of section 3301.0710 of~~ 224
~~the Revised Code in September to all ninth grade students who~~ 225
~~entered ninth grade prior to July 1, 2014.~~ 226

Except as provided in section 3313.614 of the Revised Code 227
for administration of an assessment to a person who has 228
fulfilled the curriculum requirement for a high school diploma 229
but has not passed one or more of the required assessments, the 230
assessments prescribed under division (B) (1) of section 231
3301.0710 of the Revised Code shall not be administered after 232
the date specified in the rules adopted by the state board of 233
education under division (D) (1) of section 3301.0712 of the 234
Revised Code. 235

(11) (a) Except as provided in division (B) (11) (b) of this 236
section, administer the assessments prescribed by division (B) 237
(2) of section 3301.0710 and section 3301.0712 of the Revised 238
Code in accordance with the timeline and plan for implementation 239
of those assessments prescribed by rule of the state board 240
adopted under division (D) (1) of section 3301.0712 of the 241
Revised Code; 242

(b) A student who has presented evidence to the district 243
or school of having satisfied the condition prescribed by 244
division (A) (1) of section 3313.618 of the Revised Code to 245
qualify for a high school diploma prior to the date of the 246
administration of the assessment prescribed under division (B) 247
(1) of section 3301.0712 of the Revised Code shall not be 248
required to take that assessment. However, no board shall 249
prohibit a student who is not required to take such assessment 250
from taking the assessment. 251

(C) (1) (a) In the case of a student receiving special 252

education services under Chapter 3323. of the Revised Code, the 253
individualized education program developed for the student under 254
that chapter shall specify the manner in which the student will 255
participate in the assessments administered under this section, 256
except that a student with significant cognitive disabilities to 257
whom an alternate assessment is administered in accordance with 258
division (C) (1) of this section and a student determined to have 259
a disability that includes an intellectual disability as 260
outlined in guidance issued by the department shall not be 261
required to take the assessment prescribed under division (B) (1) 262
of section 3301.0712 of the Revised Code. The individualized 263
education program may excuse the student from taking any 264
particular assessment required to be administered under this 265
section if it instead specifies an alternate assessment method 266
approved by the department of education as conforming to 267
requirements of federal law for receipt of federal funds for 268
disadvantaged pupils. To the extent possible, the individualized 269
education program shall not excuse the student from taking an 270
assessment unless no reasonable accommodation can be made to 271
enable the student to take the assessment. No board shall 272
prohibit a student who is not required to take an assessment 273
under division (C) (1) of this section from taking the 274
assessment. 275

(b) Any alternate assessment approved by the department 276
for a student under this division shall produce measurable 277
results comparable to those produced by the assessment it 278
replaces in order to allow for the student's results to be 279
included in the data compiled for a school district or building 280
under ~~section~~ sections 3302.03 and 3302.032 of the Revised Code. 281

(c) (i) Any student enrolled in a chartered nonpublic 282
school who has been identified, based on an evaluation conducted 283

in accordance with section 3323.03 of the Revised Code or 284
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 285
29 U.S.C.A. 794, as amended, as a child with a disability shall 286
be excused from taking any particular assessment required to be 287
administered under this section if a plan developed for the 288
student pursuant to rules adopted by the state board excuses the 289
student from taking that assessment. 290

(ii) A student with significant cognitive disabilities to 291
whom an alternate assessment is administered in accordance with 292
division (C) (1) of this section and a student determined to have 293
a disability that includes an intellectual disability as 294
outlined in guidance issued by the department shall not be 295
required to take the assessment prescribed under division (B) (1) 296
of section 3301.0712 of the Revised Code. 297

(iii) In the case of any student so excused from taking an 298
assessment under division (C) (1) (c) of this section, the 299
chartered nonpublic school shall not prohibit the student from 300
taking the assessment. 301

(2) A district board may, for medical reasons or other 302
good cause, excuse a student from taking an assessment 303
administered under this section on the date scheduled, but that 304
assessment shall be administered to the excused student not 305
later than nine days following the scheduled date. The district 306
board shall annually report the number of students who have not 307
taken one or more of the assessments required by this section to 308
the state board not later than the thirtieth day of June. 309

(3) As used in this division, "limited English proficient 310
student" has the same meaning as in 20 U.S.C. 7801. 311

No school district board shall excuse any limited English 312

proficient student from taking any particular assessment 313
required to be administered under this section, except as 314
follows: 315

(a) Any limited English proficient student who has been 316
enrolled in United States schools for less than two years and 317
for whom no appropriate accommodations are available based on 318
guidance issued by the department shall not be required to take 319
the assessment prescribed under division (B) (1) of section 320
3301.0712 of the Revised Code. 321

(b) Any limited English proficient student who has been 322
enrolled in United States schools for less than one full school 323
year shall not be required to take any reading, writing, or 324
English language arts assessment. 325

However, no board shall prohibit a limited English 326
proficient student who is not required to take an assessment 327
under division (C) (3) of this section from taking the 328
assessment. A board may permit any limited English proficient 329
student to take an assessment required to be administered under 330
this section with appropriate accommodations, as determined by 331
the department. For each limited English proficient student, 332
each school district shall annually assess that student's 333
progress in learning English, in accordance with procedures 334
approved by the department. 335

(4) (a) The governing authority of a chartered nonpublic 336
school may excuse a limited English proficient student from 337
taking any assessment administered under this section. 338

(b) No governing authority shall require a limited English 339
proficient student who has been enrolled in United States 340
schools for less than two years and for whom no appropriate 341

accommodations are available based on guidance issued by the 342
department to take the assessment prescribed under division (B) 343
(1) of section 3301.0712 of the Revised Code. 344

(c) No governing authority shall prohibit a limited 345
English proficient student from taking an assessment from which 346
the student was excused under division (C) (4) of this section. 347

(D) ~~(1)~~ In the school year next succeeding the school year 348
in which the assessments prescribed by division (A) (1) or (B) (1) 349
of section 3301.0710 of the Revised Code or former division (A) 350
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 351
it existed prior to September 11, 2001, are administered to any 352
student, the board of education of any school district in which 353
the student is enrolled in that year shall provide to the 354
student intervention services commensurate with the student's 355
performance, including any intensive intervention required under 356
section 3313.608 of the Revised Code, in any skill in which the 357
student failed to demonstrate at least a score at the proficient 358
level on the assessment. 359

~~(2) Following any administration of the assessments 360
prescribed by division (D) of section 3301.0710 of the Revised 361
Code to ninth grade students, each school district that has a 362
three year average graduation rate of not more than seventy five 363
per cent shall determine for each high school in the district 364
whether the school shall be required to provide intervention 365
services to any students who took the assessments. In 366
determining which high schools shall provide intervention 367
services based on the resources available, the district shall 368
consider each school's graduation rate and scores on the 369
practice assessments. The district also shall consider the 370
scores received by ninth grade students on the English language 371~~

~~arts and mathematics assessments prescribed under division (A)
(1) (f) of section 3301.0710 of the Revised Code in the eighth
grade in determining which high schools shall provide
intervention services.~~ 372
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~~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.~~ 376
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(E) Except as provided in section 3313.608 of the Revised 387
Code and division (N) of this section, no school district board 388
of education shall utilize any student's failure to attain a 389
specified score on an assessment administered under this section 390
as a factor in any decision to deny the student promotion to a 391
higher grade level. However, a district board may choose not to 392
promote to the next grade level any student who does not take an 393
assessment administered under this section or make up an 394
assessment as provided by division (C) (2) of this section and 395
who is not exempt from the requirement to take the assessment 396
under division (C) (3) of this section. 397

(F) No person shall be charged a fee for taking any 398
assessment administered under this section. 399

(G) (1) Each school district board shall designate one 400
location for the collection of assessments administered in the 401

spring under division (B) (1) of this section and those 402
administered under divisions (B) (2) to (7) of this section. Each 403
district board shall submit the assessments to the entity with 404
which the department contracts for the scoring of the 405
assessments as follows: 406

(a) If the district's total enrollment in grades 407
kindergarten through twelve during the first full school week of 408
October was less than two thousand five hundred, not later than 409
the Friday after all of the assessments have been administered; 410

(b) If the district's total enrollment in grades 411
kindergarten through twelve during the first full school week of 412
October was two thousand five hundred or more, but less than 413
seven thousand, not later than the Monday after all of the 414
assessments have been administered; 415

(c) If the district's total enrollment in grades 416
kindergarten through twelve during the first full school week of 417
October was seven thousand or more, not later than the Tuesday 418
after all of the assessments have been administered. 419

However, any assessment that a student takes during the 420
make-up period described in division (C) (2) of this section 421
shall be submitted not later than the Friday following the day 422
the student takes the assessment. 423

(2) The department or an entity with which the department 424
contracts for the scoring of the assessment shall send to each 425
school district board a list of the individual scores of all 426
persons taking a state achievement assessment as follows: 427

(a) Except as provided in division (G) (2) (b) or (c) of 428
this section, within forty-five days after the administration of 429
the assessments prescribed by sections 3301.0710 and 3301.0712 430

of the Revised Code, but in no case shall the scores be returned 431
later than the thirtieth day of June following the 432
administration; 433

(b) In the case of the third-grade English language arts 434
assessment, within forty-five days after the administration of 435
that assessment, but in no case shall the scores be returned 436
later than the fifteenth day of June following the 437
administration; 438

(c) In the case of the writing component of an assessment 439
or end-of-course examination in the area of English language 440
arts, except for the third-grade English language arts 441
assessment, the results may be sent after forty-five days of the 442
administration of the writing component, but in no case shall 443
the scores be returned later than the thirtieth day of June 444
following the administration. 445

(3) For assessments administered under this section by a 446
joint vocational school district, the department or entity shall 447
also send to each city, local, or exempted village school 448
district a list of the individual scores of any students of such 449
city, local, or exempted village school district who are 450
attending school in the joint vocational school district. 451

(H) Individual scores on any assessments administered 452
under this section shall be released by a district board only in 453
accordance with section 3319.321 of the Revised Code and the 454
rules adopted under division (A) of this section. No district 455
board or its employees shall utilize individual or aggregate 456
results in any manner that conflicts with rules for the ethical 457
use of assessments adopted pursuant to division (A) of this 458
section. 459

(I) Except as provided in division (G) of this section, 460
the department or an entity with which the department contracts 461
for the scoring of the assessment shall not release any 462
individual scores on any assessment administered under this 463
section. The state board shall adopt rules to ensure the 464
protection of student confidentiality at all times. The rules 465
may require the use of the data verification codes assigned to 466
students pursuant to division (D)(2) of section 3301.0714 of the 467
Revised Code to protect the confidentiality of student scores. 468

(J) Notwithstanding division (D) of section 3311.52 of the 469
Revised Code, this section does not apply to the board of 470
education of any cooperative education school district except as 471
provided under rules adopted pursuant to this division. 472

(1) In accordance with rules that the state board shall 473
adopt, the board of education of any city, exempted village, or 474
local school district with territory in a cooperative education 475
school district established pursuant to divisions (A) to (C) of 476
section 3311.52 of the Revised Code may enter into an agreement 477
with the board of education of the cooperative education school 478
district for administering any assessment prescribed under this 479
section to students of the city, exempted village, or local 480
school district who are attending school in the cooperative 481
education school district. 482

(2) In accordance with rules that the state board shall 483
adopt, the board of education of any city, exempted village, or 484
local school district with territory in a cooperative education 485
school district established pursuant to section 3311.521 of the 486
Revised Code shall enter into an agreement with the cooperative 487
district that provides for the administration of any assessment 488
prescribed under this section to both of the following: 489

(a) Students who are attending school in the cooperative 490
district and who, if the cooperative district were not 491
established, would be entitled to attend school in the city, 492
local, or exempted village school district pursuant to section 493
3313.64 or 3313.65 of the Revised Code; 494

(b) Persons described in division (B) (8) (b) of this 495
section. 496

Any assessment of students pursuant to such an agreement 497
shall be in lieu of any assessment of such students or persons 498
pursuant to this section. 499

(K) (1) Except as otherwise provided in division (K) (1) or 500
(2) of this section, each chartered nonpublic school for which 501
at least sixty-five per cent of its total enrollment is made up 502
of students who are participating in state scholarship programs 503
shall administer the elementary assessments prescribed by 504
section 3301.0710 of the Revised Code. In accordance with 505
procedures and deadlines prescribed by the department, the 506
parent or guardian of a student enrolled in the school who is 507
not participating in a state scholarship program may submit 508
notice to the chief administrative officer of the school that 509
the parent or guardian does not wish to have the student take 510
the elementary assessments prescribed for the student's grade 511
level under division (A) of section 3301.0710 of the Revised 512
Code. If a parent or guardian submits an opt-out notice, the 513
school shall not administer the assessments to that student. 514
This option does not apply to any assessment required for a high 515
school diploma under section 3313.612 of the Revised Code. 516

(2) A chartered nonpublic school may submit to the 517
superintendent of public instruction a request for a waiver from 518
administering the elementary assessments prescribed by division 519

(A) of section 3301.0710 of the Revised Code. The state 520
superintendent shall approve or disapprove a request for a 521
waiver submitted under division (K) (2) of this section. No 522
waiver shall be approved for any school year prior to the 2015- 523
2016 school year. 524

To be eligible to submit a request for a waiver, a 525
chartered nonpublic school shall meet the following conditions: 526

(a) At least ninety-five per cent of the students enrolled 527
in the school are children with disabilities, as defined under 528
section 3323.01 of the Revised Code, or have received a 529
diagnosis by a school district or from a physician, including a 530
neuropsychiatrist or psychiatrist, or a psychologist who is 531
authorized to practice in this or another state as having a 532
condition that impairs academic performance, such as dyslexia, 533
dyscalculia, attention deficit hyperactivity disorder, or 534
Asperger's syndrome. 535

(b) The school has solely served a student population 536
described in division (K) (1) (a) of this section for at least ten 537
years. 538

(c) The school provides to the department at least five 539
years of records of internal testing conducted by the school 540
that affords the department data required for accountability 541
purposes, including diagnostic assessments and nationally 542
standardized norm-referenced achievement assessments that 543
measure reading and math skills. 544

(3) Any chartered nonpublic school that is not subject to 545
division (K) (1) of this section may participate in the 546
assessment program by administering any of the assessments 547
prescribed by division (A) of section 3301.0710 of the Revised 548

Code. The chief administrator of the school shall specify which 549
assessments the school will administer. Such specification shall 550
be made in writing to the superintendent of public instruction 551
prior to the first day of August of any school year in which 552
assessments are administered and shall include a pledge that the 553
nonpublic school will administer the specified assessments in 554
the same manner as public schools are required to do under this 555
section and rules adopted by the department. 556

(4) The department of education shall furnish the 557
assessments prescribed by section 3301.0710 of the Revised Code 558
to each chartered nonpublic school that is subject to division 559
(K)(1) of this section or participates under division (K)(3) of 560
this section. 561

(L) If a chartered nonpublic school is educating students 562
in grades nine through twelve, the following shall apply: 563

(1) For a student who is enrolled in a chartered nonpublic 564
school that is accredited through the independent schools 565
association of the central states and who is attending the 566
school under a state scholarship program, the student shall 567
either take all of the assessments prescribed by division (B) of 568
section 3301.0712 of the Revised Code or take an alternative 569
assessment approved by the department under section 3313.619 of 570
the Revised Code. However, a student who is excused from taking 571
an assessment under division (C) of this section or has 572
presented evidence to the chartered nonpublic school of having 573
satisfied the condition prescribed by division (A)(1) of section 574
3313.618 of the Revised Code to qualify for a high school 575
diploma prior to the date of the administration of the 576
assessment prescribed under division (B)(1) of section 3301.0712 577
of the Revised Code shall not be required to take that 578

assessment. No governing authority of a chartered nonpublic 579
school shall prohibit a student who is not required to take such 580
assessment from taking the assessment. 581

(2) For a student who is enrolled in a chartered nonpublic 582
school that is accredited through the independent schools 583
association of the central states, and who is not attending the 584
school under a state scholarship program, the student shall not 585
be required to take any assessment prescribed under section 586
3301.0712 or 3313.619 of the Revised Code. 587

(3) (a) Except as provided in division (L) (3) (b) of this 588
section, for a student who is enrolled in a chartered nonpublic 589
school that is not accredited through the independent schools 590
association of the central states, regardless of whether the 591
student is attending or is not attending the school under a 592
state scholarship program, the student shall do one of the 593
following: 594

(i) Take all of the assessments prescribed by division (B) 595
of section 3301.0712 of the Revised Code; 596

(ii) Take only the assessment prescribed by division (B) 597
(1) of section 3301.0712 of the Revised Code, provided that the 598
student's school publishes the results of that assessment for 599
each graduating class. The published results of that assessment 600
shall include the overall composite scores, mean scores, twenty- 601
fifth percentile scores, and seventy-fifth percentile scores for 602
each subject area of the assessment. 603

(iii) Take an alternative assessment approved by the 604
department under section 3313.619 of the Revised Code. 605

(b) A student who is excused from taking an assessment 606
under division (C) of this section or has presented evidence to 607

the chartered nonpublic school of having satisfied the condition 608
prescribed by division (A) (1) of section 3313.618 of the Revised 609
Code to qualify for a high school diploma prior to the date of 610
the administration of the assessment prescribed under division 611
(B) (1) of section 3301.0712 of the Revised Code shall not be 612
required to take that assessment. No governing authority of a 613
chartered nonpublic school shall prohibit a student who is not 614
required to take such assessment from taking the assessment. 615

(M) (1) The superintendent of the state school for the 616
blind and the superintendent of the state school for the deaf 617
shall administer the assessments described by sections 3301.0710 618
and 3301.0712 of the Revised Code. Each superintendent shall 619
administer the assessments in the same manner as district boards 620
are required to do under this section and rules adopted by the 621
department of education and in conformity with division (C) (1) 622
(a) of this section. 623

(2) The department of education shall furnish the 624
assessments described by sections 3301.0710 and 3301.0712 of the 625
Revised Code to each superintendent. 626

(N) Notwithstanding division (E) of this section, a school 627
district may use a student's failure to attain a score in at 628
least the proficient range on the mathematics assessment 629
described by division (A) (1) (a) of section 3301.0710 of the 630
Revised Code or on an assessment described by division (A) (1) 631
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 632
Code as a factor in retaining that student in the current grade 633
level. 634

(O) (1) In the manner specified in divisions (O) (3), (4), 635
(6), and (7) of this section, the assessments required by 636
division (A) (1) of section 3301.0710 of the Revised Code shall 637

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

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

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

(3) Any field test question or anchor question administered under division (O) (2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O) (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 667
assessment and those questions shall not be public records and 668
shall be redacted from the assessment prior to its release as a 669
public record. However, for each redacted question, the 670
department shall inform each city, local, and exempted village 671
school district of the statewide academic standard adopted by 672
the state board under section 3301.079 of the Revised Code and 673
the corresponding benchmark to which the question relates. The 674
preceding sentence does not apply to field test questions that 675
are redacted under division (O) (3) of this section. 676

(c) The administrations of each assessment in the 2011- 677
2012, 2012-2013, and 2013-2014 school years shall not be a 678
public record. 679

(5) Each assessment prescribed by division (B) (1) of 680
section 3301.0710 of the Revised Code shall not be a public 681
record. 682

(6) (a) Except as provided in division (O) (6) (b) of this 683
section, for the administrations in the 2014-2015, 2015-2016, 684
and 2016-2017 school years, questions on the assessments 685
prescribed under division (A) of section 3301.0710 and division 686
(B) (2) of section 3301.0712 of the Revised Code and the 687
corresponding preferred answers that are used to compute a 688
student's score shall become a public record as follows: 689

(i) Forty per cent of the questions and preferred answers 690
on the assessments on the thirty-first day of July following the 691
administration of the assessment; 692

(ii) Twenty per cent of the questions and preferred 693
answers on the assessment on the thirty-first day of July one 694
year after the administration of the assessment; 695

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

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

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

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

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

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each 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 corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding

standards and benchmarks to field test questions that are redacted under division (O) (3) of this section.	725 726
(P) As used in this section:—	727
(1) "Three-year average" means the average of the most recent consecutive three school years of data.	728 729
(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.	730 731 732 733 734 735
(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.	736 737 738 739 740 741 742 743 744 745
(4) "State, "state scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.	746 747 748 749 750 751 752 753

Sec. 3301.0714. (A) The state board of education shall 754
adopt rules for a statewide education management information 755
system. The rules shall require the state board to establish 756
guidelines for the establishment and maintenance of the system 757
in accordance with this section and the rules adopted under this 758
section. The guidelines shall include: 759

(1) Standards identifying and defining the types of data 760
in the system in accordance with divisions (B) and (C) of this 761
section; 762

(2) Procedures for annually collecting and reporting the 763
data to the state board in accordance with division (D) of this 764
section; 765

(3) Procedures for annually compiling the data in 766
accordance with division (G) of this section; 767

(4) Procedures for annually reporting the data to the 768
public in accordance with division (H) of this section; 769

(5) Standards to provide strict safeguards to protect the 770
confidentiality of personally identifiable student data. 771

(B) The guidelines adopted under this section shall 772
require the data maintained in the education management 773
information system to include at least the following: 774

(1) Student participation and performance data, for each 775
grade in each school district as a whole and for each grade in 776
each school building in each school district, that includes: 777

(a) The numbers of students receiving each category of 778
instructional service offered by the school district, such as 779
regular education instruction, vocational education instruction, 780
specialized instruction programs or enrichment instruction that 781

is part of the educational curriculum, instruction for gifted 782
students, instruction for students with disabilities, and 783
remedial instruction. The guidelines shall require instructional 784
services under this division to be divided into discrete 785
categories if an instructional service is limited to a specific 786
subject, a specific type of student, or both, such as regular 787
instructional services in mathematics, remedial reading 788
instructional services, instructional services specifically for 789
students gifted in mathematics or some other subject area, or 790
instructional services for students with a specific type of 791
disability. The categories of instructional services required by 792
the guidelines under this division shall be the same as the 793
categories of instructional services used in determining cost 794
units pursuant to division (C) (3) of this section. 795

(b) The numbers of students receiving support or 796
extracurricular services for each of the support services or 797
extracurricular programs offered by the school district, such as 798
counseling services, health services, and extracurricular sports 799
and fine arts programs. The categories of services required by 800
the guidelines under this division shall be the same as the 801
categories of services used in determining cost units pursuant 802
to division (C) (4) (a) of this section. 803

(c) Average student grades in each subject in grades nine 804
through twelve; 805

(d) Academic achievement levels as assessed under sections 806
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 807

(e) The number of students designated as having a 808
disabling condition pursuant to division (C) (1) of section 809
3301.0711 of the Revised Code; 810

(f) The numbers of students reported to the state board	811
pursuant to division (C) (2) of section 3301.0711 of the Revised	812
Code;	813
(g) Attendance rates and the average daily attendance for	814
the year. For purposes of this division, a student shall be	815
counted as present for any field trip that is approved by the	816
school administration.	817
(h) Expulsion rates;	818
(i) Suspension rates;	819
(j) Dropout rates;	820
(k) Rates of retention in grade;	821
(l) For pupils in grades nine through twelve, the average	822
number of carnegie units, as calculated in accordance with state	823
board of education rules;	824
(m) Graduation rates, to be calculated in a manner	825
specified by the department of education that reflects the rate	826
at which students who were in the ninth grade three years prior	827
to the current year complete school and that is consistent with	828
nationally accepted reporting requirements;	829
(n) Results of diagnostic assessments administered to	830
kindergarten students as required under section 3301.0715 of the	831
Revised Code to permit a comparison of the academic readiness of	832
kindergarten students. However, no district shall be required to	833
report to the department the results of any diagnostic	834
assessment administered to a kindergarten student, except for	835
the language and reading assessment described in division (A) (2)	836
of section 3301.0715 of the Revised Code, if the parent of that	837
student requests the district not to report those results.	838

(o) Beginning on ~~the first day of July that next succeeds~~ 839
~~the effective date of this amendment~~1, 2018, for each 840
disciplinary action which is required to be reported under 841
division (B) (4) of this section, districts and schools also 842
shall include an identification of the person or persons, if 843
any, at whom the student's violent behavior that resulted in 844
discipline was directed. The person or persons shall be 845
identified by the respective classification at the district or 846
school, such as student, teacher, or nonteaching employee, but 847
shall not be identified by name. 848

Division (B) (1) (o) of this section does not apply after 849
the date that is two years following the submission of the 850
report required by Section 733.13 of H.B. 49 of the 132nd 851
general assembly. 852

(2) Personnel and classroom enrollment data for each 853
school district, including: 854

(a) The total numbers of licensed employees and 855
nonlicensed employees and the numbers of full-time equivalent 856
licensed employees and nonlicensed employees providing each 857
category of instructional service, instructional support 858
service, and administrative support service used pursuant to 859
division (C) (3) of this section. The guidelines adopted under 860
this section shall require these categories of data to be 861
maintained for the school district as a whole and, wherever 862
applicable, for each grade in the school district as a whole, 863
for each school building as a whole, and for each grade in each 864
school building. 865

(b) The total number of employees and the number of full- 866
time equivalent employees providing each category of service 867
used pursuant to divisions (C) (4) (a) and (b) of this section, 868

and the total numbers of licensed employees and nonlicensed 869
employees and the numbers of full-time equivalent licensed 870
employees and nonlicensed employees providing each category used 871
pursuant to division (C) (4) (c) of this section. The guidelines 872
adopted under this section shall require these categories of 873
data to be maintained for the school district as a whole and, 874
wherever applicable, for each grade in the school district as a 875
whole, for each school building as a whole, and for each grade 876
in each school building. 877

(c) The total number of regular classroom teachers 878
teaching classes of regular education and the average number of 879
pupils enrolled in each such class, in each of grades 880
kindergarten through five in the district as a whole and in each 881
school building in the school district. 882

(d) The number of lead teachers employed by each school 883
district and each school building. 884

(3) (a) Student demographic data for each school district, 885
including information regarding the gender ratio of the school 886
district's pupils, the racial make-up of the school district's 887
pupils, the number of limited English proficient students in the 888
district, and an appropriate measure of the number of the school 889
district's pupils who reside in economically disadvantaged 890
households. The demographic data shall be collected in a manner 891
to allow correlation with data collected under division (B) (1) 892
of this section. Categories for data collected pursuant to 893
division (B) (3) of this section shall conform, where 894
appropriate, to standard practices of agencies of the federal 895
government. 896

(b) With respect to each student entering kindergarten, 897
whether the student previously participated in a public 898

preschool program, a private preschool program, or a head start 899
program, and the number of years the student participated in 900
each of these programs. 901

(4) Any data required to be collected pursuant to federal 902
law. 903

(C) The education management information system shall 904
include cost accounting data for each district as a whole and 905
for each school building in each school district. The guidelines 906
adopted under this section shall require the cost data for each 907
school district to be maintained in a system of mutually 908
exclusive cost units and shall require all of the costs of each 909
school district to be divided among the cost units. The 910
guidelines shall require the system of mutually exclusive cost 911
units to include at least the following: 912

(1) Administrative costs for the school district as a 913
whole. The guidelines shall require the cost units under this 914
division (C) (1) to be designed so that each of them may be 915
compiled and reported in terms of average expenditure per pupil 916
in formula ADM in the school district, as determined pursuant to 917
section 3317.03 of the Revised Code. 918

(2) Administrative costs for each school building in the 919
school district. The guidelines shall require the cost units 920
under this division (C) (2) to be designed so that each of them 921
may be compiled and reported in terms of average expenditure per 922
full-time equivalent pupil receiving instructional or support 923
services in each building. 924

(3) Instructional services costs for each category of 925
instructional service provided directly to students and required 926
by guidelines adopted pursuant to division (B) (1) (a) of this 927

section. The guidelines shall require the cost units under 928
division (C) (3) of this section to be designed so that each of 929
them may be compiled and reported in terms of average 930
expenditure per pupil receiving the service in the school 931
district as a whole and average expenditure per pupil receiving 932
the service in each building in the school district and in terms 933
of a total cost for each category of service and, as a breakdown 934
of the total cost, a cost for each of the following components: 935

(a) The cost of each instructional services category 936
required by guidelines adopted under division (B) (1) (a) of this 937
section that is provided directly to students by a classroom 938
teacher; 939

(b) The cost of the instructional support services, such 940
as services provided by a speech-language pathologist, classroom 941
aide, multimedia aide, or librarian, provided directly to 942
students in conjunction with each instructional services 943
category; 944

(c) The cost of the administrative support services 945
related to each instructional services category, such as the 946
cost of personnel that develop the curriculum for the 947
instructional services category and the cost of personnel 948
supervising or coordinating the delivery of the instructional 949
services category. 950

(4) Support or extracurricular services costs for each 951
category of service directly provided to students and required 952
by guidelines adopted pursuant to division (B) (1) (b) of this 953
section. The guidelines shall require the cost units under 954
division (C) (4) of this section to be designed so that each of 955
them may be compiled and reported in terms of average 956
expenditure per pupil receiving the service in the school 957

district as a whole and average expenditure per pupil receiving 958
the service in each building in the school district and in terms 959
of a total cost for each category of service and, as a breakdown 960
of the total cost, a cost for each of the following components: 961

(a) The cost of each support or extracurricular services 962
category required by guidelines adopted under division (B) (1) (b) 963
of this section that is provided directly to students by a 964
licensed employee, such as services provided by a guidance 965
counselor or any services provided by a licensed employee under 966
a supplemental contract; 967

(b) The cost of each such services category provided 968
directly to students by a nonlicensed employee, such as 969
janitorial services, cafeteria services, or services of a sports 970
trainer; 971

(c) The cost of the administrative services related to 972
each services category in division (C) (4) (a) or (b) of this 973
section, such as the cost of any licensed or nonlicensed 974
employees that develop, supervise, coordinate, or otherwise are 975
involved in administering or aiding the delivery of each 976
services category. 977

(D) (1) The guidelines adopted under this section shall 978
require school districts to collect information about individual 979
students, staff members, or both in connection with any data 980
required by division (B) or (C) of this section or other 981
reporting requirements established in the Revised Code. The 982
guidelines may also require school districts to report 983
information about individual staff members in connection with 984
any data required by division (B) or (C) of this section or 985
other reporting requirements established in the Revised Code. 986
The guidelines shall not authorize school districts to request 987

social security numbers of individual students. The guidelines 988
shall prohibit the reporting under this section of a student's 989
name, address, and social security number to the state board of 990
education or the department of education. The guidelines shall 991
also prohibit the reporting under this section of any personally 992
identifiable information about any student, except for the 993
purpose of assigning the data verification code required by 994
division (D)(2) of this section, to any other person unless such 995
person is employed by the school district or the information 996
technology center operated under section 3301.075 of the Revised 997
Code and is authorized by the district or technology center to 998
have access to such information or is employed by an entity with 999
which the department contracts for the scoring or the 1000
development of state assessments. The guidelines may require 1001
school districts to provide the social security numbers of 1002
individual staff members and the county of residence for a 1003
student. Nothing in this section prohibits the state board of 1004
education or department of education from providing a student's 1005
county of residence to the department of taxation to facilitate 1006
the distribution of tax revenue. 1007

(2) (a) The guidelines shall provide for each school 1008
district or community school to assign a data verification code 1009
that is unique on a statewide basis over time to each student 1010
whose initial Ohio enrollment is in that district or school and 1011
to report all required individual student data for that student 1012
utilizing such code. The guidelines shall also provide for 1013
assigning data verification codes to all students enrolled in 1014
districts or community schools on the effective date of the 1015
guidelines established under this section. The assignment of 1016
data verification codes for other entities, as described in 1017
division (D)(2)(d) of this section, the use of those codes, and 1018

the reporting and use of associated individual student data 1019
shall be coordinated by the department in accordance with state 1020
and federal law. 1021

School districts shall report individual student data to 1022
the department through the information technology centers 1023
utilizing the code. The entities described in division (D) (2) (d) 1024
of this section shall report individual student data to the 1025
department in the manner prescribed by the department. 1026

(b) (i) Except as provided in sections 3301.941, 3310.11, 1027
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 1028
in division (D) (2) (b) (ii) of this section, at no time shall the 1029
state board or the department have access to information that 1030
would enable any data verification code to be matched to 1031
personally identifiable student data. 1032

(ii) For the purpose of making per-pupil payments to 1033
community schools under division (C) of section 3314.08 of the 1034
Revised Code, the department shall have access to information 1035
that would enable any data verification code to be matched to 1036
personally identifiable student data. 1037

(c) Each school district and community school shall ensure 1038
that the data verification code is included in the student's 1039
records reported to any subsequent school district, community 1040
school, or state institution of higher education, as defined in 1041
section 3345.011 of the Revised Code, in which the student 1042
enrolls. Any such subsequent district or school shall utilize 1043
the same identifier in its reporting of data under this section. 1044

(d) The director of any state agency that administers a 1045
publicly funded program providing services to children who are 1046
younger than compulsory school age, as defined in section 1047

3321.01 of the Revised Code, including the directors of health, 1048
job and family services, mental health and addiction services, 1049
and developmental disabilities, shall request and receive, 1050
pursuant to sections 3301.0723 and 5123.0423 of the Revised 1051
Code, a data verification code for a child who is receiving 1052
those services. 1053

(E) The guidelines adopted under this section may require 1054
school districts to collect and report data, information, or 1055
reports other than that described in divisions (A), (B), and (C) 1056
of this section for the purpose of complying with other 1057
reporting requirements established in the Revised Code. The 1058
other data, information, or reports may be maintained in the 1059
education management information system but are not required to 1060
be compiled as part of the profile formats required under 1061
division (G) of this section or the annual statewide report 1062
required under division (H) of this section. 1063

(F) Beginning with the school year that begins July 1, 1064
1991, the board of education of each school district shall 1065
annually collect and report to the state board, in accordance 1066
with the guidelines established by the board, the data required 1067
pursuant to this section. A school district may collect and 1068
report these data notwithstanding section 2151.357 or 3319.321 1069
of the Revised Code. 1070

(G) The state board shall, in accordance with the 1071
procedures it adopts, annually compile the data reported by each 1072
school district pursuant to division (D) of this section. The 1073
state board shall design formats for profiling each school 1074
district as a whole and each school building within each 1075
district and shall compile the data in accordance with these 1076
formats. These profile formats shall: 1077

(1) Include all of the data gathered under this section in 1078
a manner that facilitates comparison among school districts and 1079
among school buildings within each school district; 1080

(2) Present the data on academic achievement levels as 1081
assessed by the testing of student achievement maintained 1082
pursuant to division (B)(1)(d) of this section. 1083

(H)(1) The state board shall, in accordance with the 1084
procedures it adopts, annually prepare a statewide report for 1085
all school districts and the general public that includes the 1086
profile of each of the school districts developed pursuant to 1087
division (G) of this section. Copies of the report shall be sent 1088
to each school district. 1089

(2) The state board shall, in accordance with the 1090
procedures it adopts, annually prepare an individual report for 1091
each school district and the general public that includes the 1092
profiles of each of the school buildings in that school district 1093
developed pursuant to division (G) of this section. Copies of 1094
the report shall be sent to the superintendent of the district 1095
and to each member of the district board of education. 1096

(3) Copies of the reports received from the state board 1097
under divisions (H)(1) and (2) of this section shall be made 1098
available to the general public at each school district's 1099
offices. Each district board of education shall make copies of 1100
each report available to any person upon request and payment of 1101
a reasonable fee for the cost of reproducing the report. The 1102
board shall annually publish in a newspaper of general 1103
circulation in the school district, at least twice during the 1104
two weeks prior to the week in which the reports will first be 1105
available, a notice containing the address where the reports are 1106
available and the date on which the reports will be available. 1107

(I) Any data that is collected or maintained pursuant to 1108
this section and that identifies an individual pupil is not a 1109
public record for the purposes of section 149.43 of the Revised 1110
Code. 1111

(J) As used in this section: 1112

(1) "School district" means any city, local, exempted 1113
village, or joint vocational school district and, in accordance 1114
with section 3314.17 of the Revised Code, any community school. 1115
As used in division (L) of this section, "school district" also 1116
includes any educational service center or other educational 1117
entity required to submit data using the system established 1118
under this section. 1119

(2) "Cost" means any expenditure for operating expenses 1120
made by a school district excluding any expenditures for debt 1121
retirement except for payments made to any commercial lending 1122
institution for any loan approved pursuant to section 3313.483 1123
of the Revised Code. 1124

(K) Any person who removes data from the information 1125
system established under this section for the purpose of 1126
releasing it to any person not entitled under law to have access 1127
to such information is subject to section 2913.42 of the Revised 1128
Code prohibiting tampering with data. 1129

(L) (1) In accordance with division (L) (2) of this section 1130
and the rules adopted under division (L) (10) of this section, 1131
the department of education may sanction any school district 1132
that reports incomplete or inaccurate data, reports data that 1133
does not conform to data requirements and descriptions published 1134
by the department, fails to report data in a timely manner, or 1135
otherwise does not make a good faith effort to report data as 1136

required by this section. 1137

(2) If the department decides to sanction a school 1138
district under this division, the department shall take the 1139
following sequential actions: 1140

(a) Notify the district in writing that the department has 1141
determined that data has not been reported as required under 1142
this section and require the district to review its data 1143
submission and submit corrected data by a deadline established 1144
by the department. The department also may require the district 1145
to develop a corrective action plan, which shall include 1146
provisions for the district to provide mandatory staff training 1147
on data reporting procedures. 1148

(b) Withhold up to ten per cent of the total amount of 1149
state funds due to the district for the current fiscal year and, 1150
if not previously required under division (L) (2) (a) of this 1151
section, require the district to develop a corrective action 1152
plan in accordance with that division; 1153

(c) Withhold an additional amount of up to twenty per cent 1154
of the total amount of state funds due to the district for the 1155
current fiscal year; 1156

(d) Direct department staff or an outside entity to 1157
investigate the district's data reporting practices and make 1158
recommendations for subsequent actions. The recommendations may 1159
include one or more of the following actions: 1160

(i) Arrange for an audit of the district's data reporting 1161
practices by department staff or an outside entity; 1162

(ii) Conduct a site visit and evaluation of the district; 1163

(iii) Withhold an additional amount of up to thirty per 1164

cent of the total amount of state funds due to the district for 1165
the current fiscal year; 1166

(iv) Continue monitoring the district's data reporting; 1167

(v) Assign department staff to supervise the district's 1168
data management system; 1169

(vi) Conduct an investigation to determine whether to 1170
suspend or revoke the license of any district employee in 1171
accordance with division (N) of this section; 1172

(vii) If the district is issued a report card under 1173
section 3302.03 of the Revised Code, indicate on the report card 1174
that the district has been sanctioned for failing to report data 1175
as required by this section; 1176

(viii) If the district is issued a report card under 1177
section 3302.03 or 3302.032 of the Revised Code and incomplete 1178
or inaccurate data submitted by the district likely caused the 1179
district to receive a higher performance rating than it deserved 1180
under that section, issue a revised report card for the 1181
district; 1182

(ix) Any other action designed to correct the district's 1183
data reporting problems. 1184

(3) Any time the department takes an action against a 1185
school district under division (L)(2) of this section, the 1186
department shall make a report of the circumstances that 1187
prompted the action. The department shall send a copy of the 1188
report to the district superintendent or chief administrator and 1189
maintain a copy of the report in its files. 1190

(4) If any action taken under division (L)(2) of this 1191
section resolves a school district's data reporting problems to 1192

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.

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

(6) Prior to issuing a revised report card for a school district under division (L) (2) (d) (viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention

that the district did not make a good faith effort to report 1224
data as required by this section, the district shall bear the 1225
full cost of conducting the hearing and of issuing any revised 1226
report card. 1227

(7) If the department determines that any inaccurate data 1228
reported under this section caused a school district to receive 1229
excess state funds in any fiscal year, the district shall 1230
reimburse the department an amount equal to the excess funds, in 1231
accordance with a payment schedule determined by the department. 1232
The department may withhold state funds due to the district for 1233
this purpose. 1234

(8) Any school district that has funds withheld under 1235
division (L)(2) of this section may appeal the withholding in 1236
accordance with Chapter 119. of the Revised Code. 1237

(9) In all cases of a disagreement between the department 1238
and a school district regarding the appropriateness of an action 1239
taken under division (L)(2) of this section, the burden of proof 1240
shall be on the district to demonstrate that it made a good 1241
faith effort to report data as required by this section. 1242

(10) The state board of education shall adopt rules under 1243
Chapter 119. of the Revised Code to implement division (L) of 1244
this section. 1245

(M) No information technology center or school district 1246
shall acquire, change, or update its student administration 1247
software package to manage and report data required to be 1248
reported to the department unless it converts to a student 1249
software package that is certified by the department. 1250

(N) The state board of education, in accordance with 1251
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1252

or revoke a license as defined under division (A) of section 1253
3319.31 of the Revised Code that has been issued to any school 1254
district employee found to have willfully reported erroneous, 1255
inaccurate, or incomplete data to the education management 1256
information system. 1257

(O) No person shall release or maintain any information 1258
about any student in violation of this section. Whoever violates 1259
this division is guilty of a misdemeanor of the fourth degree. 1260

(P) The department shall disaggregate the data collected 1261
under division (B)(1)(n) of this section according to the race 1262
and socioeconomic status of the students assessed. 1263

(Q) If the department cannot compile any of the 1264
information required by section 3302.03 and division (H) of 1265
section ~~3302.03~~ 3302.032 of the Revised Code based upon the data 1266
collected under this section, the department shall develop a 1267
plan and a reasonable timeline for the collection of any data 1268
necessary to comply with that division. 1269

Sec. 3301.0715. (A) Except as required under division (B) 1270
(1) of section 3313.608 or as specified in division (D)(3) of 1271
section 3301.079 of the Revised Code, the board of education of 1272
each city, local, and exempted village school district shall 1273
administer each applicable diagnostic assessment developed and 1274
provided to the district in accordance with section 3301.079 of 1275
the Revised Code to the following: 1276

(1) Any student who transfers into the district or to a 1277
different school within the district if each applicable 1278
diagnostic assessment was not administered by the district or 1279
school the student previously attended in the current school 1280
year, within thirty days after the date of transfer. If the 1281

district or school into which the student transfers cannot 1282
determine whether the student has taken any applicable 1283
diagnostic assessment in the current school year, the district 1284
or school may administer the diagnostic assessment to the 1285
student. However, if a student transfers into the district prior 1286
to the administration of the diagnostic assessments to all 1287
students under division (B) of this section, the district may 1288
administer the diagnostic assessments to that student on the 1289
date or dates determined under that division. 1290

(2) Each kindergarten student, not earlier than the first 1291
day of the school year and not later than the first day of 1292
November. However, a board of education may administer the 1293
selected response and performance task items portion of the 1294
diagnostic assessment up to two weeks prior to the first day of 1295
the school year. 1296

For the purpose of division (A) (2) of this section, the 1297
district shall administer the kindergarten readiness assessment 1298
provided by the department of education. In no case shall the 1299
results of the readiness assessment be used to prohibit a 1300
student from enrolling in kindergarten. 1301

(3) Each student enrolled in first, second, or third 1302
grade. 1303

Division (A) of this section does not apply to students 1304
with significant cognitive disabilities, as defined by the 1305
department of education. 1306

(B) Each district board shall administer each diagnostic 1307
assessment when the board deems appropriate, provided the 1308
administration complies with section 3313.608 of the Revised 1309
Code. However, the board shall administer any diagnostic 1310

assessment at least once annually to all students in the 1311
appropriate grade level. A district board may administer any 1312
diagnostic assessment in the fall and spring of a school year to 1313
measure the amount of academic growth attributable to the 1314
instruction received by students during that school year. 1315

(C) Any district that received a grade of "A" or "B" for 1316
the performance index score under division (A) (1) (b), (B) (1) (b), 1317
or (C) (1) (b) of section ~~3302.03~~3302.032 of the Revised Code or 1318
for the value-added progress dimension under division (A) (1) (e), 1319
(B) (1) (e), or (C) (1) (e) of section ~~3302.03~~3302.032 of the 1320
Revised Code for the immediately preceding school year may use 1321
different diagnostic assessments from those adopted under 1322
division (D) of section 3301.079 of the Revised Code in order to 1323
satisfy the requirements of division (A) (3) of this section. 1324

(D) Each district board shall utilize and score any 1325
diagnostic assessment administered under division (A) of this 1326
section in accordance with rules established by the department. 1327
After the administration of any diagnostic assessment, each 1328
district shall provide a student's completed diagnostic 1329
assessment, the results of such assessment, and any other 1330
accompanying documents used during the administration of the 1331
assessment to the parent of that student, and shall include all 1332
such documents and information in any plan developed for the 1333
student under division (C) of section 3313.608 of the Revised 1334
Code. Each district shall submit to the department, in the 1335
manner the department prescribes, the results of the diagnostic 1336
assessments administered under this section, regardless of the 1337
type of assessment used under section 3313.608 of the Revised 1338
Code. The department may issue reports with respect to the data 1339
collected. The department may report school and district level 1340
kindergarten diagnostic assessment data and use diagnostic 1341

assessment data to calculate the measure prescribed by divisions 1342
(B) (1) (g) and (C) (1) (g) of section ~~3302.03~~ 3302.032 of the 1343
Revised Code. 1344

(E) Each district board shall provide intervention 1345
services to students whose diagnostic assessments show that they 1346
are failing to make satisfactory progress toward attaining the 1347
academic standards for their grade level. 1348

(F) Beginning in the 2018-2019 school year, any chartered 1349
nonpublic school may elect to administer the kindergarten 1350
readiness assessment to all kindergarten students enrolled in 1351
the school. If the school so elects, the chief administrator of 1352
the school shall notify the superintendent of public instruction 1353
not later than the thirty-first day of March prior to any school 1354
year in which the school will administer the assessment. The 1355
department shall furnish the assessment to the school at no cost 1356
to the school. In administering the assessment, the school shall 1357
do all of the following: 1358

(1) Enter into a written agreement with the department 1359
specifying that the school will share each participating 1360
student's assessment data with the department and, that for the 1361
purpose of reporting the data to the department, each 1362
participating student will be assigned a data verification code 1363
as described in division (D) (2) of section 3301.0714 of the 1364
Revised Code; 1365

(2) Require the assessment to be administered by a teacher 1366
certified under section 3301.071 of the Revised Code who either 1367
has completed training on administering the kindergarten 1368
readiness assessment provided by the department or has been 1369
trained by another person who has completed such training; 1370

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.

(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.

(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

(M) "Child day-care center," "publicly funded child care," and "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code.

(N) "Community school" means either of the following:

(1) A community school established under Chapter 3314. of 1427
the Revised Code that is sponsored by an entity that is rated 1428
"exemplary" under section 3314.016 of the Revised Code. 1429

(2) A community school established under Chapter 3314. of 1430
the Revised Code that has received, on its most recent report 1431
card, either of the following: 1432

(a) If the school offers any of grade levels four through 1433
twelve, a grade of "C" or better for the overall value-added 1434
progress dimension under division (C) (1) (e) of section ~~3302.03-~~ 1435
3302.032 of the Revised Code and for the performance index score 1436
under division (C) (1) (b) of section ~~3302.03-~~3302.032 of the 1437
Revised Code; 1438

(b) If the school does not offer a grade level higher than 1439
three, a grade of "C" or better for making progress in improving 1440
literacy in grades kindergarten through three under division (C) 1441
(1) (g) of section ~~3302.03-~~3302.032 of the Revised Code. 1442

Sec. 3301.81. (A) A person who meets all of the following 1443
criteria shall be permitted to take a high school equivalency 1444
test approved by the department of education pursuant to 1445
division (B) of section 3301.80 of the Revised Code: 1446

(1) The person is at least eighteen years of age. 1447

(2) The person is officially withdrawn from school. 1448

(3) The person has not received a high school diploma or 1449
honors diploma awarded under section 3313.61, 3313.611, 1450
3313.612, or 3325.08 of the Revised Code. 1451

(B) A person who is at least sixteen years of age but less 1452
than eighteen years of age may apply to the department to take 1453
an approved equivalency test, so long as the person meets all of 1454

the following criteria: 1455

(1) The person has not received a high school diploma or 1456
honors diploma awarded under section 3313.61, 3313.611, 1457
3313.612, or 3325.08 of the Revised Code. 1458

(2) The person is officially withdrawn from school. 1459

(3) The person submits, along with the application, 1460
written approval from the person's parent or guardian or a court 1461
official. 1462

(C) For the purpose of calculating graduation rates for 1463
the school district and building report cards under ~~section~~ 1464
sections 3302.03 and 3302.032 of the Revised Code, the 1465
department shall count any person who officially withdraws from 1466
school to take an approved equivalency test under this section 1467
as a dropout from the district or school in which the person was 1468
last enrolled. 1469

(D) If a person takes an approved equivalency test and 1470
fails to attain the scores required to earn a certificate of 1471
high school equivalence, as defined in section 5107.40 of the 1472
Revised Code, on the entire battery of tests, that person shall 1473
be required to retake only the specific test on which the person 1474
did not attain a passing score in order to earn a certificate of 1475
high school equivalence. If a person retakes a specific test, 1476
that person shall be responsible only for the cost of that test 1477
and not for the cost of the entire battery of tests, unless that 1478
person is retaking the entire battery. 1479

Sec. 3302.01. As used in this chapter: 1480

(A) "Performance index score" means the average of the 1481
totals derived from calculations, for each subject area, of the 1482
weighted proportion of untested students and students scoring at 1483

each level of skill described in division (A) (2) of section 1484
3301.0710 of the Revised Code on the state achievement 1485
assessments, as follows: 1486

(1) For the assessments prescribed by division (A) (1) of 1487
section 3301.0710 of the Revised Code, the average for each of 1488
the subject areas of English language arts, mathematics, and 1489
science. 1490

(2) For the assessments prescribed by division (B) (1) of 1491
section 3301.0710 and division (B) (2) of section 3301.0712 of 1492
the Revised Code, the average for each of the subject areas of 1493
English language arts and mathematics. 1494

The department of education shall assign weights such that 1495
~~students who do not take an assessment receive a weight of zero~~ 1496
~~and students~~ who take an assessment receive progressively larger 1497
weights dependent upon the level of skill attained on the 1498
assessment. The department shall assign additional weights to 1499
students who have been permitted to pass over a subject in 1500
accordance with a student acceleration policy adopted under 1501
section 3324.10 of the Revised Code. If such a student attains 1502
the proficient score prescribed under division (A) (2) (c) of 1503
section 3301.0710 of the Revised Code or higher on an 1504
assessment, the department shall assign the student the weight 1505
prescribed for the next higher scoring level. If such a student 1506
attains the advanced score, prescribed under division (A) (2) (a) 1507
of section 3301.0710 of the Revised Code, on an assessment, the 1508
department shall assign to the student an additional 1509
proportional weight, as approved by the state board. For each 1510
school year that such a student's score is included in the 1511
performance index score and the student attains the proficient 1512
score on an assessment, that additional weight shall be assigned 1513

to the student on a subject-by-subject basis. 1514

Students shall be included in the "performance index 1515
score" in accordance with division (K) (2) of section ~~3302.03~~ 1516
3302.032 of the Revised Code. 1517

(B) "Subgroup" means a subset of the entire student 1518
population of the state, a school district, or a school building 1519
and includes each of the following: 1520

(1) Major racial and ethnic groups; 1521

(2) Students with disabilities; 1522

(3) Economically disadvantaged students; 1523

(4) Limited English proficient students; 1524

(5) Students identified as gifted in superior cognitive 1525
ability and specific academic ability fields under Chapter 3324. 1526
of the Revised Code. For students who are gifted in specific 1527
academic ability fields, the department shall use data for those 1528
students with specific academic ability in math and reading. If 1529
any other academic field is assessed, the department shall also 1530
include data for students with specific academic ability in that 1531
field. 1532

(6) Students in the lowest quintile for achievement 1533
statewide, as determined by a method prescribed by the state 1534
board of education. 1535

(C) "No Child Left Behind Act of 2001" includes the 1536
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 1537
waivers, or both thereto, rules and regulations promulgated 1538
pursuant to those statutes, guidance documents, and any other 1539
policy directives regarding implementation of that act issued by 1540
the United States department of education. 1541

(D) "Adequate yearly progress" means a measure of annual 1542
academic performance as calculated in accordance with the "No 1543
Child Left Behind Act of 2001." 1544

(E) "Supplemental educational services" means additional 1545
academic assistance, such as tutoring, remediation, or other 1546
educational enrichment activities, that is conducted outside of 1547
the regular school day by a provider approved by the department 1548
in accordance with the "No Child Left Behind Act of 2001." 1549

(F) "Value-added progress dimension" means a measure of 1550
academic gain for a student or group of students over a specific 1551
period of time that is calculated by applying a statistical 1552
methodology to individual student achievement data derived from 1553
the achievement assessments prescribed by section 3301.0710 of 1554
the Revised Code. The "value-added progress dimension" shall be 1555
developed and implemented in accordance with section 3302.021 of 1556
the Revised Code. 1557

(G) (1) "Four-year adjusted cohort graduation rate" means 1558
the number of students who graduate in four years or less with a 1559
regular high school diploma divided by the number of students 1560
who form the adjusted cohort for the graduating class. 1561

(2) "Five-year adjusted cohort graduation rate" means the 1562
number of students who graduate in five years with a regular 1563
high school diploma divided by the number of students who form 1564
the adjusted cohort for the four-year graduation rate. 1565

(H) "State institution of higher education" has the same 1566
meaning as in section 3345.011 of the Revised Code. 1567

(I) "Annual measurable objectives" means a measure of 1568
student progress determined in accordance with an agreement 1569
between the department of education and the United States 1570

department of education. 1571

(J) "Community school" means a community school 1572
established under Chapter 3314. of the Revised Code. 1573

(K) "STEM school" means a science, technology, 1574
engineering, and mathematics school established under Chapter 1575
3326. of the Revised Code. 1576

(L) "Entitled to attend school in the district" means 1577
entitled to attend school in a school district under section 1578
3313.64 or 3313.65 of the Revised Code. 1579

Sec. 3302.02. Not later than one year after the adoption 1580
of rules under division (D) of section 3301.0712 of the Revised 1581
Code and at least every sixth year thereafter, upon 1582
recommendations of the superintendent of public instruction, the 1583
state board of education shall establish a set of performance 1584
indicators that considered as a unit will be used ~~as one of the~~ 1585
~~performance categories for the report cards required by for~~ 1586
purposes of section 3302.033302.032 of the Revised Code. In 1587
establishing these indicators, the superintendent shall consider 1588
inclusion of student performance on assessments prescribed under 1589
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1590
student improvement on such assessments, the breadth of 1591
coursework available within the district, and other indicators 1592
of student success. 1593

~~Beginning with the report card for the 2014-2015 school~~ 1594
~~year, the~~ The performance indicators shall include an indicator 1595
that reflects the level of services provided to, and the 1596
performance of, students identified as gifted under Chapter 1597
3324. of the Revised Code. The indicator shall include the 1598
performance of students identified as gifted on state 1599

assessments and value-added growth measure disaggregated for 1600
students identified as gifted. 1601

~~For the 2013-2014 school year, except as otherwise 1602
provided in this section, for any indicator based on the 1603
percentage of students attaining a proficient score on the 1604
assessments prescribed by divisions (A) and (B) (1) of section 1605
3301.0710 of the Revised Code, a school district or building 1606
shall be considered to have met the indicator if at least eighty 1607
per cent of the tested students attain a score of proficient or 1608
higher on the assessment. A school district or building shall be 1609
considered to have met the indicator for the assessments 1610
prescribed by division (B) (1) of section 3301.0710 of the 1611
Revised Code and only as administered to eleventh grade 1612
students, if at least eighty five per cent of the tested 1613
students attain a score of proficient or higher on the 1614
assessment. 1615~~

The state board shall adopt rules, under Chapter 119. of 1616
the Revised Code, to establish proficiency percentages to meet 1617
each indicator that is based on a state assessment, prescribed 1618
under section 3301.0710 or 3301.0712 of the Revised Code, ~~for 1619
the 2014-2015 school year and thereafter by the following dates: 1620~~

~~(A) Not later than December 31, 2015, for the 2014-2015 1621
school year; 1622~~

~~(B) Not later than July 1, 2016, for the 2015-2016 school 1623
year; 1624~~

~~(C) Not later than July 1, 2017, for the 2016-2017 school 1625
year, and for each school year thereafter. 1626~~

Sec. 3302.03. (A) Annually, not later than the fifteenth 1627
day of September or the preceding Friday when that day falls on 1628

a Saturday or Sunday, the department of education shall issue a 1629
report card of student performance and other measures for each 1630
school district and each school building in a district in 1631
accordance with this section. For a school building to which any 1632
of the measures do not apply, due to grade levels served by the 1633
building, the state board of education shall designate the 1634
measures that are applicable to the building and that must be 1635
calculated separately. The department shall include on the 1636
report card for each district and each building within each 1637
district the most recent five-year trend data on the reported 1638
measures. 1639

(B) The department shall include the following categories 1640
and measures on the report card for each district and building 1641
all of the following student data disaggregated by the 1642
categories listed under division (C) of this section: 1643

(1) State test results. This measure shall convey the 1644
results of the state assessments required under sections 1645
3301.0710 and 3301.0712 of the Revised Code. 1646

(2) Graduation rates. This measure shall include all of 1647
the following: 1648

(a) The four- and five-year adjusted cohort graduation 1649
rates, as defined in section 3302.01 of the Revised Code; 1650

(b) The percentage of students who graduate in the year 1651
prior to which the report card is issued who are: 1652

(i) Admitted to a four-year institution of higher 1653
education; 1654

(ii) Admitted to a two-year institution of higher 1655
education; 1656

- (iii) Gainfully employed, as determined by the department, 1657
enlisted in the military, or in an apprenticeship program; 1658
- (iv) Unemployed and not enrolled in an institution of 1659
higher education, enlisted in the military, or in an 1660
apprenticeship program within one year of graduation. 1661
- (c) The percentage of students who have an individualized 1662
education program, as defined in section 3323.01 of the Revised 1663
Code, and have not yet graduated; 1664
- (d) The percentage of students who have dropped out of 1665
school. 1666
- (3) Student growth. This measure shall do all of the 1667
following: 1668
- (a) Convey the amount of progress a student has made over 1669
the school year toward either having the knowledge necessary to 1670
perform proficiently in the next grade level or toward being 1671
college or career ready after graduation; 1672
- (b) Consist of a methodology that allows the measure's 1673
results to be validated and replicated by school districts. The 1674
department shall provide a district with the data necessary to 1675
validate or replicate the measure's results upon the district's 1676
request; 1677
- (c) Not consist of or contain a proprietary formula or 1678
method for measuring student growth. The department may contract 1679
with another entity to perform service work related to the 1680
measure. 1681
- (d) Include an explanation of the factors that influence 1682
student growth beyond the classroom, including parental and 1683
community influence and student attitude. 1684

(4) Gap closing for vulnerable populations. This measure shall include a graphic representation that depicts comparative trends of state, district, and building performance for vulnerable populations. 1685
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For purposes of division (B)(4) of this section, the department shall present the data for each disaggregated category prescribed under division (C) of this section in the following formats: 1689
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1691
1692

(a) The district or building's raw score in each disaggregated category; 1693
1694

(b) The district or building's percentile ranking in each disaggregated category relative to each disaggregated category of all other districts or buildings in the state. 1695
1696
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(5) Third-grade reading. A district or building's kindergarten through third-grade reading measure shall be based on student performance and the percentage of students who are not retained under the third-grade reading guarantee under section 3313.608 of the Revised Code. 1698
1699
1700
1701
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(6) College or career-readiness. This measure shall include all of the following: 1703
1704

(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 standards adopted under division (F) of section 3345.061 of the Revised Code; 1705
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(b) The percentage of the district's or the building's students who receive at least twelve points of industry-recognized credentials as approved under section 3313.6113 of 1711
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1713

<u>the Revised Code;</u>	1714
<u>(c) The average amount of advanced placement class credit earned per student;</u>	1715 1716
<u>(d) The average scores on advanced placement tests by subject;</u>	1717 1718
<u>(e) The average scores on international baccalaureate assessments by subject;</u>	1719 1720
<u>(f) The average amount of college credits earned per student under the college credit plus program under Chapter 3365. of the Revised Code;</u>	1721 1722 1723
<u>(g) The percentage of the district's or the building's students who enlisted in the military after graduation.</u>	1724 1725
<u>(7) Enrichment and support measures. This measure shall consist of both of the following:</u>	1726 1727
<u>(a) A measure that includes both of the following:</u>	1728
<u>(i) The percentage of students who have been screened and identified as gifted under Chapter 3324. of the Revised Code;</u>	1729 1730
<u>(ii) The percentage of students identified as gifted who are receiving services as described in the district's plan under section 3324.07 of the Revised Code that meet student needs and are consistent with student areas of identification.</u>	1731 1732 1733 1734
<u>(b) A voluntary measure, in which districts and schools may choose to participate. The department shall create a web site with a reporting system where a participating district or school may provide the department with the information necessary to complete this measure. This measure shall include the total number and number per one hundred students for all of the</u>	1735 1736 1737 1738 1739 1740

<u>following:</u>	1741
<u>(i) Kindergarten through third grade reading intervention</u>	1742
<u>specialists;</u>	1743
<u>(ii) School librarians;</u>	1744
<u>(iii) Art teachers;</u>	1745
<u>(iv) Music teachers;</u>	1746
<u>(v) Advanced placement courses offered.</u>	1747
<u>The department also shall report the number of buildings</u>	1748
<u>per district that do not have or offer the teachers of courses</u>	1749
<u>listed in division (B) (7) of this section.</u>	1750
<u>(C) When reporting data on student achievement and</u>	1751
<u>progress, the department shall disaggregate that data according</u>	1752
<u>to the following categories:</u>	1753
<u>(1) Performance of students by grade-level;</u>	1754
<u>(2) Performance of students by race and ethnic group;</u>	1755
<u>(3) Performance of students by gender;</u>	1756
<u>(4) Performance of students grouped by those who have been</u>	1757
<u>enrolled in a district or school for three or more years;</u>	1758
<u>(5) Performance of students grouped by those who have been</u>	1759
<u>enrolled in a district or school for more than one year and less</u>	1760
<u>than three years;</u>	1761
<u>(6) Performance of students grouped by those who have been</u>	1762
<u>enrolled in a district or school for one year or less;</u>	1763
<u>(7) Performance of students grouped by those who are</u>	1764
<u>economically disadvantaged;</u>	1765

<u>(8) Performance of students grouped by those who are</u>	1766
<u>enrolled in a conversion community school established under</u>	1767
<u>Chapter 3314. of the Revised Code;</u>	1768
<u>(9) Performance of students grouped by those who are</u>	1769
<u>classified as limited English proficient;</u>	1770
<u>(10) Performance of students grouped by those who have</u>	1771
<u>disabilities;</u>	1772
<u>(11) Performance of students grouped by those who are</u>	1773
<u>classified as migrants or a migratory child, as defined in 20</u>	1774
<u>U.S.C. 6399;</u>	1775
<u>(12) Performance of students grouped by those who are</u>	1776
<u>identified as gifted in superior cognitive ability and the</u>	1777
<u>specific academic ability fields of reading and math pursuant to</u>	1778
<u>Chapter 3324. of the Revised Code. In disaggregating specific</u>	1779
<u>academic ability fields for gifted students, the department</u>	1780
<u>shall use data for those students with specific academic ability</u>	1781
<u>in math and reading. If any other academic field is assessed,</u>	1782
<u>the department shall also include data for students with</u>	1783
<u>specific academic ability in that field.</u>	1784
<u>(13) Performance of students grouped by those who perform</u>	1785
<u>in the lowest quintile for achievement on a statewide basis, as</u>	1786
<u>determined by a method prescribed by the state board;</u>	1787
<u>(14) Performance of students grouped by those who are</u>	1788
<u>children from military families.</u>	1789
<u>(15) Performance of students grouped by those who are</u>	1790
<u>homeless.</u>	1791
<u>The department may disaggregate data on student</u>	1792
<u>performance according to other categories that the department</u>	1793

determines are appropriate. To the extent possible, the 1794
department shall disaggregate data on student performance 1795
according to any combination of two or more of the categories 1796
listed in divisions (C) (1) to (15) of this section that it deems 1797
relevant. 1798

In reporting data pursuant to division (C) of this 1799
section, the department shall not include in the report cards 1800
any data statistical in nature that is statistically unreliable 1801
or that could result in the identification of individual 1802
students. For this purpose, the department shall not report 1803
student performance data for any group identified in division 1804
(C) of this section that contains less than ten students. If the 1805
department does not report student performance data for a group 1806
because it contains less than ten students, the department shall 1807
indicate on the report card that is why data was not reported. 1808

(D) (1) The department shall present the measures in 1809
division (B) of this section as a district or building's raw 1810
score on the measure. 1811

(2) The department shall include in the electronic format 1812
of the report card an option for a user to select each measure 1813
listed in division (B) of this section and do all of the 1814
following: 1815

(a) View a district or building's percentile ranking on 1816
the selected measure relative to the other districts or 1817
buildings in the state; 1818

(b) Access a comparative tool, which the department shall 1819
develop, that allows the user to compare the building or 1820
district's performance on the selected measure with all of the 1821
following: 1822

<u>(i) The statewide average of all districts or buildings;</u>	1823
<u>(ii) The average of district's or buildings in the</u>	1824
<u>district's typology as developed by the department under</u>	1825
<u>division (D) (3) of this section;</u>	1826
<u>(iii) Up to three other districts or buildings of the</u>	1827
<u>user's choice.</u>	1828
<u>(c) Access other data or information that the department</u>	1829
<u>determines to be appropriate.</u>	1830
<u>The department also shall make available the information</u>	1831
<u>under divisions (D) (1) and (2) of this section as a five-year</u>	1832
<u>trendline.</u>	1833
<u>(3) For purposes of division (D) (2) (b) of this section,</u>	1834
<u>the department shall create a typology of school districts as</u>	1835
<u>follows:</u>	1836
<u>(a) Rural, high student poverty and small student</u>	1837
<u>population size;</u>	1838
<u>(b) Rural, average student poverty and very small student</u>	1839
<u>population size;</u>	1840
<u>(c) Small town, low student poverty and small student</u>	1841
<u>population size;</u>	1842
<u>(d) Small town, high student poverty and average student</u>	1843
<u>population size;</u>	1844
<u>(e) Suburban, low student poverty and average student</u>	1845
<u>population size;</u>	1846
<u>(f) Suburban, very low student poverty and average student</u>	1847
<u>population size;</u>	1848
<u>(g) Urban, high student poverty and average student</u>	1849

population size; 1850

(h) Urban, very high student poverty and very large student population size. 1851
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(E) The department shall disclose the methodology it uses to determine any score on a district or building's report card. 1853
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(F) The report card shall include both of the following: 1855

(1) A statement that gives information on proven actions parents may take to help to influence better outcomes on assessments such as reading at home and parental expectations; 1856
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(2) A list of all extra-curricular or additional activities or services offered by and available at the district or building. 1859
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(G) No measure prescribed in division (B) of this section shall consist of, contain, or include performance indicators as described in section 3302.02 of the Revised Code. 1862
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Sec. 3302-03 3302.032. Notwithstanding anything in the Revised Code to the contrary, this section shall be used only for purposes of implementing provisions of the law that are affiliated with or affected by the issuance of report card letter grades prescribed under this section. The letter grades or ratings issued under this section shall not be presented on the state report cards prescribed under section 3302.03 of the Revised Code. 1865
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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 1873
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building in a district, in accordance with this section. The 1878
state board of education shall adopt rules pursuant to Chapter 1879
119. of the Revised Code to establish performance criteria for 1880
each letter grade and prescribe a method by which the department 1881
assigns each letter grade. For a school building to which any of 1882
the performance measures do not apply, due to grade levels 1883
served by the building, the state board shall designate the 1884
performance measures that are applicable to the building and 1885
that must be calculated separately and used to calculate the 1886
building's overall grade. The department shall issue annual 1887
report cards reflecting the performance of each school district, 1888
each building within each district, and for the state as a whole 1889
using the performance measures and letter grade system described 1890
in this section. The department shall include on the report card 1891
for each district and each building within each district the 1892
most recent two-year trend data in student achievement for each 1893
subject and each grade. 1894

(A) (1) For the 2012-2013 school year, the department shall 1895
issue grades as described in division (E) of this section for 1896
each of the following performance measures: 1897

(a) Annual measurable objectives; 1898

(b) Performance index score for a school district or 1899
building. Grades shall be awarded as a percentage of the total 1900
possible points on the performance index system as adopted by 1901
the state board. In adopting benchmarks for assigning letter 1902
grades under division (A) (1) (b) of this section, the state board 1903
of education shall designate ninety per cent or higher for an 1904
"A," at least seventy per cent but not more than eighty per cent 1905
for a "C," and less than fifty per cent for an "F." 1906

(c) The extent to which the school district or building 1907

meets each of the applicable performance indicators established 1908
by the state board under section 3302.02 of the Revised Code and 1909
the percentage of applicable performance indicators that have 1910
been achieved. In adopting benchmarks for assigning letter 1911
grades under division (A) (1) (c) of this section, the state board 1912
shall designate ninety per cent or higher for an "A." 1913

(d) The four- and five-year adjusted cohort graduation 1914
rates. 1915

In adopting benchmarks for assigning letter grades under 1916
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1917
department shall designate a four-year adjusted cohort 1918
graduation rate of ninety-three per cent or higher for an "A" 1919
and a five-year cohort graduation rate of ninety-five per cent 1920
or higher for an "A." 1921

(e) The overall score under the value-added progress 1922
dimension of a school district or building, for which the 1923
department shall use up to three years of value-added data as 1924
available. The letter grade assigned for this growth measure 1925
shall be as follows: 1926

(i) A score that is at least two standard errors of 1927
measure above the mean score shall be designated as an "A." 1928

(ii) A score that is at least one standard error of 1929
measure but less than two standard errors of measure above the 1930
mean score shall be designated as a "B." 1931

(iii) A score that is less than one standard error of 1932
measure above the mean score but greater than or equal to one 1933
standard error of measure below the mean score shall be 1934
designated as a "C." 1935

(iv) A score that is not greater than one standard error 1936

of measure below the mean score but is greater than or equal to 1937
two standard errors of measure below the mean score shall be 1938
designated as a "D." 1939

(v) A score that is not greater than two standard errors 1940
of measure below the mean score shall be designated as an "F." 1941

Whenever the value-added progress dimension is used as a 1942
graded performance measure, whether as an overall measure or as 1943
a measure of separate subgroups, the grades for the measure 1944
shall be calculated in the same manner as prescribed in division 1945
(A) (1) (e) of this section. 1946

(f) The value-added progress dimension score for a school 1947
district or building disaggregated for each of the following 1948
subgroups: students identified as gifted, students with 1949
disabilities, and students whose performance places them in the 1950
lowest quintile for achievement on a statewide basis. Each 1951
subgroup shall be a separate graded measure. 1952

(2) Not later than April 30, 2013, the state board of 1953
education shall adopt a resolution describing the performance 1954
measures, benchmarks, and grading system for the 2012-2013 1955
school year and, not later than June 30, 2013, shall adopt rules 1956
in accordance with Chapter 119. of the Revised Code that 1957
prescribe the methods by which the performance measures under 1958
division (A) (1) of this section shall be assessed and assigned a 1959
letter grade, including performance benchmarks for each letter 1960
grade. 1961

At least forty-five days prior to the state board's 1962
adoption of rules to prescribe the methods by which the 1963
performance measures under division (A) (1) of this section shall 1964
be assessed and assigned a letter grade, the department shall 1965

conduct a public presentation before the standing committees of 1966
the house of representatives and the senate that consider 1967
education legislation describing such methods, including 1968
performance benchmarks. 1969

(3) There shall not be an overall letter grade for a 1970
school district or building for the 2012-2013 school year. 1971

(B) (1) For the 2013-2014 and 2014-2015 school years, the 1972
department shall issue grades as described in division (E) of 1973
this section for each of the following performance measures: 1974

(a) Annual measurable objectives; 1975

(b) Performance index score for a school district or 1976
building. Grades shall be awarded as a percentage of the total 1977
possible points on the performance index system as created by 1978
the department. In adopting benchmarks for assigning letter 1979
grades under division (B) (1) (b) of this section, the state board 1980
shall designate ninety per cent or higher for an "A," at least 1981
seventy per cent but not more than eighty per cent for a "C," 1982
and less than fifty per cent for an "F." 1983

(c) The extent to which the school district or building 1984
meets each of the applicable performance indicators established 1985
by the state board under section 3302.03 of the Revised Code and 1986
the percentage of applicable performance indicators that have 1987
been achieved. In adopting benchmarks for assigning letter 1988
grades under division (B) (1) (c) of this section, the state board 1989
shall designate ninety per cent or higher for an "A." 1990

(d) The four- and five-year adjusted cohort graduation 1991
rates; 1992

(e) The overall score under the value-added progress 1993
dimension of a school district or building, for which the 1994

department shall use up to three years of value-added data as available. 1995
1996

(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. 1997
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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) (g) of this section. In adopting benchmarks for assigning letter grades under divisions (B) (1) (g) and (C) (1) (g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing 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) (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 diagnostic assessment administered to students in kindergarten under division (B) (1) of section 3313.608 of the Revised Code. 2005
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(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

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

(2) In addition to the graded measures in division (B) (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:

(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;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing 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 2056
this section shall not include any that are remedial or 2057
developmental and shall include those that count toward the 2058
curriculum requirements established for completion of a degree. 2059

(c) The percentage of students enrolled in a district or 2060
building who have taken a national standardized test used for 2061
college admission determinations and the percentage of those 2062
students who are determined to be remediation-free in accordance 2063
with standards adopted under division (F) of section 3345.061 of 2064
the Revised Code; 2065

(d) The percentage of the district's or the building's 2066
students who receive industry-recognized credentials as approved 2067
under section 3313.6113 of the Revised Code. 2068

(e) The percentage of students enrolled in a district or 2069
building who are participating in an international baccalaureate 2070
program and the percentage of those students who receive a score 2071
of four or better on the international baccalaureate 2072
examinations. 2073

(f) The percentage of the district's or building's 2074
students who receive an honors diploma under division (B) of 2075
section 3313.61 of the Revised Code. 2076

(3) Not later than December 31, 2013, the state board 2077
shall adopt rules in accordance with Chapter 119. of the Revised 2078
Code that prescribe the methods by which the performance 2079
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 2080
will be assessed and assigned a letter grade, including 2081
performance benchmarks for each grade. 2082

At least forty-five days prior to the state board's 2083
adoption of rules to prescribe the methods by which the 2084

performance measures under division (B) (1) of this section shall 2085
be assessed and assigned a letter grade, the department shall 2086
conduct a public presentation before the standing committees of 2087
the house of representatives and the senate that consider 2088
education legislation describing such methods, including 2089
performance benchmarks. 2090

(4) There shall not be an overall letter grade for a 2091
school district or building for the 2013-2014, 2014-2015, 2015- 2092
2016, and 2016-2017 school years. 2093

(C) (1) For the 2014-2015 school year and each school year 2094
thereafter, the department shall issue grades as described in 2095
division (E) of this section for each of the performance 2096
measures prescribed in division (C) (1) of this section. The 2097
graded measures are as follows: 2098

(a) Annual measurable objectives; 2099

(b) Performance index score for a school district or 2100
building. Grades shall be awarded as a percentage of the total 2101
possible points on the performance index system as created by 2102
the department. In adopting benchmarks for assigning letter 2103
grades under division (C) (1) (b) of this section, the state board 2104
shall designate ninety per cent or higher for an "A," at least 2105
seventy per cent but not more than eighty per cent for a "C," 2106
and less than fifty per cent for an "F." 2107

(c) The extent to which the school district or building 2108
meets each of the applicable performance indicators established 2109
by the state board under section 3302.03 of the Revised Code and 2110
the percentage of applicable performance indicators that have 2111
been achieved. In adopting benchmarks for assigning letter 2112
grades under division (C) (1) (c) of this section, the state board 2113

shall designate ninety per cent or higher for an "A." 2114

(d) The four- and five-year adjusted cohort graduation 2115
rates; 2116

(e) The overall score under the value-added progress 2117
dimension, or another measure of student academic progress if 2118
adopted by the state board, of a school district or building, 2119
for which the department shall use up to three years of value- 2120
added data as available. 2121

In adopting benchmarks for assigning letter grades for 2122
overall score on value-added progress dimension under division 2123
(C) (1) (e) of this section, the state board shall prohibit the 2124
assigning of a grade of "A" for that measure unless the 2125
district's or building's grade assigned for value-added progress 2126
dimension for all subgroups under division (C) (1) (f) of this 2127
section is a "B" or higher. 2128

For the metric prescribed by division (C) (1) (e) of this 2129
section, the state board may adopt a student academic progress 2130
measure to be used instead of the value-added progress 2131
dimension. If the state board adopts such a measure, it also 2132
shall prescribe a method for assigning letter grades for the new 2133
measure that is comparable to the method prescribed in division 2134
(A) (1) (e) of this section. 2135

(f) The value-added progress dimension score of a school 2136
district or building disaggregated for each of the following 2137
subgroups: students identified as gifted in superior cognitive 2138
ability and specific academic ability fields under Chapter 3324. 2139
of the Revised Code, students with disabilities, and students 2140
whose performance places them in the lowest quintile for 2141
achievement on a statewide basis, as determined by a method 2142

prescribed by the state board. Each subgroup shall be a separate 2143
graded measure. 2144

The state board may adopt student academic progress 2145
measures to be used instead of the value-added progress 2146
dimension. If the state board adopts such measures, it also 2147
shall prescribe a method for assigning letter grades for the new 2148
measures that is comparable to the method prescribed in division 2149
(A) (1) (e) of this section. 2150

(g) Whether a school district or building is making 2151
progress in improving literacy in grades kindergarten through 2152
three, as determined using a method prescribed by the state 2153
board. The state board shall adopt rules to prescribe benchmarks 2154
and standards for assigning grades to a district or building for 2155
purposes of division (C) (1) (g) of this section. The state board 2156
shall designate for a "C" grade a value that is not lower than 2157
the statewide average value for this measure. No grade shall be 2158
issued under division (C) (1) (g) of this section for a district 2159
or building in which less than five per cent of students have 2160
scored below grade level on the kindergarten diagnostic 2161
assessment under division (B) (1) of section 3313.608 of the 2162
Revised Code. 2163

(h) For a high mobility school district or building, an 2164
additional value-added progress dimension score. For this 2165
measure, the department shall use value-added data from the most 2166
recent school year available and shall use assessment scores for 2167
only those students to whom the district or building has 2168
administered the assessments prescribed by section 3301.0710 of 2169
the Revised Code for each of the two most recent consecutive 2170
school years. 2171

As used in this division, "high mobility school district 2172

or building" means a school district or building where at least 2173
twenty-five per cent of its total enrollment is made up of 2174
students who have attended that school district or building for 2175
less than one year. 2176

(2) In addition to the graded measures in division (C) (1) 2177
of this section, the department shall include on a school 2178
district's or building's report card all of the following 2179
without an assigned letter grade: 2180

(a) The percentage of students enrolled in a district or 2181
building who have taken a national standardized test used for 2182
college admission determinations and the percentage of those 2183
students who are determined to be remediation-free in accordance 2184
with the standards adopted under division (F) of section 2185
3345.061 of the Revised Code; 2186

(b) The percentage of students enrolled in a district or 2187
building participating in advanced placement classes and the 2188
percentage of those students who received a score of three or 2189
better on advanced placement examinations; 2190

(c) The percentage of a district's or building's students 2191
who have earned at least three college credits through advanced 2192
standing programs, such as the college credit plus program under 2193
Chapter 3365. of the Revised Code and state-approved career- 2194
technical courses offered through dual enrollment or statewide 2195
articulation, that appear on a student's college transcript 2196
issued by the institution of higher education from which the 2197
student earned the college credit. The credits earned that are 2198
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 2199
shall not include any that are remedial or developmental and 2200
shall include those that count toward the curriculum 2201
requirements established for completion of a degree. 2202

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	2203 2204 2205
(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;	2206 2207 2208
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	2209 2210 2211 2212 2213
(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code.	2214 2215 2216
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components:	2217 2218 2219 2220 2221 2222
(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section;	2223 2224
(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section;	2225 2226
(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section;	2227 2228
(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section;	2229 2230

(e) Kindergarten through third-grade literacy, which shall 2231
include the performance measure in division (C)(1)(g) of this 2232
section; 2233

(f) Prepared for success, which shall include the 2234
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 2235
and (f) of this section. The state board shall develop a method 2236
to determine a grade for the component in division (C)(3)(f) of 2237
this section using the performance measures in divisions (C)(2) 2238
(a), (b), (c), (d), (e), and (f) of this section. When 2239
available, the state board may incorporate the performance 2240
measure under division (C)(2)(g) of this section into the 2241
component under division (C)(3)(f) of this section. When 2242
determining the overall grade for the prepared for success 2243
component prescribed by division (C)(3)(f) of this section, no 2244
individual student shall be counted in more than one performance 2245
measure. However, if a student qualifies for more than one 2246
performance measure in the component, the state board may, in 2247
its method to determine a grade for the component, specify an 2248
additional weight for such a student that is not greater than or 2249
equal to 1.0. In determining the overall score under division 2250
(C)(3)(f) of this section, the state board shall ensure that the 2251
pool of students included in the performance measures aggregated 2252
under that division are all of the students included in the 2253
four- and five-year adjusted graduation cohort. 2254

In the rules adopted under division (C)(3) of this 2255
section, the state board shall adopt a method for determining a 2256
grade for each component in divisions (C)(3)(a) to (f) of this 2257
section. The state board also shall establish a method to assign 2258
an overall grade of "A," "B," "C," "D," or "F" using the grades 2259
assigned for each component. The method the state board adopts 2260
for assigning an overall grade shall give equal weight to the 2261

components in divisions (C) (3) (b) and (c) of this section. 2262

At least forty-five days prior to the state board's 2263
adoption of rules to prescribe the methods for calculating the 2264
overall grade for the report card, as required by this division, 2265
the department shall conduct a public presentation before the 2266
standing committees of the house of representatives and the 2267
senate that consider education legislation describing the format 2268
for the report card, weights that will be assigned to the 2269
components of the overall grade, and the method for calculating 2270
the overall grade. 2271

(D) On or after July 1, 2015, the state board may develop 2272
a measure of student academic progress for high school students 2273
using only data from assessments in English language arts and 2274
mathematics. If the state board develops this measure, each 2275
school district and applicable school building shall be assigned 2276
a separate letter grade for it not sooner than the 2017-2018 2277
school year. The district's or building's grade for that measure 2278
shall not be included in determining the district's or 2279
building's overall letter grade. 2280

(E) The letter grades assigned to a school district or 2281
building under this section shall be as follows: 2282

(1) "A" for a district or school making excellent 2283
progress; 2284

(2) "B" for a district or school making above average 2285
progress; 2286

(3) "C" for a district or school making average progress; 2287

(4) "D" for a district or school making below average 2288
progress; 2289

(5) "F" for a district or school failing to meet minimum progress.	2290 2291
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	2292 2293 2294
(1) Performance of students by grade-level;	2295
(2) Performance of students by race and ethnic group;	2296
(3) Performance of students by gender;	2297
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2298 2299
(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;	2300 2301 2302
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2303 2304
(7) Performance of students grouped by those who are economically disadvantaged;	2305 2306
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2307 2308 2309
(9) Performance of students grouped by those who are classified as limited English proficient;	2310 2311
(10) Performance of students grouped by those who have disabilities;	2312 2313
(11) Performance of students grouped by those who are classified as migrants;	2314 2315

(12) Performance of students grouped by those who are 2316
identified as gifted in superior cognitive ability and the 2317
specific academic ability fields of reading and math pursuant to 2318
Chapter 3324. of the Revised Code. In disaggregating specific 2319
academic ability fields for gifted students, the department 2320
shall use data for those students with specific academic ability 2321
in math and reading. If any other academic field is assessed, 2322
the department shall also include data for students with 2323
specific academic ability in that field as well. 2324

(13) Performance of students grouped by those who perform 2325
in the lowest quintile for achievement on a statewide basis, as 2326
determined by a method prescribed by the state board. 2327

The department may disaggregate data on student 2328
performance according to other categories that the department 2329
determines are appropriate. To the extent possible, the 2330
department shall disaggregate data on student performance 2331
according to any combinations of two or more of the categories 2332
listed in divisions (F)(1) to (13) of this section that it deems 2333
relevant. 2334

In reporting data pursuant to division (F) of this 2335
section, the department shall not include in the report cards 2336
any data statistical in nature that is statistically unreliable 2337
or that could result in the identification of individual 2338
students. For this purpose, the department shall not report 2339
student performance data for any group identified in division 2340
(F) of this section that contains less than ten students. If the 2341
department does not report student performance data for a group 2342
because it contains less than ten students, the department shall 2343
indicate on the report card that is why data was not reported. 2344

(G) The department may include with the report cards any 2345

additional education and fiscal performance data it deems 2346
valuable. 2347

(H) The department shall include on each report card a 2348
list of additional information collected by the department that 2349
is available regarding the district or building for which the 2350
report card is issued. When available, such additional 2351
information shall include student mobility data disaggregated by 2352
race and socioeconomic status, and college enrollment data, ~~and~~ 2353
~~the reports prepared under section 3302.031 of the Revised Code.~~ 2354

The department shall maintain a site on the world wide 2355
web. The report card shall include the address of the site and 2356
shall specify that such additional information is available to 2357
the public at that site. The department shall also provide a 2358
copy of each item on the list to the superintendent of each 2359
school district. The district superintendent shall provide a 2360
copy of any item on the list to anyone who requests it. 2361

(I) (1) (a) Except as provided in division (I) (1) (b) of this 2362
section, for any district that sponsors a conversion community 2363
school under Chapter 3314. of the Revised Code, the department 2364
shall combine data regarding the academic performance of 2365
students enrolled in the community school with comparable data 2366
from the schools of the district for the purpose of determining 2367
the performance of the district as a whole on the report card 2368
issued for the district under this section or section 3302.033 2369
of the Revised Code. 2370

(b) The department shall not combine data from any 2371
conversion community school that a district sponsors if a 2372
majority of the students enrolled in the conversion community 2373
school are enrolled in a dropout prevention and recovery program 2374
that is operated by the school, as described in division (A) ~~(4)~~ 2375

(2)(a) of section 3314.35 of the Revised Code. The department 2376
shall include as an addendum to the district's report card the 2377
ratings and performance measures that are required under section 2378
3314.017 of the Revised Code for any community school to which 2379
division (I)(1)(b) of this section applies. This addendum shall 2380
include, at a minimum, the data specified in divisions (C)(1) 2381
(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code. 2382

(2) Any district that leases a building to a community 2383
school located in the district or that enters into an agreement 2384
with a community school located in the district whereby the 2385
district and the school endorse each other's programs may elect 2386
to have data regarding the academic performance of students 2387
enrolled in the community school combined with comparable data 2388
from the schools of the district for the purpose of determining 2389
the performance of the district as a whole on the district 2390
report card. Any district that so elects shall annually file a 2391
copy of the lease or agreement with the department. 2392

(3) Any municipal school district, as defined in section 2393
3311.71 of the Revised Code, that sponsors a community school 2394
located within the district's territory, or that enters into an 2395
agreement with a community school located within the district's 2396
territory whereby the district and the community school endorse 2397
each other's programs, may exercise either or both of the 2398
following elections: 2399

(a) To have data regarding the academic performance of 2400
students enrolled in that community school combined with 2401
comparable data from the schools of the district for the purpose 2402
of determining the performance of the district as a whole on the 2403
district's report card; 2404

(b) To have the number of students attending that 2405

community school noted separately on the district's report card. 2406

The election authorized under division (I) (3) (a) of this 2407
section is subject to approval by the governing authority of the 2408
community school. 2409

Any municipal school district that exercises an election 2410
to combine or include data under division (I) (3) of this 2411
section, by the first day of October of each year, shall file 2412
with the department documentation indicating eligibility for 2413
that election, as required by the department. 2414

(J) The department shall include on each report card the 2415
percentage of teachers in the district or building who are 2416
highly qualified, as defined by the No Child Left Behind Act of 2417
2001, and a comparison of that percentage with the percentages 2418
of such teachers in similar districts and buildings. 2419

(K) (1) In calculating English language arts, mathematics, 2420
or science assessment passage rates used to determine school 2421
district or building performance under this section, the 2422
department shall include all students taking an assessment with 2423
accommodation or to whom an alternate assessment is administered 2424
pursuant to division (C) (1) or (3) of section 3301.0711 of the 2425
Revised Code. 2426

(2) In calculating performance index scores, rates of 2427
achievement on the performance indicators established by the 2428
state board under section 3302.02 of the Revised Code, and 2429
annual measurable objectives for determining adequate yearly 2430
progress for school districts and buildings under this section, 2431
the department shall do all of the following: 2432

(a) Include for each district or building only those 2433
students who are included in the ADM certified for the first 2434

full school week of October and are continuously enrolled in the 2435
district or building through the time of the spring 2436
administration of any assessment prescribed by division (A) (1) 2437
or (B) (1) of section 3301.0710 or division (B) of section 2438
3301.0712 of the Revised Code that is administered to the 2439
student's grade level; 2440

(b) Include cumulative totals from both the fall and 2441
spring administrations of the third grade English language arts 2442
achievement assessment; 2443

(c) Except as required by the No Child Left Behind Act of 2444
2001, exclude for each district or building any limited English 2445
proficient student who has been enrolled in United States 2446
schools for less than one full school year. 2447

(L) Beginning with the 2015-2016 school year and at least 2448
once every three years thereafter, the state board of education 2449
shall review and may adjust the benchmarks for assigning letter 2450
grades to the performance measures and components prescribed 2451
under divisions (C) (3) and (D) of this section. 2452

Sec. 3302.033. (A) The state board of education, in 2453
consultation with the chancellor of ~~the Ohio board of~~ 2454
~~regents~~ higher education, any office within the office of the 2455
governor concerning workforce development, the Ohio association 2456
of career and technical education, the Ohio association of city 2457
career-technical schools, and the Ohio association of career- 2458
technical superintendents, shall approve a report card for joint 2459
vocational school districts and for other career-technical 2460
planning districts that are not joint vocational school 2461
districts, which may contain disaggregated data for each joint 2462
vocational school district, if applicable. The state board shall 2463
submit details of the approved report card to the governor, the 2464

speaker of the house of representatives, the president of the 2465
senate, and the chairpersons of the standing committees of the 2466
house of representatives and the senate principally responsible 2467
for education policy. The department of education annually shall 2468
issue a report card for each joint vocational school district 2469
and other career-technical planning districts that are not joint 2470
vocational school districts, beginning with report cards for the 2471
2012-2013 school year to be published not later than September 2472
1, 2013. 2473

(B) Beginning with the report cards for the 2018-2019 2474
school year and each school year thereafter, the format for any 2475
report card issued under this section shall include at least the 2476
following components: 2477

(1) Achievement. The achievement component shall consist 2478
of technical skills attainment by students enrolled in a career- 2479
technical education program and any additional measure as 2480
determined by the state board, in consultation with individuals 2481
and entities prescribed in division (A) of this section. The 2482
achievement component shall not include any measure that 2483
calculates the percentage of students enrolled in a career- 2484
technical education program who passed the achievement 2485
assessments required under division (A) of section 3301.0710 of 2486
the Revised Code or the end-of-course examinations required 2487
under division (B) (2) of section 3301.0712 of the Revised Code. 2488

(2) Graduation rate. The graduation rate shall include 2489
both a four-year cohort graduation rate and a five-year cohort 2490
graduation rate of students primarily enrolled in career 2491
technical education programs. 2492

(3) Post-program outcomes. The post-program outcomes 2493
component shall not include the reporting of the percentage of 2494

<u>students who receive industry-recognized credentials.</u>	2495
<u>(4) Prepared for success. The prepared for success</u>	2496
<u>component shall include all of the following:</u>	2497
<u>(a) The percentage of students with industry-recognized</u>	2498
<u>credentials;</u>	2499
<u>(b) The percentage of students who receive an honors</u>	2500
<u>diploma under section 3313.61 of the Revised Code;</u>	2501
<u>(c) The percentage of students who receive at least three</u>	2502
<u>college credits through the college credit plus program</u>	2503
<u>established under Chapter 3365. of the Revised Code;</u>	2504
<u>(d) The percentage of students who participate in paid or</u>	2505
<u>unpaid employment, such as early placement, internships, and</u>	2506
<u>preapprenticeships, as part of their career-technical education</u>	2507
<u>program while enrolled in high school;</u>	2508
<u>(e) The percentage of students who have earned technical</u>	2509
<u>credit that can be transferred to state institutions of higher</u>	2510
<u>education under the career-technical assurance guide created by</u>	2511
<u>the chancellor.</u>	2512
<u>The prepared for success component shall not include the</u>	2513
<u>test prescribed under division (B) (1) of section 3301.0712 of</u>	2514
<u>the Revised Code or any other college admission test or any</u>	2515
<u>advanced placement or international baccalaureate examination.</u>	2516
<u>(C) Beginning with the report cards for the 2018-2019</u>	2517
<u>school year and each school year thereafter, the department</u>	2518
<u>shall issue a separate additional report card for a lead</u>	2519
<u>district of a career-planning district that is not a joint</u>	2520
<u>vocational school district that includes only the performance of</u>	2521
<u>enrolled students of that district.</u>	2522

<u>(D) As used in this section, "career-technical":</u>	2523
<u>(1) "Career-technical planning district" means a school district or group of school districts designated by the department as being responsible for the planning for and provision of career-technical education services to students within the district or group <u>and includes all of the following:</u></u>	2524 2525 2526 2527 2528
<u>(a) A joint vocational school district;</u>	2529
<u>(b) A comprehensive school district that has established and maintains a career-technical education program that meets the standards adopted by the state board; and</u>	2530 2531 2532
<u>(c) A contracting district that provides or ensures provision of a career-technical education program that meets the standards adopted by the state board to another district with which it has entered into a contract.</u>	2533 2534 2535 2536
<u>(2) "Enrolled student" means a student who is enrolled in a middle school or high school operated by the lead district.</u>	2537 2538
<u>(3) "Lead district" has the same meaning as in section 3317.023 of the Revised Code.</u>	2539 2540
<u>(4) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	2541 2542
Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the :	2543 2544
<u>(1) The department of education shall not assign an overall letter grade under division (C) (3) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, or 2016-2017 school years.</u>	2545 2546 2547 2548 2549 2550

(2) The department may, at the discretion of the state 2551
board of education, not assign an individual grade to any 2552
component prescribed under division (C) (3) of section 3302.03 of 2553
the Revised Code, as it existed prior to the effective date of 2554
this amendment, or section 3302.032 of the Revised Code, and 2555

(3) The department shall not rank school districts, 2556
community schools established under Chapter 3314. of the Revised 2557
Code, or STEM schools established under Chapter 3326. of the 2558
Revised Code under section 3302.21 of the Revised Code for those 2559
school years. 2560

(4) The report card ratings issued for the 2014-2015, 2561
2015-2016, or 2016-2017 school years shall not be considered in 2562
determining whether a school district or a school is subject to 2563
sanctions or penalties. However, the report card ratings of any 2564
previous or subsequent years shall be considered in determining 2565
whether a school district or building is subject to sanctions or 2566
penalties. Accordingly, the report card ratings for the 2014- 2567
2015, 2015-2016, or 2016-2017 school years shall have no effect 2568
in determining sanctions or penalties, but shall not create a 2569
new starting point for determinations that are based on ratings 2570
over multiple years. 2571

(B) The provisions from which a district or school is 2572
exempt under division (A) of this section shall be the 2573
following: 2574

(1) Any restructuring provisions established under this 2575
chapter, except as required under the "No Child Left Behind Act 2576
of 2001"; 2577

(2) Provisions for the Columbus city school pilot project 2578
under section 3302.042 of the Revised Code; 2579

(3) Provisions for academic distress commissions under 2580
former section 3302.10 of the Revised Code as it existed prior 2581
~~to the effective date of this amendment~~ October 15, 2015. The 2582
provisions of this section do not apply to academic distress 2583
commissions under the version of that section as it exists on or 2584
~~after the effective date of this amendment~~ October 15, 2015. 2585

(4) Provisions prescribing new buildings where students 2586
are eligible for the educational choice scholarships under 2587
section 3310.03 of the Revised Code; 2588

(5) Provisions defining "challenged school districts" in 2589
which new start-up community schools may be located, as 2590
prescribed in section 3314.02 of the Revised Code; 2591

(6) Provisions prescribing community school closure 2592
requirements under section 3314.35 or 3314.351 of the Revised 2593
Code. 2594

(C) Notwithstanding anything in the Revised Code to the 2595
contrary and except as provided in Section 3 of H.B. 7 of the 2596
131st general assembly, no school district, community school, or 2597
STEM school shall utilize at any time during a student's 2598
academic career a student's score on any assessment administered 2599
under division (A) of section 3301.0710 or division (B) (2) of 2600
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 2601
2016, or 2016-2017 school ~~year~~ years as a factor in any decision 2602
to promote or to deny the student promotion to a higher grade 2603
level or in any decision to grant course credit. No individual 2604
student score reports on such assessments administered in the 2605
2014-2015, 2015-2016, or 2016-2017 school years shall be 2606
released, except to a student's school district or school or to 2607
the student or the student's parent or guardian. 2608

Sec. 3302.04. As used in divisions (A), (C), and (D) of 2609
this section, ~~for the 2014-2015 school year, and for each school~~ 2610
~~year thereafter,~~ when a provision refers to a school district or 2611
school building in a state of academic emergency, it shall mean 2612
a district or building rated "F"; when a provision refers to a 2613
school district or school building under an academic watch, it 2614
shall mean a district or building rated "D"; and when a 2615
provision refers to a school district or school building in need 2616
of continuous improvement, it shall mean a district or building 2617
rated "C" as those letter grade ratings for overall performance 2618
are assigned under division (C) (3) of section 3302.03 of the 2619
Revised Code, as it existed prior to the effective date of this 2620
amendment, or section 3302.032 of the Revised Code, ~~as it exists~~ 2621
~~on or after March 22, 2013.~~ 2622

(A) The department of education shall establish a system 2623
of intensive, ongoing support for the improvement of school 2624
districts and school buildings. In accordance with the model of 2625
differentiated accountability described in section 3302.041 of 2626
the Revised Code, the system shall give priority to the 2627
following: 2628

(1) For any school year prior to the 2012-2013 school 2629
year, districts and buildings that have been declared to be 2630
under an academic watch or in a state of academic emergency 2631
~~under section 3302.03 of the Revised Code;~~ 2632

(2) For the 2012-2013 school year, and for each school 2633
year thereafter, districts and buildings in the manner 2634
prescribed by any agreement currently in force between the 2635
department and the United States department of education. The 2636
department shall endeavor to include schools and buildings that 2637
receive grades under section 3302.03 of the Revised Code, as it 2638

existed prior to the effective date of this amendment, or 2639
section 3302.032 of the Revised Code that the department 2640
considers to be low performing. 2641

The system shall include services provided to districts 2642
and buildings through regional service providers, such as 2643
educational service centers. The system may include the 2644
appointment of an improvement coordinator for any of the lowest 2645
performing districts, as determined by the department, to 2646
coordinate the district's academic improvement efforts and to 2647
build support among the community for those efforts. 2648

(B) This division does not apply to any school district 2649
after June 30, 2008. 2650

When a school district has been notified by the department 2651
~~pursuant to section 3302.03 of the Revised Code~~ that the 2652
district or a building within the district has failed to make 2653
adequate yearly progress for two consecutive school years, the 2654
district shall develop a three-year continuous improvement plan 2655
for the district or building containing each of the following: 2656

(1) An analysis of the reasons for the failure of the 2657
district or building to meet any of the applicable performance 2658
indicators established under section 3302.02 of the Revised Code 2659
that it did not meet and an analysis of the reasons for its 2660
failure to make adequate yearly progress; 2661

(2) Specific strategies that the district or building will 2662
use to address the problems in academic achievement identified 2663
in division (B) (1) of this section; 2664

(3) Identification of the resources that the district will 2665
allocate toward improving the academic achievement of the 2666
district or building; 2667

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

(C) (1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(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. 2697

(D) (1) For any school year prior to the 2012-2013 school 2698
year, within one hundred twenty days after any school district 2699
or building is declared to be in a state of academic emergency 2700
~~under section 3302.03 of the Revised Code~~, the department may 2701
initiate a site evaluation of the building or school district. 2702

(2) For the 2012-2013 school year, and for each school 2703
year thereafter, the department may initiate a site evaluation 2704
of a building or school district that meets the conditions for a 2705
site evaluation prescribed by the agreement described in 2706
division (A) (2) of this section. 2707

(3) Division (D) (3) of this section does not apply to any 2708
school district after June 30, 2008. 2709

If any school district that is declared to be in a state 2710
of academic emergency or in a state of academic watch ~~under~~ 2711
~~section 3302.03 of the Revised Code~~ or encompasses a building 2712
that is declared to be in a state of academic emergency or in a 2713
state of academic watch fails to demonstrate to the department 2714
satisfactory improvement of the district or applicable buildings 2715
or fails to submit to the department any information required 2716
under rules established by the state board of education, prior 2717
to approving a three-year continuous improvement plan under 2718
rules established by the state board of education, the 2719
department shall conduct a site evaluation of the school 2720
district or applicable buildings to determine whether the school 2721
district is in compliance with minimum standards established by 2722
law or rule. 2723

(4) Division (D) (4) of this section does not apply to any 2724
school district after June 30, 2008. Site evaluations conducted 2725

under divisions (D) (1), (2), and (3) of this section shall	2726
include, but not be limited to, the following:	2727
(a) Determining whether teachers are assigned to subject	2728
areas for which they are licensed or certified;	2729
(b) Determining pupil-teacher ratios;	2730
(c) Examination of compliance with minimum instruction	2731
time requirements for each school day and for each school year;	2732
(d) Determining whether materials and equipment necessary	2733
to implement the curriculum approved by the school district	2734
board are available;	2735
(e) Examination of whether the teacher and principal	2736
evaluation systems comply with sections 3311.80, 3311.84,	2737
3319.02, and 3319.111 of the Revised Code;	2738
(f) Examination of the adequacy of efforts to improve the	2739
cultural competency, as defined pursuant to section 3319.61 of	2740
the Revised Code, of teachers and other educators.	2741
(E) This division applies only to school districts that	2742
operate a school building that fails to make adequate yearly	2743
progress for two or more consecutive school years. It does not	2744
apply to any such district after June 30, 2008, except as	2745
provided in division (D) (2) of section 3313.97 of the Revised	2746
Code.	2747
(1) For any school building that fails to make adequate	2748
yearly progress for two consecutive school years, the district	2749
shall do all of the following:	2750
(a) Provide written notification of the academic issues	2751
that resulted in the building's failure to make adequate yearly	2752
progress to the parent or guardian of each student enrolled in	2753

the building. The notification shall also describe the actions 2754
being taken by the district or building to improve the academic 2755
performance of the building and any progress achieved toward 2756
that goal in the immediately preceding school year. 2757

(b) If the building receives funds under Title I, Part A 2758
of the "Elementary and Secondary Education Act of 1965," 20 2759
U.S.C. 6311 to 6339, from the district, in accordance with 2760
section 3313.97 of the Revised Code, offer all students enrolled 2761
in the building the opportunity to enroll in an alternative 2762
building within the district that is not in school improvement 2763
status as defined by the "No Child Left Behind Act of 2001." 2764
Notwithstanding Chapter 3327. of the Revised Code, the district 2765
shall spend an amount equal to twenty per cent of the funds it 2766
receives under Title I, Part A of the "Elementary and Secondary 2767
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2768
transportation for students who enroll in alternative buildings 2769
under this division, unless the district can satisfy all demand 2770
for transportation with a lesser amount. If an amount equal to 2771
twenty per cent of the funds the district receives under Title 2772
I, Part A of the "Elementary and Secondary Education Act of 2773
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 2774
demand for transportation, the district shall grant priority 2775
over all other students to the lowest achieving students among 2776
the subgroup described in division (B) (3) of section 3302.01 of 2777
the Revised Code in providing transportation. Any district that 2778
does not receive funds under Title I, Part A of the "Elementary 2779
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 2780
shall not be required to provide transportation to any student 2781
who enrolls in an alternative building under this division. 2782

(2) For any school building that fails to make adequate 2783
yearly progress for three consecutive school years, the district 2784

shall do both of the following: 2785

(a) If the building receives funds under Title I, Part A 2786
of the "Elementary and Secondary Education Act of 1965," 20 2787
U.S.C. 6311 to 6339, from the district, in accordance with 2788
section 3313.97 of the Revised Code, provide all students 2789
enrolled in the building the opportunity to enroll in an 2790
alternative building within the district that is not in school 2791
improvement status as defined by the "No Child Left Behind Act 2792
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 2793
district shall provide transportation for students who enroll in 2794
alternative buildings under this division to the extent required 2795
under division (E) (2) of this section. 2796

(b) If the building receives funds under Title I, Part A 2797
of the "Elementary and Secondary Education Act of 1965," 20 2798
U.S.C. 6311 to 6339, from the district, offer supplemental 2799
educational services to students who are enrolled in the 2800
building and who are in the subgroup described in division (B) 2801
(3) of section 3302.01 of the Revised Code. 2802

The district shall spend a combined total of an amount 2803
equal to twenty per cent of the funds it receives under Title I, 2804
Part A of the "Elementary and Secondary Education Act of 1965," 2805
20 U.S.C. 6311 to 6339, to provide transportation for students 2806
who enroll in alternative buildings under division (E) (1) (b) or 2807
(E) (2) (a) of this section and to pay the costs of the 2808
supplemental educational services provided to students under 2809
division (E) (2) (b) of this section, unless the district can 2810
satisfy all demand for transportation and pay the costs of 2811
supplemental educational services for those students who request 2812
them with a lesser amount. In allocating funds between the 2813
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2814

this section, the district shall spend at least an amount equal 2815
to five per cent of the funds it receives under Title I, Part A 2816
of the "Elementary and Secondary Education Act of 1965," 20 2817
U.S.C. 6311 to 6339, to provide transportation for students who 2818
enroll in alternative buildings under division (E) (1) (b) or (E) 2819
(2) (a) of this section, unless the district can satisfy all 2820
demand for transportation with a lesser amount, and at least an 2821
amount equal to five per cent of the funds it receives under 2822
Title I, Part A of the "Elementary and Secondary Education Act 2823
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2824
supplemental educational services provided to students under 2825
division (E) (2) (b) of this section, unless the district can pay 2826
the costs of such services for all students requesting them with 2827
a lesser amount. If an amount equal to twenty per cent of the 2828
funds the district receives under Title I, Part A of the 2829
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2830
to 6339, is insufficient to satisfy all demand for 2831
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2832
section and to pay the costs of all of the supplemental 2833
educational services provided to students under division (E) (2) 2834
(b) of this section, the district shall grant priority over all 2835
other students in providing transportation and in paying the 2836
costs of supplemental educational services to the lowest 2837
achieving students among the subgroup described in division (B) 2838
(3) of section 3302.01 of the Revised Code. 2839

Any district that does not receive funds under Title I, 2840
Part A of the "Elementary and Secondary Education Act of 1965," 2841
20 U.S.C. 6311 to 6339, shall not be required to provide 2842
transportation to any student who enrolls in an alternative 2843
building under division (E) (2) (a) of this section or to pay the 2844
costs of supplemental educational services provided to any 2845

student under division (E) (2) (b) of this section. 2846

No student who enrolls in an alternative building under 2847
division (E) (2) (a) of this section shall be eligible for 2848
supplemental educational services under division (E) (2) (b) of 2849
this section. 2850

(3) For any school building that fails to make adequate 2851
yearly progress for four consecutive school years, the district 2852
shall continue to comply with division (E) (2) of this section 2853
and shall implement at least one of the following options with 2854
respect to the building: 2855

(a) Institute a new curriculum that is consistent with the 2856
statewide academic standards adopted pursuant to division (A) of 2857
section 3301.079 of the Revised Code; 2858

(b) Decrease the degree of authority the building has to 2859
manage its internal operations; 2860

(c) Appoint an outside expert to make recommendations for 2861
improving the academic performance of the building. The district 2862
may request the department to establish a state intervention 2863
team for this purpose pursuant to division (G) of this section. 2864

(d) Extend the length of the school day or year; 2865

(e) Replace the building principal or other key personnel; 2866

(f) Reorganize the administrative structure of the 2867
building. 2868

(4) For any school building that fails to make adequate 2869
yearly progress for five consecutive school years, the district 2870
shall continue to comply with division (E) (2) of this section 2871
and shall develop a plan during the next succeeding school year 2872
to improve the academic performance of the building, which shall 2873

include at least one of the following options:	2874
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2875 2876
(b) Replace personnel;	2877
(c) Contract with a nonprofit or for-profit entity to operate the building;	2878 2879
(d) Turn operation of the building over to the department;	2880
(e) Other significant restructuring of the building's governance.	2881 2882
(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.	2883 2884 2885 2886 2887
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	2888 2889 2890 2891 2892
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	2893 2894 2895 2896
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If	2897 2898 2899 2900 2901

the district does not have a continuous improvement plan, the 2902
district shall develop such a plan in accordance with division 2903
(B) of this section and provide a written description of the 2904
plan to the parent or guardian of each student enrolled in the 2905
district. 2906

(2) If a school district has been identified for 2907
improvement for two consecutive school years, the district shall 2908
continue to implement the continuous improvement plan developed 2909
by the district pursuant to division (B) or (F)(1) of this 2910
section. 2911

(3) If a school district has been identified for 2912
improvement for three consecutive school years, the department 2913
shall take at least one of the following corrective actions with 2914
respect to the district: 2915

(a) Withhold a portion of the funds the district is 2916
entitled to receive under Title I, Part A of the "Elementary and 2917
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2918

(b) Direct the district to replace key district personnel; 2919

(c) Institute a new curriculum that is consistent with the 2920
statewide academic standards adopted pursuant to division (A) of 2921
section 3301.079 of the Revised Code; 2922

(d) Establish alternative forms of governance for 2923
individual school buildings within the district; 2924

(e) Appoint a trustee to manage the district in place of 2925
the district superintendent and board of education. 2926

The department shall conduct individual audits of a 2927
sampling of districts subject to this division to determine 2928
compliance with the corrective actions taken by the department. 2929

(4) If a school district has been identified for 2930
improvement for four consecutive school years, the department 2931
shall continue to monitor implementation of the corrective 2932
action taken under division (F) (3) of this section with respect 2933
to the district. 2934

(5) If a school district has been identified for 2935
improvement for five consecutive school years, the department 2936
shall take at least one of the corrective actions identified in 2937
division (F) (3) of this section with respect to the district, 2938
provided that the corrective action the department takes is 2939
different from the corrective action previously taken under 2940
division (F) (3) of this section with respect to the district. 2941

(G) The department may establish a state intervention team 2942
to evaluate all aspects of a school district or building, 2943
including management, curriculum, instructional methods, 2944
resource allocation, and scheduling. Any such intervention team 2945
shall be appointed by the department and shall include teachers 2946
and administrators recognized as outstanding in their fields. 2947
The intervention team shall make recommendations regarding 2948
methods for improving the performance of the district or 2949
building. 2950

The department shall not approve a district's request for 2951
an intervention team under division (E) (3) of this section if 2952
the department cannot adequately fund the work of the team, 2953
unless the district agrees to pay for the expenses of the team. 2954

(H) The department shall conduct individual audits of a 2955
sampling of community schools established under Chapter 3314. of 2956
the Revised Code to determine compliance with this section. 2957

(I) The state board shall adopt rules for implementing 2958

this section. 2959

Sec. 3302.05. The state board of education shall adopt 2960
rules freeing school districts from specified state mandates if 2961
one of the following applies: 2962

(A) For the 2011-2012 school year, the school district was 2963
declared to be excellent under section 3302.03 of the Revised 2964
Code, as that section existed prior to March 22, 2013, and had 2965
above expected growth in the overall value-added measure. 2966

(B) For the 2012-2013 school year, the school district 2967
received a grade of "A" for the number of performance indicators 2968
met under division (A) (1) (c) of section 3302.03 of the Revised 2969
Code, as it existed prior to the effective date of this 2970
amendment, and for the value-added dimension under division (A) 2971
(1) (e) of that ~~section 3302.03 of the Revised Code.~~ 2972

(C) For the 2013-2014, 2014-2015, or 2015-2016 school ~~year-~~ 2973
years, the school district received a grade of "A" for the 2974
number of performance indicators met under division (B) (1) (c) of 2975
section 3302.03 of the Revised Code, as it existed prior to the 2976
effective date of this amendment, and for the value-added 2977
dimension under division (B) (1) (e) of that ~~section 3302.03 of-~~ 2978
~~the Revised Code.~~ 2979

(D) For the 2016-2017 school year and for each school year 2980
thereafter, the school district received an overall grade of "A" 2981
under division (C) (3) of section 3302.03 of the Revised Code, as 2982
it existed prior to the effective date of this amendment, or 2983
section 3302.032 of the Revised Code. 2984

Any mandates included in the rules shall be only those 2985
statutes or rules pertaining to state education requirements. 2986
The rules shall not exempt districts from any operating standard 2987

adopted under division (D) (3) of section 3301.07 of the Revised Code. 2988
2989

Sec. 3302.063. (A) Except as provided in division (B) of 2990
this section, upon designation of a school district of 2991
innovation under section 3302.062 of the Revised Code, the state 2992
board of education shall waive any laws in Title XXXVIII of the 2993
Revised Code or rules adopted by the state board that are 2994
specified in the innovation plan submitted by the district board 2995
of education as needing to be waived to implement the plan. The 2996
waiver shall apply only to the school or schools participating 2997
in the innovation plan and shall not apply to the district as a 2998
whole, unless each of the district's schools is a participating 2999
school. The waiver shall cease to apply to a school if the 3000
school's designation as an innovation school is revoked or the 3001
innovation school zone in which the school participates has its 3002
designation revoked under section 3302.065 of the Revised Code, 3003
or if the school is removed from an innovation school zone under 3004
that section or section 3302.064 of the Revised Code. 3005

(B) The state board shall not waive any law or rule 3006
regarding the following: 3007

(1) Funding for school districts under Chapter 3317. of 3008
the Revised Code; 3009

(2) The requirements of Chapters 3323. and 3324. of the 3010
Revised Code for the provision of services to students with 3011
disabilities and gifted students; 3012

(3) Requirements related to the provision of career- 3013
technical education that are necessary to comply with federal 3014
law or maintenance of effort provisions; 3015

(4) Administration of the assessments prescribed by 3016

sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code; 3017
3018

(5) Requirements related to the issuance of report cards 3019
and the assignment of performance ratings under ~~section~~ sections 3020
3302.03 and 3302.032 of the Revised Code; 3021

(6) Implementation of the model of differentiated 3022
accountability under section 3302.041 of the Revised Code; 3023

(7) Requirements for the reporting of data to the 3024
department of education; 3025

(8) Criminal records checks of school employees; 3026

(9) The requirements of Chapters 3307. and 3309. regarding 3027
the retirement systems for teachers and school employees. 3028

(C) If a district board's revisions to an innovation plan 3029
under section 3302.066 of the Revised Code require a waiver of 3030
additional laws or state board rules, the state board shall 3031
grant a waiver from those laws or rules upon evidence that 3032
administrators and teachers have consented to the revisions as 3033
required by that section. 3034

Sec. 3302.10. (A) The superintendent of public instruction 3035
shall establish an academic distress commission for any school 3036
district that meets one of the following conditions: 3037

(1) The district has received an overall grade of "F" 3038
under division (C) (3) of section 3302.03 of the Revised Code, as 3039
it existed prior to the effective date of this amendment, or 3040
section 3302.032 of the Revised Code for three consecutive 3041
years. 3042

(2) An academic distress commission established for the 3043
district under former section 3302.10 of the Revised Code was 3044

still in existence on ~~the effective date of this section~~ October 3045
15, 2015, and has been in existence for at least four years. 3046

(B) (1) The academic distress commission shall consist of 3047
five members as follows: 3048

(a) Three members appointed by the state superintendent, 3049
one of whom is a resident in the county in which a majority of 3050
the district's territory is located; 3051

(b) One member appointed by the president of the district 3052
board of education, who shall be a teacher employed by the 3053
district; 3054

(c) One member appointed by the mayor of the municipality 3055
in which a majority of the district's territory is located or, 3056
if no such municipality exists, by the mayor of a municipality 3057
selected by the state superintendent in which the district has 3058
territory. 3059

Appointments to the commission shall be made within thirty 3060
days after the district is notified that it is subject to this 3061
section. Members of the commission shall serve at the pleasure 3062
of their appointing authority. The state superintendent shall 3063
designate a chairperson for the commission from among the 3064
members appointed by the state superintendent. The chairperson 3065
shall call and conduct meetings, set meeting agendas, and serve 3066
as a liaison between the commission and the chief executive 3067
officer appointed under division (C) (1) of this section. 3068

(2) In the case of a school district that meets the 3069
condition in division (A) (2) of this section, the academic 3070
distress commission established for the district under former 3071
section 3302.10 of the Revised Code shall be abolished and a new 3072
academic distress commission shall be appointed for the district 3073

pursuant to division (B) (1) of this section. 3074

(C) (1) Within sixty days after the state superintendent 3075
has designated a chairperson for the academic distress 3076
commission, the commission shall appoint a chief executive 3077
officer for the district, who shall be paid by the department of 3078
education and shall serve at the pleasure of the commission. The 3079
individual appointed as chief executive officer shall have high- 3080
level management experience in the public or private sector. The 3081
chief executive officer shall exercise complete operational, 3082
managerial, and instructional control of the district, which 3083
shall include, but shall not be limited to, the following powers 3084
and duties, but the chief executive officer may delegate, in 3085
writing, specific powers or duties to the district board or 3086
district superintendent: 3087

(a) Replacing school administrators and central office 3088
staff; 3089

(b) Assigning employees to schools and approving 3090
transfers; 3091

(c) Hiring new employees; 3092

(d) Defining employee responsibilities and job 3093
descriptions; 3094

(e) Establishing employee compensation; 3095

(f) Allocating teacher class loads; 3096

(g) Conducting employee evaluations; 3097

(h) Making reductions in staff under section 3319.17, 3098
3319.171, or 3319.172 of the Revised Code; 3099

(i) Setting the school calendar; 3100

(j) Creating a budget for the district;	3101
(k) Contracting for services for the district;	3102
(l) Modifying policies and procedures established by the district board;	3103 3104
(m) Establishing grade configurations of schools;	3105
(n) Determining the school curriculum;	3106
(o) Selecting instructional materials and assessments;	3107
(p) Setting class sizes;	3108
(q) Providing for staff professional development.	3109
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	3110 3111 3112 3113 3114 3115 3116
(D) The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high-quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high-quality school accelerator for schools not operated by the district. The accelerator shall promote high-quality schools in the district, lead improvement efforts for underperforming schools, recruit high-quality sponsors for community schools, attract new high-quality schools to the district, and increase the overall capacity of schools to deliver a high-quality education for students. Any accelerator shall be an independent entity and the	3117 3118 3119 3120 3121 3122 3123 3124 3125 3126 3127 3128

chief executive officer shall have no authority over the 3129
accelerator. 3130

(E) (1) Within thirty days after the chief executive 3131
officer is appointed, the chief executive officer shall convene 3132
a group of community stakeholders. The purpose of the group 3133
shall be to develop expectations for academic improvement in the 3134
district and to assist the district in building relationships 3135
with organizations in the community that can provide needed 3136
services to students. Members of the group shall include, but 3137
shall not be limited to, educators, civic and business leaders, 3138
and representatives of institutions of higher education and 3139
government service agencies. Within ninety days after the chief 3140
executive officer is appointed, the chief executive officer also 3141
shall convene a smaller group of community stakeholders for each 3142
school operated by the district to develop expectations for 3143
academic improvement in that school. The group convened for each 3144
school shall have teachers employed in the school and parents of 3145
students enrolled in the school among its members. 3146

(2) The chief executive officer shall create a plan to 3147
improve the district's academic performance. In creating the 3148
plan, the chief executive officer shall consult with the groups 3149
convened under division (E) (1) of this section. The chief 3150
executive officer also shall consider the availability of 3151
funding to ensure sustainability of the plan. The plan shall 3152
establish clear, measurable performance goals for the district 3153
and for each school operated by the district. The performance 3154
goals shall include, but not be limited to, the performance 3155
measures prescribed for report cards issued under section 3156
3302.03 of the Revised Code, as it existed prior to the 3157
effective date of this amendment, or section 3302.032 of the 3158
Revised Code. Within ninety days after the chief executive 3159

officer is appointed, the chief executive officer shall submit 3160
the plan to the academic distress commission for approval. 3161
Within thirty days after the submission of the plan, the 3162
commission shall approve the plan or suggest modifications to 3163
the plan that will render it acceptable. If the commission 3164
suggests modifications, the chief executive officer may revise 3165
the plan before resubmitting it to the commission. The chief 3166
executive officer shall resubmit the plan, whether revised or 3167
not, within fifteen days after the commission suggests 3168
modifications. The commission shall approve the plan within 3169
thirty days after the plan is resubmitted. Upon approval of the 3170
plan by the commission, the chief executive officer shall 3171
implement the plan. 3172

(F) Notwithstanding any provision to the contrary in 3173
Chapter 4117. of the Revised Code, if the district board has 3174
entered into, modified, renewed, or extended a collective 3175
bargaining agreement on or after ~~the effective date of this~~ 3176
~~section~~ October 15, 2015, that contains provisions relinquishing 3177
one or more of the rights or responsibilities listed in division 3178
(C) of section 4117.08 of the Revised Code, those provisions are 3179
not enforceable and the chief executive officer and the district 3180
board shall resume holding those rights or responsibilities as 3181
if the district board had not relinquished them in that 3182
agreement until such time as both the academic distress 3183
commission ceases to exist and the district board agrees to 3184
relinquish those rights or responsibilities in a new collective 3185
bargaining agreement. For purposes of this section, "collective 3186
bargaining agreement" shall include any labor contract or 3187
agreement in effect with any applicable bargaining 3188
representative. The chief executive officer and the district 3189
board are not required to bargain on subjects reserved to the 3190

management and direction of the school district, including, but 3191
not limited to, the rights or responsibilities listed in 3192
division (C) of section 4117.08 of the Revised Code. The way in 3193
which these subjects and these rights or responsibilities may 3194
affect the wages, hours, terms and conditions of employment, or 3195
the continuation, modification, or deletion of an existing 3196
provision of a collective bargaining agreement is not subject to 3197
collective bargaining or effects bargaining under Chapter 4117. 3198
of the Revised Code. The provisions of this paragraph apply to a 3199
collective bargaining agreement entered into, modified, renewed, 3200
or extended on or after ~~the effective date of this section~~ 3201
October 15, 2015, and those provisions are deemed to be part of 3202
that agreement regardless of whether the district satisfied the 3203
conditions prescribed in division (A) of this section at the 3204
time the district entered into that agreement. If the district 3205
board relinquished one or more of the rights or responsibilities 3206
listed in division (C) of section 4117.08 of the Revised Code in 3207
a collective bargaining agreement entered into prior to ~~the~~ 3208
~~effective date of this section~~ October 15, 2015, and had resumed 3209
holding those rights or responsibilities pursuant to division 3210
(K) of former section 3302.10 of the Revised Code, as it existed 3211
prior to that date, the district board shall continue to hold 3212
those rights or responsibilities until such time as both the new 3213
academic distress commission appointed under this section ceases 3214
to exist upon completion of the transition period specified in 3215
division (N) (1) of this section and the district board agrees to 3216
relinquish those rights or responsibilities in a new collective 3217
bargaining agreement. 3218

(G) In each school year that the district is subject to 3219
this section, the following shall apply: 3220

(1) The chief executive officer shall implement the 3221

improvement plan approved under division (E) (2) of this section 3222
and shall review the plan annually to determine if changes are 3223
needed. The chief executive officer may modify the plan upon the 3224
approval of the modifications by the academic distress 3225
commission. 3226

(2) The chief executive officer may implement innovative 3227
education programs to do any of the following: 3228

(a) Address the physical and mental well-being of students 3229
and their families; 3230

(b) Provide mentoring; 3231

(c) Provide job resources; 3232

(d) Disseminate higher education information; 3233

(e) Offer recreational or cultural activities; 3234

(f) Provide any other services that will contribute to a 3235
successful learning environment. 3236

The chief executive officer shall establish a separate 3237
fund to support innovative education programs and shall deposit 3238
any moneys appropriated by the general assembly for the purposes 3239
of division (G) (2) of this section in the fund. The chief 3240
executive officer shall have sole authority to disburse moneys 3241
from the fund until the district is no longer subject to this 3242
section. All disbursements shall support the improvement plan 3243
approved under division (E) (2) of this section. 3244

(3) If the district is not a school district in which the 3245
pilot project scholarship program is operating under sections 3246
3313.974 to 3313.979 of the Revised Code, each student who is 3247
entitled to attend school in the district under section 3313.64 3248
or 3313.65 of the Revised Code and is enrolled in a school 3249

operated by the district or in a community school, or will be 3250
both enrolling in any of grades kindergarten through twelve in 3251
this state for the first time and at least five years of age by 3252
the first day of January of the following school year, shall be 3253
eligible to participate in the educational choice scholarship 3254
pilot program established under sections 3310.01 to 3310.17 of 3255
the Revised Code and an application for the student may be 3256
submitted during the next application period. 3257

(4) Notwithstanding anything to the contrary in the 3258
Revised Code, the chief executive officer may limit, suspend, or 3259
alter any contract with an administrator that is entered into, 3260
modified, renewed, or extended by the district board on or after 3261
~~the effective date of this section~~ October 15, 2015, provided 3262
that the chief executive officer shall not reduce any salary or 3263
base hourly rate of pay unless such salary or base hourly rate 3264
reductions are part of a uniform plan affecting all district 3265
employees and shall not reduce any insurance benefits unless 3266
such insurance benefit reductions are also applicable generally 3267
to other employees of the district. 3268

(5) The chief executive officer shall represent the 3269
district board during any negotiations to modify, renew, or 3270
extend a collective bargaining agreement entered into by the 3271
board under Chapter 4117. of the Revised Code. 3272

(H) If the report card for the district has been issued 3273
under section 3302.03 of the Revised Code, as it existed prior 3274
to the effective date of this amendment, or section 3302.032 of 3275
the Revised Code for the first school year that the district is 3276
subject to this section and the district does not meet the 3277
qualification in division (N)(1) of this section, the following 3278
shall apply: 3279

(1) The chief executive officer may reconstitute any school operated by the district. The chief executive officer shall present to the academic distress commission a plan that lists each school designated for reconstitution and explains how the chief executive officer plans to reconstitute the school. The chief executive officer may take any of the following actions to reconstitute a school:

(a) Change the mission of the school or the focus of its curriculum;

(b) Replace the school's principal and/or administrative staff;

(c) Replace a majority of the school's staff, including teaching and nonteaching employees;

(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.

(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;

(f) Permanently close the school.

If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.

(2) Notwithstanding any provision to the contrary in 3308
Chapter 4117. of the Revised Code, the chief executive officer, 3309
in consultation with the chairperson of the academic distress 3310
commission, may reopen any collective bargaining agreement 3311
entered into, modified, renewed, or extended on or after ~~the~~ 3312
~~effective date of this section~~ October 15, 2015, for the purpose 3313
of renegotiating its terms. The chief executive officer shall 3314
have the sole discretion to designate any provisions of a 3315
collective bargaining agreement as subject to reopening by 3316
providing written notice to the bargaining representative. Any 3317
provisions designated for reopening by the chief executive 3318
officer shall be subject to collective bargaining as set forth 3319
in Chapter 4117. of the Revised Code. Any changes to the 3320
provisions subject to reopening shall take effect on the 3321
following first day of July or another date agreed to by the 3322
parties. The chief executive officer may reopen a collective 3323
bargaining agreement under division (H) (2) of this section as 3324
necessary to reconstitute a school under division (H) (1) of this 3325
section. 3326

(I) If the report card for the district has been issued 3327
under section 3302.03 of the Revised Code, as it existed prior 3328
to the effective date of this amendment, or section 3302.032 of 3329
the Revised Code for the second school year that the district is 3330
subject to this section and the district does not meet the 3331
qualification in division (N) (1) of this section, the following 3332
shall apply: 3333

(1) The chief executive officer may exercise any of the 3334
powers authorized under division (H) of this section. 3335

(2) Notwithstanding any provision to the contrary in 3336
Chapter 4117. of the Revised Code, the chief executive officer 3337

may limit, suspend, or alter any provision of a collective 3338
bargaining agreement entered into, modified, renewed, or 3339
extended on or after ~~the effective date of this section~~ October 3340
15, 2015, provided that the chief executive officer shall not 3341
reduce any base hourly rate of pay and shall not reduce any 3342
insurance benefits. The decision to limit, suspend, or alter any 3343
provision of a collective bargaining agreement under this 3344
division is not subject to bargaining under Chapter 4117. of the 3345
Revised Code; however, the chief executive officer shall have 3346
the discretion to engage in effects bargaining on the way any 3347
such decision may affect wages, hours, or terms and conditions 3348
of employment. The chief executive officer may limit, suspend, 3349
or alter a provision of a collective bargaining agreement under 3350
division (I) (2) of this section as necessary to reconstitute a 3351
school under division (H) (1) of this section. 3352

(J) If the report card for the district has been issued 3353
under section 3302.03 of the Revised Code, as it existed prior 3354
to the effective date of this amendment, or section 3302.032 of 3355
the Revised Code for the third school year that the district is 3356
subject to this section and the district does not meet the 3357
qualification in division (N) (1) of this section, the following 3358
shall apply: 3359

(1) The chief executive officer may exercise any of the 3360
powers authorized under division (H) or (I) of this section. 3361

(2) The chief executive officer may continue in effect a 3362
limitation, suspension, or alteration of a provision of a 3363
collective bargaining agreement issued under division (I) (2) of 3364
this section. Any such continuation shall be subject to the 3365
requirements and restrictions of that division. 3366

(K) If the report card for the district has been issued 3367

under section 3302.03 of the Revised Code, as it existed prior 3368
to the effective date of this amendment, or section 3302.032 of 3369
the Revised Code for the fourth school year that the district is 3370
subject to this section and the district does not meet the 3371
qualification in division (N)(1) of this section, the following 3372
shall apply: 3373

(1) The chief executive officer may exercise any of the 3374
powers authorized under division (H), (I), or (J) of this 3375
section. 3376

(2) A new board of education shall be appointed for the 3377
district in accordance with section 3302.11 of the Revised Code. 3378
However, the chief executive officer shall retain complete 3379
operational, managerial, and instructional control of the 3380
district until the chief executive officer relinquishes that 3381
control to the district board under division (N)(1) of this 3382
section. 3383

(L) If the report card for the district has been issued 3384
under section 3302.03 of the Revised Code, as it existed prior 3385
to the effective date of this amendment, or section 3302.032 of 3386
the Revised Code for the fifth school year, or any subsequent 3387
school year, that the district is subject to this section and 3388
the district does not meet the qualification in division (N)(1) 3389
of this section, the chief executive officer may exercise any of 3390
the powers authorized under division (H), (I), (J), or (K)(1) of 3391
this section. 3392

(M) If division (I), (J), (K), or (L) of this section 3393
applies to a district, community schools, STEM schools, 3394
chartered nonpublic schools, and other school districts that 3395
enroll students residing in the district and meet academic 3396
accountability standards shall be eligible to be paid an 3397

academic performance bonus in each fiscal year for which the 3398
general assembly appropriates funds for that purpose. The 3399
academic performance bonus is intended to give students residing 3400
in the district access to a high-quality education by 3401
encouraging high-quality schools to enroll those students. 3402

(N) (1) When a district subject to this section receives an 3403
overall grade of "C" or higher under division (C) (3) of section 3404
~~3302.03~~ 3302.032 of the Revised Code, the district shall begin 3405
its transition out of being subject to this section. Except as 3406
provided in division (N) (2) of this section, the transition 3407
period shall last until the district has received an overall 3408
grade higher than "F" under division (C) (3) of section ~~3302.03~~ 3409
3302.032 of the Revised Code for two consecutive school years 3410
after the transition period begins. The overall grade of "C" or 3411
higher that qualifies the district to begin the transition 3412
period shall not count as one of the two consecutive school 3413
years. During the transition period, the conditions described in 3414
divisions (F) to (L) of this section for the school year prior 3415
to the school year in which the transition period begins shall 3416
continue to apply and the chief executive officer shall work 3417
closely with the district board and district superintendent to 3418
increase their ability to resume control of the district and 3419
sustain the district's academic improvement over time. Upon 3420
completion of the transition period, the chief executive officer 3421
shall relinquish all operational, managerial, and instructional 3422
control of the district to the district board and district 3423
superintendent and the academic distress commission shall cease 3424
to exist. 3425

(2) If the district receives an overall grade of "F" under 3426
division (C) (3) of section ~~3302.03~~ 3302.032 of the Revised Code 3427
at any time during the transition period, the transition period 3428

shall end and the district shall be fully subject to this 3429
section again. The district shall resume being fully subject to 3430
this section at the point it began its transition out of being 3431
subject to this section and the division in divisions (H) to (L) 3432
of this section that would have applied to the district had the 3433
district not qualified to begin its transition under division 3434
(N) (1) of this section shall apply to the district. 3435

(O) If at any time there are no longer any schools 3436
operated by the district due to reconstitution or other closure 3437
of the district's schools under this section, the academic 3438
distress commission shall cease to exist and the chief executive 3439
officer shall cease to exercise any powers with respect to the 3440
district. 3441

(P) ~~Beginning on the effective date of this section~~ 3442
October 15, 2015, each collective bargaining agreement entered 3443
into by a school district board of education under Chapter 4117. 3444
of the Revised Code shall incorporate the provisions of this 3445
section. 3446

(Q) The chief executive officer, the members of the 3447
academic distress commission, the state superintendent, and any 3448
person authorized to act on behalf of or assist them shall not 3449
be personally liable or subject to any suit, judgment, or claim 3450
for damages resulting from the exercise of or failure to 3451
exercise the powers, duties, and functions granted to them in 3452
regard to their functioning under this section, but the chief 3453
executive officer, commission, state superintendent, and such 3454
other persons shall be subject to mandamus proceedings to compel 3455
performance of their duties under this section. 3456

(R) The state superintendent shall not exempt any district 3457
from this section by approving an application for an innovative 3458

education pilot program submitted by the district under section 3459
3302.07 of the Revised Code. 3460

Sec. 3302.12. (A) (1) Except as provided in divisions (C) 3461
and (D) of this section, this section applies to a school 3462
building that is ranked according to performance index score 3463
under section 3302.21 of the Revised Code in the lowest five per 3464
cent of public school buildings statewide for three consecutive 3465
years and that meets any combination of the following for three 3466
consecutive years: 3467

(a) The school building is declared to be under an 3468
academic watch or in a state of academic emergency under section 3469
3302.03 of the Revised Code as it existed prior to March 22, 3470
2013; 3471

(b) The school building that has received a grade of "F" 3472
for the value-added progress dimension under division (A) (1) (e), 3473
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code, 3474
as it existed prior to the effective date of this amendment, or 3475
section 3302.032 of the Revised Code; 3476

(c) The school building that has received an overall grade 3477
of "F" under section 3302.03 of the Revised Code, as it existed 3478
prior to the effective date of this amendment, or section 3479
3302.032 of the Revised Code. 3480

(2) In the case of a building to which this section 3481
applies, the district board of education in control of that 3482
building shall do one of the following at the conclusion of the 3483
school year in which the building first becomes subject to this 3484
section: 3485

(a) Close the school and direct the district 3486
superintendent to reassign the students enrolled in the school 3487

to other school buildings that demonstrate higher academic 3488
achievement; 3489

(b) Contract with another school district or a nonprofit 3490
or for-profit entity with a demonstrated record of effectiveness 3491
to operate the school; 3492

(c) Replace the principal and all teaching staff of the 3493
school and, upon request from the new principal, exempt the 3494
school from all requested policies and regulations of the board 3495
regarding curriculum and instruction. The board also shall 3496
distribute funding to the school in an amount that is at least 3497
equal to the product of the per pupil amount of state and local 3498
revenues received by the district multiplied by the student 3499
population of the school. 3500

(d) Reopen the school as a conversion community school 3501
under Chapter 3314. of the Revised Code. 3502

(B) If an action taken by the board under division (A) (2) 3503
of this section causes the district to no longer maintain all 3504
grades kindergarten through twelve, as required by section 3505
3311.29 of the Revised Code, the board shall enter into a 3506
contract with another school district pursuant to section 3507
3327.04 of the Revised Code for enrollment of students in the 3508
schools of that other district to the extent necessary to comply 3509
with the requirement of section 3311.29 of the Revised Code. 3510
Notwithstanding any provision of the Revised Code to the 3511
contrary, if the board enters into and maintains a contract 3512
under section 3327.04 of the Revised Code, the district shall 3513
not be considered to have failed to comply with the requirement 3514
of section 3311.29 of the Revised Code. If, however, the 3515
district board fails to or is unable to enter into or maintain 3516
such a contract, the state board of education shall take all 3517

necessary actions to dissolve the district as provided in 3518
division (A) of section 3311.29 of the Revised Code. 3519

(C) If a particular school is required to restructure 3520
under this section and a petition with respect to that same 3521
school has been filed and verified under divisions (B) and (C) 3522
of section 3302.042 of the Revised Code, the provisions of that 3523
section and the petition filed and verified under it shall 3524
prevail over the provisions of this section and the school shall 3525
be restructured under that section. However, if division (D)(1), 3526
(2), or (3) of section 3302.042 of the Revised Code also applies 3527
to the school, the school shall be subject to restructuring 3528
under this section and not section 3302.042 of the Revised Code. 3529

If the provisions of this section conflict in any way with 3530
the requirements of federal law, federal law shall prevail over 3531
the provisions of this section. 3532

(D) If a school is restructured under this section, 3533
section 3302.042 or 3302.10 of the Revised Code, or federal law, 3534
the school shall not be required to restructure again under 3535
state law for three consecutive years after the implementation 3536
of that prior restructuring. 3537

Sec. 3302.13. (A) This section applies to any school 3538
district or community school that meets both of the following 3539
criteria, as reported on the past two consecutive report cards 3540
issued for that district or school under section 3302.03 of the 3541
Revised Code, as it existed prior to the effective date of this 3542
amendment, or section 3302.032 of the Revised Code: 3543

(1) The district or school received a grade of "D" or "F" 3544
on the kindergarten through third-grade literacy progress 3545
measure under division (C) (3) (e) of section 3302.03 or 3302.032 3546

of the Revised Code. 3547

(2) Less than sixty per cent of the district's students 3548
who took the third grade English language arts assessment 3549
prescribed under section 3301.0710 of the Revised Code for that 3550
school year attained at least a proficient score on that 3551
assessment. 3552

(B) By ~~December 31, 2016, and by the~~ thirty-first day of 3553
each ~~December thereafter~~, any school district or community 3554
school that meets the criteria set forth in division (A) of this 3555
section shall submit to the department of education a school or 3556
district reading achievement improvement plan, which shall 3557
include all requirements prescribed by the state board of 3558
education pursuant to division (C) of this section. 3559

(C) Not later than December 31, 2014, the state board 3560
shall adopt rules in accordance with Chapter 119. of the Revised 3561
Code prescribing the content of and deadlines for the reading 3562
achievement improvement plans required under division (B) of 3563
this section. The rules shall prescribe that each plan include, 3564
at a minimum, an analysis of relevant student performance data, 3565
measurable student performance goals, strategies to meet 3566
specific student needs, a staffing and professional development 3567
plan, and instructional strategies for improving literacy. 3568

(D) Any school district or community school to which this 3569
section applies shall no longer be required to submit an 3570
improvement plan pursuant to division (B) of this section when 3571
that district or school meets either of the following criteria, 3572
as reported on the most recent report card issued for that 3573
district or school under section 3302.03 of the Revised Code, as 3574
it existed prior to the effective date of this amendment, or 3575
section 3302.032 of the Revised Code: 3576

(1) The district or school received a grade of "C" or higher on the kindergarten through third-grade literacy progress measure under division (C) (3) (e) of section 3302.03 or 3302.032 of the Revised Code.

(2) Not less than sixty per cent of the district's students who took the third grade English language arts assessment prescribed under section 3301.0710 of the Revised Code for that school year attained at least a proficient score on that assessment.

(E) The department of education shall post in a prominent location on its web site all plans submitted pursuant to this section.

Sec. 3302.15. (A) Notwithstanding anything to the contrary in Chapter 3301. or 3302. of the Revised Code, the board of education of a school district, governing authority of a community school established under Chapter 3314. of the Revised Code, or governing body of a STEM school established under Chapter 3326. of the Revised Code may submit to the superintendent of public instruction, during the 2015-2016 school year, a request for a waiver for up to five school years from administering the state achievement assessments required under sections 3301.0710 and 3301.0712 of the Revised Code and related requirements specified under division (B) (2) of this section. A district or school that obtains a waiver under this section shall use the alternative assessment system, as proposed by the district or school and as approved by the state superintendent, in place of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code.

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

(a) A timeline to develop and implement an alternative assessment system for the district or school;	3607 3608
(b) An overview of the proposed innovative educational programs or strategies to be offered by the district or school;	3609 3610
(c) An overview of the proposed alternative assessment system;	3611 3612
(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners;	3613 3614 3615 3616 3617 3618
(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section 3302.03 <u>3302.032</u> of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;	3619 3620 3621 3622 3623 3624 3625 3626
(f) An acknowledgement by the district or school of federal funding that may be impacted by obtaining a waiver.	3627 3628
(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a district or school may be exempt are as follows:	3629 3630 3631 3632 3633 3634
(a) The required administration of state assessments under	3635

sections 3301.0710 and 3301.0712 of the Revised Code; 3636

(b) The evaluation of teachers and administrators under 3637
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 3638
of the Revised Code; 3639

(c) The reporting of student achievement data for the 3640
purpose of the report card ratings prescribed under section 3641
~~3302.03~~ 3302.032 of the Revised Code. 3642

(C) Each request for a waiver shall include the signature 3643
of all of the following: 3644

(1) The superintendent of the school district or the 3645
equivalent for a community school or STEM school; 3646

(2) The president of the district board or the equivalent 3647
for a community school or STEM school; 3648

(3) The presiding officer of the labor organization 3649
representing the district's or school's teachers, if any; 3650

(4) If the district's or school's teachers are not 3651
represented by a labor organization, the principal and a 3652
majority of the administrators and teachers of the district or 3653
school. 3654

(D) Upon receipt of a request for a waiver, the state 3655
superintendent shall approve or deny the waiver or may request 3656
additional information from the district or school. The state 3657
superintendent shall not grant waivers to more than a total of 3658
ten districts, community schools, or STEM schools, based on 3659
requests for a waiver received during the 2015-2016 school year. 3660
A waiver granted to a district or school shall be contingent on 3661
an ongoing review and evaluation by the state superintendent of 3662
the program for which the waiver was granted. 3663

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

(2) The department shall create a mechanism for the comparison of the alternative assessments prescribed under division (B) of this section and the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings.

(F) For purposes of this section, "innovative educational program or strategy" means a program or strategy using a new idea or method aimed at increasing student engagement and preparing students to be college or career ready.

Sec. 3302.151. (A) Notwithstanding anything to the contrary in the Revised Code, a school district that qualifies under division (D) of this section shall be exempt from all of the following:

(1) The teacher qualification requirements under the third-grade reading guarantee, as prescribed under divisions (B) (3) (c) and (H) of section 3313.608 of the Revised Code. This exemption does not relieve a teacher from holding a valid Ohio license in a subject area and grade level determined appropriate by the board of education of that district.

(2) The mentoring component of the Ohio teacher residency program established under division (A) (1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

(3) Any provision of the Revised Code or rule or standard

of the state board of education prescribing a minimum or maximum 3693
class size; 3694

(4) Any provision of the Revised Code or rule or standard 3695
of the state board requiring teachers to be licensed 3696
specifically in the grade level in which they are teaching, 3697
except unless otherwise prescribed by federal law. This 3698
exemption does not apply to special education teachers. Nor does 3699
this exemption relieve a teacher from holding a valid Ohio 3700
license in the subject area in which that teacher is teaching 3701
and at least some grade level determined appropriate by the 3702
district board. 3703

(B) (1) Notwithstanding anything to the contrary in the 3704
Revised Code, including sections 3319.30 and 3319.36 of the 3705
Revised Code, the superintendent of a school district that 3706
qualifies under division (D) of this section may employ an 3707
individual who is not licensed as required by sections 3319.22 3708
to 3319.30 of the Revised Code, but who is otherwise qualified 3709
based on experience, to teach classes in the district, so long 3710
as the board of education of the school district approves the 3711
individual's employment and provides mentoring and professional 3712
development opportunities to that individual, as determined 3713
necessary by the board. 3714

(2) As a condition of employment under this section, an 3715
individual shall be subject to a criminal records check as 3716
prescribed by section 3319.391 of the Revised Code. In the 3717
manner prescribed by the department of education, the individual 3718
shall submit the criminal records check to the department and 3719
shall register with the department during the period in which 3720
the individual is employed by the district. The department shall 3721
use the information submitted to enroll the individual in the 3722

retained applicant fingerprint database, established under 3723
section 109.5721 of the Revised Code, in the same manner as any 3724
teacher licensed under sections 3319.22 to 3319.31 of the 3725
Revised Code. 3726

(3) An individual employed pursuant to this division is 3727
subject to Chapter 3307. of the Revised Code. 3728

If the department receives notification of the arrest or 3729
conviction of an individual employed under division (B) of this 3730
section, the department shall promptly notify the employing 3731
district and may take any action authorized under sections 3732
3319.31 and 3319.311 of the Revised Code that it considers 3733
appropriate. No district shall employ any individual under 3734
division (B) of this section if the district learns that the 3735
individual has plead guilty to, has been found guilty by a jury 3736
or court of, or has been convicted of any of the offenses listed 3737
in division (C) of section 3319.31 of the Revised Code. 3738

(C) Notwithstanding anything to the contrary in the 3739
Revised Code, noncompliance with any of the requirements listed 3740
in divisions (A) or (B) of this section shall not disqualify a 3741
school district that qualifies under division (D) of this 3742
section from receiving funds under Chapter 3317. of the Revised 3743
Code. 3744

(D) In order for a city, local, or exempted village school 3745
district to qualify for the exemptions described in this 3746
section, the school district shall meet all of the following 3747
benchmarks on the most recent report card issued for that 3748
district under section ~~3302.03~~ 3302.032 of the Revised Code: 3749

(1) The district received at least eighty-five per cent of 3750
the total possible points for the performance index score 3751

calculated under division (C) (1) (b) of that section; 3752

(2) The district received a grade of an "A" for 3753
performance indicators met under division (C) (1) (c) of that 3754
section; 3755

(3) The district has a four-year adjusted cohort 3756
graduation rate of at least ninety-three per cent and a five- 3757
year adjusted cohort graduation rate of at least ninety-five per 3758
cent, as calculated under division (C) (1) (d) of that section. 3759

(E) A school district that meets the requirements 3760
prescribed by division (D) of this section shall be qualified 3761
for the exemptions prescribed by this section for three school 3762
years, beginning with the school year in which the qualifying 3763
report card is issued. 3764

(F) As used in this section, "license" has the same 3765
meaning as in section 3319.31 of the Revised Code. 3766

Sec. 3302.21. (A) The department of education shall 3767
develop a system to rank order all city, exempted village, and 3768
local school districts, community schools established under 3769
Chapter 3314. of the Revised Code except those community schools 3770
to which section 3314.017 of the Revised Code applies, and STEM 3771
schools established under Chapter 3326. of the Revised Code 3772
according to the following measures: 3773

(1) Performance index score for each school district, 3774
community school, and STEM school and for each separate building 3775
of a district, community school, or STEM school. For districts, 3776
schools, or buildings to which the performance index score does 3777
not apply, the superintendent of public instruction may develop 3778
another measure of student academic performance based on similar 3779
data and performance measures if appropriate and use that 3780

measure to include those buildings in the ranking so that 3781
districts, schools, and buildings may be reliably compared to 3782
each other. 3783

(2) Student performance growth from year to year, using 3784
the value-added progress dimension, if applicable, and other 3785
measures of student performance growth designated by the 3786
superintendent of public instruction for subjects and grades not 3787
covered by the value-added progress dimension or the alternative 3788
student academic progress measure if adopted under division (C) 3789
(1) (e) of section ~~3302.03~~ 3302.032 of the Revised Code; 3790

(3) Current operating expenditure per equivalent pupils as 3791
defined in section 3302.26 of the Revised Code; 3792

(4) Of total current operating expenditures, percentage 3793
spent for classroom instruction as determined under standards 3794
adopted by the state board under section 3302.20 of the Revised 3795
Code; 3796

(5) Performance of, and opportunities provided to, 3797
students identified as gifted using value-added progress 3798
dimensions, if applicable, and other relevant measures as 3799
designated by the superintendent of public instruction. 3800

The department shall rank each district, each community 3801
school except a community school to which section 3314.017 of 3802
the Revised Code applies, and each STEM school annually in 3803
accordance with the system developed under this section. 3804

(B) ~~In addition to the reports required by sections~~ 3805
~~3302.03 and 3302.031 of the Revised Code, not~~ Not later than the 3806
first day of September each year, the department shall issue a 3807
report for each city, exempted village, and local school 3808
district, each community school except a community school to 3809

which section 3314.017 of the Revised Code applies, and each 3810
STEM school indicating the district's or school's rank on each 3811
measure described in divisions (A) (1) to (4) of this section, 3812
including each separate building's rank among all public school 3813
buildings according to performance index score under division 3814
(A) (1) of this section. 3815

Sec. 3302.22. (A) The governor's effective and efficient 3816
schools recognition program is hereby created. Each year, the 3817
governor shall recognize, in a manner deemed appropriate by the 3818
governor, the top ten per cent of all public schools in this 3819
state, including city, exempted village, and local school 3820
districts, joint vocational school districts, community schools 3821
established under Chapter 3314., and STEM schools established 3822
under Chapter 3326. of the Revised Code. 3823

(B) The top ten per cent of schools shall be determined by 3824
the department of education according to standards established 3825
by the department, in consultation with the governor's office of 3826
21st century education. The standards for recognition for each 3827
type of school may vary depending upon the unique 3828
characteristics of that type of school. The standards shall 3829
include, but need not be limited to, both of the following, 3830
provided that sufficient data is available for each school: 3831

(1) Student performance, as determined by factors that may 3832
include, but not be limited to, performance indicators under 3833
section 3302.02 of the Revised Code, report cards issued under 3834
~~section~~ sections 3302.03 and 3302.032 of the Revised Code, 3835
performance index score rankings under section 3302.21 of the 3836
Revised Code, and any other statewide or national assessment or 3837
student performance recognition program the department selects; 3838

(2) Fiscal performance, which may include cost-effective 3839

measures taken by the school. 3840

(C) If applicable, the standards under divisions (B) (1) 3841
and (2) of this section may be applied at the school building or 3842
district level, depending upon the quality and availability of 3843
data. 3844

Sec. 3310.03. A student is an "eligible student" for 3845
purposes of the educational choice scholarship pilot program if 3846
the student's resident district is not a school district in 3847
which the pilot project scholarship program is operating under 3848
sections 3313.974 to 3313.979 of the Revised Code and the 3849
student satisfies one of the conditions in division (A), (B), 3850
(C), (D), or (E) of this section: 3851

(A) (1) The student is enrolled in a school building 3852
operated by the student's resident district that, on the report 3853
card issued under section 3302.03 of the Revised Code, as it 3854
existed prior to the effective date of this amendment, or 3855
section 3302.032 of the Revised Code published prior to the 3856
first day of July of the school year for which a scholarship is 3857
sought, did not receive a rating as described in division (H) of 3858
this section, and to which any or a combination of any of the 3859
following apply for two of the three most recent report cards 3860
published prior to the first day of July of the school year for 3861
which a scholarship is sought: 3862

(a) The building was declared to be in a state of academic 3863
emergency or academic watch under section 3302.03 of the Revised 3864
Code as that section existed prior to March 22, 2013. 3865

(b) The building received a grade of "D" or "F" for the 3866
performance index score under division (A) (1) (b) or (B) (1) (b) of 3867
section 3302.03 of the Revised Code, as it existed prior to the 3868

effective date of this amendment, and for the value-added 3869
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 3870
section ~~3302.03 of the Revised Code~~ for the 2012-2013, 2013- 3871
2014, 2014-2015, or 2015-2016 school year; or if the building 3872
serves only grades ten through twelve, the building received a 3873
grade of "D" or "F" for the performance index score under 3874
division (A) (1) (b) or (B) (1) (b) of that section ~~3302.03 of the~~ 3875
~~Revised Code~~ and had a four-year adjusted cohort graduation rate 3876
of less than seventy-five per cent. 3877

(c) The building received an overall grade of "D" or "F" 3878
under division (C) (3) of section 3302.03 of the Revised Code, as 3879
it existed prior to the effective date of this amendment, or 3880
section 3302.032 of the Revised Code or a grade of "F" for the 3881
value-added progress dimension under division (C) (1) (e) of 3882
either section ~~3302.03 of the Revised Code~~ for the 2016-2017 3883
school year or any school year thereafter. 3884

(2) The student will be enrolling in any of grades 3885
kindergarten through twelve in this state for the first time in 3886
the school year for which a scholarship is sought, will be at 3887
least five years of age by the first day of January of the 3888
school year for which a scholarship is sought, and otherwise 3889
would be assigned under section 3319.01 of the Revised Code in 3890
the school year for which a scholarship is sought, to a school 3891
building described in division (A) (1) of this section. 3892

(3) The student is enrolled in a community school 3893
established under Chapter 3314. of the Revised Code but 3894
otherwise would be assigned under section 3319.01 of the Revised 3895
Code to a building described in division (A) (1) of this section. 3896

(4) The student is enrolled in a school building operated 3897
by the student's resident district or in a community school 3898

established under Chapter 3314. of the Revised Code and 3899
otherwise would be assigned under section 3319.01 of the Revised 3900
Code to a school building described in division (A) (1) of this 3901
section in the school year for which the scholarship is sought. 3902

(5) The student will be both enrolling in any of grades 3903
kindergarten through twelve in this state for the first time and 3904
at least five years of age by the first day of January of the 3905
school year for which a scholarship is sought, or is enrolled in 3906
a community school established under Chapter 3314. of the 3907
Revised Code, and all of the following apply to the student's 3908
resident district: 3909

(a) The district has in force an intradistrict open 3910
enrollment policy under which no student in the student's grade 3911
level is automatically assigned to a particular school building; 3912

(b) In the most recent rating published prior to the first 3913
day of July of the school year for which scholarship is sought, 3914
the district did not receive a rating described in division (H) 3915
of this section, and in at least two of the three most recent 3916
report cards published prior to the first day of July of that 3917
school year, any or a combination of the following apply to the 3918
district: 3919

(i) The district was declared to be in a state of academic 3920
emergency under section 3302.03 of the Revised Code as it 3921
existed prior to March 22, 2013. 3922

(ii) The district received a grade of "D" or "F" for the 3923
performance index score under division (A) (1) (b) or (B) (1) (b) of 3924
section 3302.03 of the Revised Code, as it existed prior to the 3925
effective date of this amendment, and for the value-added 3926
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 3927

section ~~3302.03~~ of the Revised Code for the 2012-2013, 2013- 3928
2014, 2014-2015, or 2015-2016 school year. 3929

(c) The district received an overall grade of "D" or "F" 3930
under division (C) (3) of section 3302.03 of the Revised Code, as 3931
it existed prior to the effective date of this amendment, or 3932
section 3302.032 of the Revised Code or a grade of "F" for the 3933
value-added progress dimension under division (C) (1) (e) of 3934
either section ~~3302.03~~ of the Revised Code for the 2016-2017 3935
school year or any school year thereafter. 3936

(6) Beginning in the 2016-2017 school year, the student is 3937
enrolled in or will be enrolling in a building in the school 3938
year for which the scholarship is sought that serves any of 3939
grades nine through twelve and that received a grade of "D" or 3940
"F" for the four-year adjusted cohort graduation rate under 3941
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 3942
of the Revised Code, as it existed prior to the effective date 3943
of this amendment, or section 3302.032 of the Revised Code in 3944
two of the three most recent report cards published prior to the 3945
first day of July of the school year for which a scholarship is 3946
sought. 3947

(B) (1) The student is enrolled in a school building 3948
operated by the student's resident district and to which both of 3949
the following apply: 3950

(a) The building was ranked, for at least two of the three 3951
most recent rankings prior to the first day of July of the 3952
school year for which a scholarship is sought, in the lowest ten 3953
per cent of all buildings operated by city, local, and exempted 3954
village school districts according to performance index score as 3955
determined by the department of education. 3956

(b) The building was not declared to be excellent or 3957
effective, or the equivalent of such ratings as determined by 3958
the department, under section 3302.03 of the Revised Code, as it 3959
existed prior to the effective date of this amendment, or 3960
section 3302.032 of the Revised Code in the most recent rating 3961
published prior to the first day of July of the school year for 3962
which a scholarship is sought. 3963

(2) The student will be enrolling in any of grades 3964
kindergarten through twelve in this state for the first time in 3965
the school year for which a scholarship is sought, will be at 3966
least five years of age, as defined in section 3321.01 of the 3967
Revised Code, by the first day of January of the school year for 3968
which a scholarship is sought, and otherwise would be assigned 3969
under section 3319.01 of the Revised Code in the school year for 3970
which a scholarship is sought, to a school building described in 3971
division (B)(1) of this section. 3972

(3) The student is enrolled in a community school 3973
established under Chapter 3314. of the Revised Code but 3974
otherwise would be assigned under section 3319.01 of the Revised 3975
Code to a building described in division (B)(1) of this section. 3976

(4) The student is enrolled in a school building operated 3977
by the student's resident district or in a community school 3978
established under Chapter 3314. of the Revised Code and 3979
otherwise would be assigned under section 3319.01 of the Revised 3980
Code to a school building described in division (B)(1) of this 3981
section in the school year for which the scholarship is sought. 3982

(C) The student is enrolled in a nonpublic school at the 3983
time the school is granted a charter by the state board of 3984
education under section 3301.16 of the Revised Code and the 3985
student meets the standards of division (B) of section 3310.031 3986

of the Revised Code. 3987

(D) For the 2016-2017 school year and each school year 3988
thereafter, the student is in any of grades kindergarten through 3989
three, is enrolled in a school building that is operated by the 3990
student's resident district or will be enrolling in any of 3991
grades kindergarten through twelve in this state for the first 3992
time in the school year for which a scholarship is sought, and 3993
to which both of the following apply: 3994

(1) The building, in at least two of the three most recent 3995
ratings of school buildings published prior to the first day of 3996
July of the school year for which a scholarship is sought, 3997
received a grade of "D" or "F" for making progress in improving 3998
literacy in grades kindergarten through three under division (B) 3999
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code, as 4000
it existed prior to the effective date of this amendment, or 4001
section 3302.032 of the Revised Code; 4002

(2) The building did not receive a grade of "A" for making 4003
progress in improving literacy in grades kindergarten through 4004
three under division (B) (1) (g) or (C) (1) (g) of section ~~3302.03~~ 4005
3302.032 of the Revised Code in the most recent rating published 4006
prior to the first day of July of the school year for which a 4007
scholarship is sought. 4008

(E) The student's resident district is subject to section 4009
3302.10 of the Revised Code and the student either: 4010

(1) Is enrolled in a school building operated by the 4011
resident district or in a community school established under 4012
Chapter 3314. of the Revised Code; 4013

(2) Will be both enrolling in any of grades kindergarten 4014
through twelve in this state for the first time and at least 4015

five years of age by the first day of January of the school year 4016
for which a scholarship is sought. 4017

(F) A student who receives a scholarship under the 4018
educational choice scholarship pilot program remains an eligible 4019
student and may continue to receive scholarships in subsequent 4020
school years until the student completes grade twelve, so long 4021
as all of the following apply: 4022

(1) The student's resident district remains the same, or 4023
the student transfers to a new resident district and otherwise 4024
would be assigned in the new resident district to a school 4025
building described in division (A) (1), (B) (1), (D), or (E) of 4026
this section. 4027

(2) Except as provided in divisions (K) (1) and (L) of 4028
section 3301.0711 of the Revised Code, the student takes each 4029
assessment prescribed for the student's grade level under 4030
section 3301.0710 or 3301.0712 of the Revised Code while 4031
enrolled in a chartered nonpublic school. 4032

(3) In each school year that the student is enrolled in a 4033
chartered nonpublic school, the student is absent from school 4034
for not more than twenty days that the school is open for 4035
instruction, not including excused absences. 4036

(G) (1) The department shall cease awarding first-time 4037
scholarships pursuant to divisions (A) (1) to (4) of this section 4038
with respect to a school building that, in the most recent 4039
ratings of school buildings published under section 3302.03 of 4040
the Revised Code, as it existed prior to the effective date of 4041
this amendment, or section 3302.032 of the Revised Code prior to 4042
the first day of July of the school year, ceases to meet the 4043
criteria in division (A) (1) of this section. The department 4044

shall cease awarding first-time scholarships pursuant to 4045
division (A) (5) of this section with respect to a school 4046
district that, in the most recent ratings of school districts 4047
published under section ~~3302.03~~ 3302.032 of the Revised Code 4048
prior to the first day of July of the school year, ceases to 4049
meet the criteria in division (A) (5) of this section. 4050

(2) The department shall cease awarding first-time 4051
scholarships pursuant to divisions (B) (1) to (4) of this section 4052
with respect to a school building that, in the most recent 4053
ratings of school buildings under section 3302.03 of the Revised 4054
Code, as it existed prior to the effective date of this 4055
amendment, or section 3302.032 of the Revised Code prior to the 4056
first day of July of the school year, ceases to meet the 4057
criteria in division (B) (1) of this section. 4058

(3) The department shall cease awarding first-time 4059
scholarships pursuant to division (D) of this section with 4060
respect to a school building that, in the most recent ratings of 4061
school buildings under section 3302.03 or 3302.032 of the 4062
Revised Code prior to the first day of July of the school year, 4063
ceases to meet the criteria in division (D) of this section. 4064

(4) The department shall cease awarding first-time 4065
scholarships pursuant to division (E) of this section with 4066
respect to a school district subject to section 3302.10 of the 4067
Revised Code when the academic distress commission established 4068
for the district ceases to exist. 4069

(5) However, students who have received scholarships in 4070
the prior school year remain eligible students pursuant to 4071
division (F) of this section. 4072

(H) The state board of education shall adopt rules 4073

defining excused absences for purposes of division (F) (3) of 4074
this section. 4075

(I) (1) A student who satisfies only the conditions 4076
prescribed in divisions (A) (1) to (4) of this section shall not 4077
be eligible for a scholarship if the student's resident building 4078
meets any of the following in the most recent rating under 4079
section 3302.03 of the Revised Code, as it existed prior to the 4080
effective date of this amendment, or section 3302.032 of the 4081
Revised Code published prior to the first day of July of the 4082
school year for which a scholarship is sought: 4083

(a) The building has an overall designation of excellent 4084
or effective under section 3302.03 of the Revised Code as it 4085
existed prior to March 22, 2013. 4086

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 4087
school year, the building has a grade of "A" or "B" for the 4088
performance index score under division (A) (1) (b) or (B) (1) (b) of 4089
section 3302.03 of the Revised Code, as it existed prior to the 4090
effective date of this amendment, and for the value-added 4091
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 4092
section 3302.03 of the Revised Code; or if the building serves 4093
only grades ten through twelve, the building received a grade of 4094
"A" or "B" for the performance index score under division (A) (1) 4095
(b) or (B) (1) (b) of that ~~section 3302.03 of the Revised Code~~ and 4096
had a four-year adjusted cohort graduation rate of greater than 4097
or equal to seventy-five per cent. 4098

(c) For the 2016-2017 school year or any school year 4099
thereafter, the building has a grade of "A" or "B" under 4100
division (C) (3) of section 3302.03 of the Revised Code, as it 4101
existed prior to the effective date of this amendment, or 4102
section 3302.032 of the Revised Code and a grade of "A" for the 4103

value-added progress dimension under division (C) (1) (e) of 4104
either section 3302.03 of the Revised Code; or if the building 4105
serves only grades ten through twelve, the building received a 4106
grade of "A" or "B" for the performance index score under 4107
division (C) (1) (b) of either section 3302.03 of the Revised Code 4108
and had a four-year adjusted cohort graduation rate of greater 4109
than or equal to seventy-five per cent. 4110

(2) A student who satisfies only the conditions prescribed 4111
in division (A) (5) of this section shall not be eligible for a 4112
scholarship if the student's resident district meets any of the 4113
following in the most recent rating under section 3302.03 of the 4114
Revised Code, as it existed prior to the effective date of this 4115
amendment, or section 3302.032 of the Revised Code published 4116
prior to the first day of July of the school year for which a 4117
scholarship is sought: 4118

(a) The district has an overall designation of excellent 4119
or effective under section 3302.03 of the Revised Code as it 4120
existed prior to March 22, 2013. 4121

(b) The district has a grade of "A" or "B" for the 4122
performance index score under division (A) (1) (b) or (B) (1) (b) of 4123
section 3302.03 of the Revised Code, as it existed prior to the 4124
effective date of this amendment, and for the value-added 4125
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 4126
section ~~3302.03 of the Revised Code~~ for the 2012-2013, 2013- 4127
2014, 2014-2015, and 2015-2016 school years. 4128

(c) The district has an overall grade of "A" or "B" under 4129
division (C) (3) of section 3302.03 of the Revised Code, as it 4130
existed prior to the effective date of this amendment, or 4131
section 3302.032 of the Revised Code and a grade of "A" for the 4132
value-added progress dimension under division (C) (1) (e) of 4133

either section ~~3302.03~~ of the Revised Code for the 2016-2017 4134
school year or any school year thereafter. 4135

Sec. 3311.741. (A) This section applies only to a 4136
municipal school district in existence on July 1, 2012. 4137

(B) Not later than December 1, 2012, the board of 4138
education of each municipal school district to which this 4139
section applies shall submit to the superintendent of public 4140
instruction an array of measures to be used in evaluating the 4141
performance of the district. The measures shall assess at least 4142
overall student achievement, student progress over time, the 4143
achievement and progress over time of each of the applicable 4144
categories of students described in section 3302.03 and division 4145
(F) of section ~~3302.03~~ 3302.032 of the Revised Code, and college 4146
and career readiness. The state superintendent shall approve or 4147
disapprove the measures by January 15, 2013. If the measures are 4148
disapproved, the state superintendent shall recommend 4149
modifications that will make the measures acceptable. 4150

(C) Beginning with the 2012-2013 school year, the board 4151
annually shall establish goals for improvement on each of the 4152
measures approved under division (B) of this section. The school 4153
district's performance data for the 2011-2012 school year shall 4154
be used as a baseline for determining improvement. 4155

(D) Not later than October 1, 2013, and by the first day 4156
of October each year thereafter, the board shall issue a report 4157
describing the school district's performance for the previous 4158
school year on each of the measures approved under division (B) 4159
of this section and whether the district has met each of the 4160
improvement goals established for that year under division (C) 4161
of this section. The board shall provide the report to the 4162
governor, the superintendent of public instruction, and, in 4163

accordance with section 101.68 of the Revised Code, the general 4164
assembly. 4165

(E) Not later than November 15, 2017, the superintendent 4166
of public instruction shall evaluate the school district's 4167
performance based on the measures approved under division (B) of 4168
this section and shall issue a report to the governor and 4169
general assembly. 4170

Sec. 3311.80. Notwithstanding any provision of the Revised 4171
Code to the contrary, a municipal school district shall be 4172
subject to this section instead of section 3319.111 of the 4173
Revised Code. 4174

(A) ~~Not later than July 1, 2013, the~~ The board of 4175
education of each municipal school district and the teachers' 4176
labor organization shall develop and adopt standards-based 4177
teacher evaluation procedures that conform with the framework 4178
for evaluation of teachers developed under section 3319.112 of 4179
the Revised Code. The evaluation procedures shall include at 4180
least formal observations and classroom ~~walk-~~ 4181
~~throughs~~ walkthroughs, which may be announced or unannounced; 4182
examinations of samples of work, such as lesson plans or 4183
assessments designed by a teacher; and multiple measures of 4184
student academic growth. 4185

(B) When using measures of student academic growth as a 4186
component of a teacher's evaluation, those measures shall 4187
include the value-added progress dimension prescribed by section 4188
3302.021 of the Revised Code or the alternative student academic 4189
progress measure if adopted under division (C)(1)(e) of section 4190
~~3302.03~~ 3302.032 of the Revised Code. For teachers of grade 4191
levels and subjects for which the value-added progress dimension 4192
or alternative student academic achievement measure is not 4193

applicable, the board shall administer assessments on the list 4194
developed under division (B) (2) of section 3319.112 of the 4195
Revised Code. 4196

(C) (1) Each teacher employed by the board shall be 4197
evaluated at least once each school year, except as provided in 4198
division (C) (2) of this section. The composite evaluation shall 4199
be completed not later than the first day of June and the 4200
teacher shall receive a written report of the results of the 4201
composite evaluation not later than ten days after its 4202
completion or the last teacher work day of the school year, 4203
whichever is earlier. 4204

(2) Each teacher who received a rating of accomplished on 4205
the teacher's most recent evaluation conducted under this 4206
section may be evaluated once every two school years, except 4207
that the teacher shall be evaluated in any school year in which 4208
the teacher's contract is due to expire. The biennial composite 4209
evaluation shall be completed not later than the first day of 4210
June of the applicable school year, and the teacher shall 4211
receive a written report of the results of the composite 4212
evaluation not later than ten days after its completion or the 4213
last teacher work day of the school year, whichever is earlier. 4214

(D) Each evaluation conducted pursuant to this section 4215
shall be conducted by one or more of the following persons who 4216
have been trained to conduct evaluations in accordance with 4217
criteria that shall be developed jointly by the chief executive 4218
officer of the district, or the chief executive officer's 4219
designee, and the teachers' labor organization: 4220

(1) The chief executive officer or a subordinate officer 4221
of the district with responsibility for instruction or academic 4222
affairs; 4223

(2) A person who is under contract with the board pursuant 4224
to section 3319.02 of the Revised Code and holds a license 4225
designated for being a principal issued under section 3319.22 of 4226
the Revised Code; 4227

(3) A person who is under contract with the board pursuant 4228
to section 3319.02 of the Revised Code and holds a license 4229
designated for being a vocational director or a supervisor in 4230
any educational area issued under section 3319.22 of the Revised 4231
Code; 4232

(4) A person designated to conduct evaluations under an 4233
agreement providing for peer assistance and review entered into 4234
by the board and the teachers' labor organization. 4235

(E) The evaluation procedures shall describe how the 4236
evaluation results will be used for decisions regarding 4237
compensation, retention, promotion, and reductions in force and 4238
for removal of poorly performing teachers. 4239

(F) A teacher may challenge any violations of the 4240
evaluation procedures in accordance with the grievance procedure 4241
specified in any applicable collective bargaining agreement. A 4242
challenge under this division is limited to the determination of 4243
procedural errors that have resulted in substantive harm to the 4244
teacher and to ordering the correction of procedural errors. The 4245
failure of the board or a person conducting an evaluation to 4246
strictly comply with any deadline or evaluation forms 4247
established as part of the evaluation process shall not be cause 4248
for an arbitrator to determine that a procedural error occurred, 4249
unless the arbitrator finds that the failure resulted in 4250
substantive harm to the teacher. The arbitrator shall have no 4251
jurisdiction to modify the evaluation results, but the 4252
arbitrator may stay any decision taken pursuant to division (E) 4253

of this section pending the board's correction of any procedural 4254
error. The board shall correct any procedural error within 4255
fifteen business days after the arbitrator's determination that 4256
a procedural error occurred. 4257

(G) Notwithstanding any provision to the contrary in 4258
Chapter 4117. of the Revised Code, the requirements of this 4259
section prevail over any conflicting provisions of a collective 4260
bargaining agreement entered into on or after October 1, 2012. 4261
However, the board and the teachers' labor organization may 4262
negotiate additional evaluation procedures, including an 4263
evaluation process incorporating peer assistance and review, 4264
provided the procedures are consistent with this section. 4265

(H) This section does not apply to administrators 4266
appointed by the chief executive officer of a municipal school 4267
district under section 3311.72 of the Revised Code, 4268
administrators subject to evaluation procedures under section 4269
3311.84 or 3319.02 of the Revised Code, or to any teacher 4270
employed as a substitute for less than one hundred twenty days 4271
during a school year pursuant to section 3319.10 of the Revised 4272
Code. 4273

Sec. 3313.413. (A) As used in this section, "high- 4274
performing community school" means either of the following: 4275

(1) A community school established under Chapter 3314. of 4276
the Revised Code that meets the following conditions: 4277

(a) Except as provided in division (A) (1) (b) or (c) of 4278
this section, the school both: 4279

(i) Has received a grade of "A," "B," or "C" for the 4280
performance index score under division (C) (1) (b) of section 4281
~~3302.03~~ 3302.032 of the Revised Code or has increased its 4282

performance index score under division (C) (1) (b) of section 4283
~~3302.03~~ 3302.032 of the Revised Code in each of the previous 4284
three years of operation; and 4285

(ii) Has received a grade of "A" or "B" for the value- 4286
added progress dimension under division (C) (1) (e) of section 4287
~~3302.03~~ 3302.032 of the Revised Code on its most recent report 4288
card rating issued under that section. 4289

(b) If the school serves only grades kindergarten through 4290
three, the school received a grade of "A" or "B" for making 4291
progress in improving literacy in grades kindergarten through 4292
three under division (C) (1) (g) of section ~~3302.03~~ 3302.032 of 4293
the Revised Code on its most recent report card issued under 4294
that section. 4295

(c) If the school primarily serves students enrolled in a 4296
dropout prevention and recovery program as described in division 4297
(A) ~~(4)~~ (2) (a) of section 3314.35 of the Revised Code, the school 4298
received a rating of "exceeds standards" on its most recent 4299
report card issued under section 3314.017 of the Revised Code. 4300

(2) A newly established community school that is 4301
implementing a community school model that has a track record of 4302
high-quality academic performance, as determined by the 4303
department of education. 4304

(B) When a school district board of education decides to 4305
dispose of real property it owns in its corporate capacity under 4306
section 3313.41 of the Revised Code, the board shall first offer 4307
that property to the governing authorities of all start-up 4308
community schools, the boards of trustees of any college- 4309
preparatory boarding schools, and the governing bodies of any 4310
STEM schools that are located within the territory of the 4311

district. Not later than sixty days after the district board 4312
makes the offer, interested governing authorities, boards of 4313
trustees, and governing bodies shall notify the district 4314
treasurer in writing of the intention to purchase the property. 4315

The district board shall give priority to the governing 4316
authorities of high-performing community schools that are 4317
located within the territory of the district. 4318

(1) If more than one governing authority of a high- 4319
performing community school notifies the district treasurer of 4320
its intention to purchase the property pursuant to division (B) 4321
of this section, the board shall conduct a public auction in the 4322
manner required for auctions of district property under division 4323
(A) of section 3313.41 of the Revised Code. Only the governing 4324
authorities of high-performing community schools that notified 4325
the district treasurer pursuant to division (B) of this section 4326
are eligible to bid at the auction. 4327

(2) If no governing authority of a high-performing 4328
community school notifies the district treasurer of its 4329
intention to purchase the property pursuant to division (B) of 4330
this section, the board shall then proceed with the offers from 4331
all other start-up community schools, college-preparatory 4332
boarding schools, and STEM schools made pursuant to that 4333
division. If more than one such entity notifies the district 4334
treasurer of its intention to purchase the property pursuant to 4335
division (B) of this section, the board shall conduct a public 4336
auction in the manner required for auctions of district property 4337
under division (A) of section 3313.41 of the Revised Code. Only 4338
the entities that notified the district treasurer pursuant to 4339
division (B) of this section are eligible to bid at the auction. 4340

(3) If no governing authority, board of trustees, or 4341

governing body notifies the district treasurer of its intention 4342
to purchase the property pursuant to division (B) of this 4343
section, the district may then offer the property for sale in 4344
the manner prescribed under divisions (A) to (F) of section 4345
3313.41 of the Revised Code. 4346

(C) Notwithstanding anything to the contrary in sections 4347
3313.41 and 3313.411 of the Revised Code, the purchase price of 4348
any real property sold to any of the entities in accordance with 4349
division (B) of this section shall not be more than the 4350
appraised fair market value of that property as determined in an 4351
appraisal of the property that is not more than one year old. 4352

(D) Not later than the first day of October of each year, 4353
the department of education shall post in a prominent location 4354
on its web site a list of schools that qualify as high- 4355
performing community schools for purposes of this section and 4356
section 3313.411 of the Revised Code. 4357

Sec. 3313.618. (A) In addition to the applicable 4358
curriculum requirements, each student entering ninth grade for 4359
the first time on or after July 1, 2014, shall satisfy at least 4360
one of the following conditions in order to qualify for a high 4361
school diploma: 4362

(1) Be remediation-free, in accordance with standards 4363
adopted under division (F) of section 3345.061 of the Revised 4364
Code, on each of the nationally standardized assessments in 4365
English, mathematics, and reading; 4366

(2) Attain a score specified under division (B) (5) (c) of 4367
section 3301.0712 of the Revised Code on the end-of-course 4368
examinations prescribed under division (B) of section 3301.0712 4369
of the Revised Code. 4370

(3) Attain a score that demonstrates workforce readiness 4371
and employability on a nationally recognized job skills 4372
assessment selected by the state board of education under 4373
division (G) of section 3301.0712 of the Revised Code and obtain 4374
either an industry-recognized credential, as described under 4375
section 3302.03 and division (B) (2) (d) of section ~~3302.03~~ 4376
3302.032 of the Revised Code, or a license issued by a state 4377
agency or board for practice in a vocation that requires an 4378
examination for issuance of that license. 4379

The industry-recognized credentials and licenses shall be 4380
as approved under section 3313.6113 of the Revised Code. 4381

A student may choose to qualify for a high school diploma 4382
by satisfying any of the separate requirements prescribed by 4383
divisions (A) (1) to (3) of this section. If the student's school 4384
district or school does not administer the examination 4385
prescribed by one of those divisions that the student chooses to 4386
take to satisfy the requirements of this section, the school 4387
district or school may require that student to arrange for the 4388
applicable scores to be sent directly to the district or school 4389
by the company or organization that administers the examination. 4390

(B) The state board of education shall not create or 4391
require any additional assessment for the granting of any type 4392
of high school diploma other than as prescribed by this section. 4393
Except as provided in sections 3313.6111 and 3313.6112 of the 4394
Revised Code, the state board or the superintendent of public 4395
instruction shall not create any endorsement or designation that 4396
may be affiliated with a high school diploma. 4397

Sec. 3313.6113. (A) The superintendent of public 4398
instruction, in collaboration with the governor's office of 4399
workforce transformation and representatives of business 4400

organizations, shall establish a committee to develop a list of 4401
industry-recognized credentials and licenses that may be used to 4402
qualify for a high school diploma under division (A) (3) of 4403
section 3313.618 of the Revised Code and shall be used for state 4404
report card purposes under ~~section~~ sections 3302.03 and 3302.032 4405
of the Revised Code. The state superintendent shall appoint the 4406
members of the committee not later than January 1, 2018. 4407

(B) The committee shall do the following: 4408

(1) Establish criteria for acceptable industry-recognized 4409
credentials and licenses aligned with the in-demand jobs list 4410
published by the department of job and family services; 4411

(2) Review the list of industry-recognized credentials and 4412
licenses that was in existence on January 1, 2018, and update 4413
the list as it considers necessary; 4414

(3) Review and update the list of industry-recognized 4415
credentials and licenses at least biennially. 4416

Sec. 3313.903. Except as otherwise required under federal 4417
law, the department of education shall consider an industry- 4418
recognized credential, as described under section 3302.03 and 4419
division (B) (2) (d) of ~~section 3302.03~~ 3302.032 of the Revised 4420
Code, or a license issued by a state agency or board for 4421
practice in a vocation that requires an examination for issuance 4422
of that license as an acceptable measure of technical skill 4423
attainment and shall not require a student with such credential 4424
or license to take additional technical assessments. 4425

Additionally, the department shall not require a student 4426
who has participated in or will be participating in a 4427
credentialing assessment aligned to the student's career- 4428
technical education program or has participated in or will be 4429

participating in taking an examination for issuance of such a 4430
license aligned to the student's career-technical education 4431
program to take additional technical assessments. 4432

However, if the student does not participate in the 4433
credentialing assessment or license examination, the student 4434
shall take the applicable technical assessments prescribed by 4435
the department. 4436

The department shall develop, in consultation with the 4437
Ohio association for career and technical education, the Ohio 4438
association of career-technical superintendents, the Ohio 4439
association of city career-technical schools, and other 4440
stakeholders, procedures for identifying industry-recognized 4441
credentials and licenses aligned to a student's career-technical 4442
education program that can be used as an acceptable measure of 4443
technical skill, and for identifying students in the process of 4444
earning such credentials and licenses. 4445

As used in this section, "technical assessments" shall not 4446
include the nationally recognized job skills assessment 4447
prescribed under division (G) of section 3301.0712 of the 4448
Revised Code. 4449

Nothing in this section shall exempt a student who wishes 4450
to qualify for a high school diploma under division (A) (3) of 4451
section 3313.618 of the Revised Code from the requirement to 4452
attain a specified score on that assessment in order to qualify 4453
for a high school diploma under that section. 4454

Sec. 3314.012. (A) Within ninety days of September 28, 4455
1999, the superintendent of public instruction shall appoint 4456
representatives of the department of education, including 4457
employees who work with the education management information 4458

system, to a committee to develop report card models for 4459
community schools. The committee shall design model report cards 4460
appropriate for the various types of community schools approved 4461
to operate in the state. Sufficient models shall be developed to 4462
reflect the variety of grade levels served and the missions of 4463
the state's community schools. All models shall include both 4464
financial and academic data. The initial models shall be 4465
developed by March 31, 2000. 4466

(B) (1) Except as provided in section 3314.017 of the 4467
Revised Code, the department of education shall issue an annual 4468
report card for each community school, regardless of how long 4469
the school has been in operation. The report card shall report 4470
the academic and financial performance of the school utilizing 4471
one of the models developed under division (A) of this section. 4472
The report card shall include all information applicable to 4473
school buildings under ~~divisions (A), (B), (C), and (D) of~~ 4474
section 3302.03 of the Revised Code. ~~The~~ 4475

(2) The ratings a community school receives under section 4476
~~3302.03-3302.032~~ of the Revised Code for its first two full 4477
school years shall not be considered toward automatic closure of 4478
the school under section 3314.35 of the Revised Code or any 4479
other matter that is based on report card ratings. 4480

(C) Upon receipt of a copy of a contract between a sponsor 4481
and a community school entered into under this chapter, the 4482
department of education shall notify the community school of the 4483
specific model report card that will be used for that school. 4484

(D) Report cards shall be distributed to the parents of 4485
all students in the community school, to the members of the 4486
board of education of the school district in which the community 4487
school is located, and to any person who requests one from the 4488

department. 4489

Sec. 3314.015. (A) The department of education shall be 4490
responsible for the oversight of any and all sponsors of the 4491
community schools established under this chapter and shall 4492
provide technical assistance to schools and sponsors in their 4493
compliance with applicable laws and the terms of the contracts 4494
entered into under section 3314.03 of the Revised Code and in 4495
the development and start-up activities of those schools. In 4496
carrying out its duties under this section, the department shall 4497
do all of the following: 4498

(1) In providing technical assistance to proposing 4499
parties, governing authorities, and sponsors, conduct training 4500
sessions and distribute informational materials; 4501

(2) Approve entities to be sponsors of community schools; 4502

(3) Monitor and evaluate, as required under section 4503
3314.016 of the Revised Code, the effectiveness of any and all 4504
sponsors in their oversight of the schools with which they have 4505
contracted; 4506

(4) By December thirty-first of each year, issue a report 4507
to the governor, the speaker of the house of representatives, 4508
the president of the senate, and the chairpersons of the house 4509
and senate committees principally responsible for education 4510
matters regarding the effectiveness of academic programs, 4511
operations, and legal compliance and of the financial condition 4512
of all community schools established under this chapter and on 4513
the performance of community school sponsors; 4514

(5) From time to time, make legislative recommendations to 4515
the general assembly designed to enhance the operation and 4516
performance of community schools. 4517

(B) (1) Except as provided in sections 3314.021 and 4518
3314.027 of the Revised Code, no entity shall enter into a 4519
preliminary agreement under division (C) (2) of section 3314.02 4520
of the Revised Code or renew an existing contract to sponsor a 4521
community school until it has received approval from the 4522
department of education to sponsor community schools under this 4523
chapter and has entered into a written agreement with the 4524
department regarding the manner in which the entity will conduct 4525
such sponsorship. 4526

On and after July 1, 2017, each entity that sponsors a 4527
community school in this state, except for an entity described 4528
in sections 3314.021 and 3314.027 of the Revised Code, shall 4529
attain approval from the department in order to continue 4530
sponsoring schools regardless of whether that entity intends to 4531
enter into a preliminary agreement or renew an existing 4532
contract. 4533

All new and renewed agreements between the department and 4534
a sponsor shall contain specific language addressing the 4535
parameters under which the department can intervene and 4536
potentially revoke sponsorship authority in the event that the 4537
sponsor is unwilling or unable to fulfill its obligations. 4538
Additionally, each agreement shall set forth any territorial 4539
restrictions and limits on the number of schools that entity may 4540
sponsor, provide for an annual evaluation process, and include a 4541
stipulation permitting the department to modify the agreement 4542
under the following circumstances: 4543

(a) Poor fiscal management; 4544

(b) Lack of academic progress. 4545

(2) The initial term of a sponsor's agreement with the 4546

department shall be for up to five years. 4547

(a) An agreement entered into with the department pursuant 4548
to this section may be renewed for a term of up to ten years 4549
using the following criteria: 4550

(i) The academic performance of students enrolled in each 4551
community school the entity sponsors, as determined by the 4552
department pursuant to division (B) (1) (a) of section 3314.016 of 4553
the Revised Code; 4554

(ii) The sponsor's adherence to quality practices, as 4555
determined by the department pursuant to division (B) (1) (b) of 4556
section 3314.016 of the Revised Code; 4557

(iii) The sponsor's compliance with all applicable laws 4558
and administrative rules. 4559

(b) Each agreement between the department and a sponsor 4560
shall specify that entities with an overall rating of 4561
"exemplary" for at least two consecutive years shall not be 4562
subject to the limit on the number of community schools the 4563
entity may sponsor or any territorial restrictions on 4564
sponsorship, for so long as that entity continues to be rated 4565
"exemplary." 4566

(c) The state board of education shall adopt in accordance 4567
with Chapter 119. of the Revised Code rules containing criteria, 4568
procedures, and deadlines for processing applications for 4569
approval of sponsors, for oversight of sponsors, for notifying a 4570
sponsor of noncompliance with applicable laws and administrative 4571
rules under division (F) of this section, for revocation of the 4572
approval of sponsors under division (C) of this section, and for 4573
entering into written agreements with sponsors. The rules shall 4574
require an entity to submit evidence of the entity's ability and 4575

willingness to comply with the provisions of division (D) of 4576
section 3314.03 of the Revised Code. The rules also shall 4577
require all entities approved as sponsors to demonstrate a 4578
record of financial responsibility and successful implementation 4579
of educational programs. If an entity seeking approval to 4580
sponsor community schools in this state sponsors or operates 4581
schools in another state, at least one of the schools sponsored 4582
or operated by the entity must be comparable to or better than 4583
the performance of Ohio schools in need of continuous 4584
improvement under section ~~3302.03~~3302.032 of the Revised Code, 4585
as determined by the department. 4586

Subject to section 3314.016 of the Revised Code, an entity 4587
that sponsors community schools may enter into preliminary 4588
agreements and sponsor up to one hundred schools, provided each 4589
school and the contract for sponsorship meets the requirements 4590
of this chapter. 4591

(3) The state board of education shall determine, pursuant 4592
to criteria specified in rules adopted in accordance with 4593
Chapter 119. of the Revised Code, whether the mission proposed 4594
to be specified in the contract of a community school to be 4595
sponsored by a state university board of trustees or the board's 4596
designee under division (C)(1)(e) of section 3314.02 of the 4597
Revised Code complies with the requirements of that division. 4598
Such determination of the state board is final. 4599

(4) The state board of education shall determine, pursuant 4600
to criteria specified in rules adopted in accordance with 4601
Chapter 119. of the Revised Code, if any tax-exempt entity under 4602
section 501(c)(3) of the Internal Revenue Code that is proposed 4603
to be a sponsor of a community school is an education-oriented 4604
entity for purpose of satisfying the condition prescribed in 4605

division (C) (1) (f) (iii) of section 3314.02 of the Revised Code. 4606
Such determination of the state board is final. 4607

(C) If at any time the state board of education finds that 4608
a sponsor is not in compliance or is no longer willing to comply 4609
with its contract with any community school or with the 4610
department's rules for sponsorship, the state board or designee 4611
shall conduct a hearing in accordance with Chapter 119. of the 4612
Revised Code on that matter. If after the hearing, the state 4613
board or designee has confirmed the original finding, the 4614
department of education may revoke the sponsor's approval to 4615
sponsor community schools. In that case, the department's office 4616
of Ohio school sponsorship, established under section 3314.029 4617
of the Revised Code, may assume the sponsorship of any schools 4618
with which the sponsor has contracted until the earlier of the 4619
expiration of two school years or until a new sponsor as 4620
described in division (C) (1) of section 3314.02 of the Revised 4621
Code is secured by the school's governing authority. The office 4622
of Ohio school sponsorship may extend the term of the contract 4623
in the case of a school for which it has assumed sponsorship 4624
under this division as necessary to accommodate the term of the 4625
department's authorization to sponsor the school specified in 4626
this division. Community schools sponsored under this division 4627
shall not apply to the limit on directly authorized community 4628
schools under division (A) (3) of section 3314.029 of the Revised 4629
Code. However, nothing in this division shall preclude a 4630
community school affected by this division from applying for 4631
sponsorship under that section. 4632

(D) The decision of the department to disapprove an entity 4633
for sponsorship of a community school or to revoke approval for 4634
such sponsorship under division (C) of this section, may be 4635
appealed by the entity in accordance with section 119.12 of the 4636

Revised Code. 4637

(E) The department shall adopt procedures for use by a 4638
community school governing authority and sponsor when the school 4639
permanently closes and ceases operation, which shall include at 4640
least procedures for data reporting to the department, handling 4641
of student records, distribution of assets in accordance with 4642
section 3314.074 of the Revised Code, and other matters related 4643
to ceasing operation of the school. 4644

(F) (1) In lieu of revoking a sponsor's authority to 4645
sponsor community schools under division (C) of this section, if 4646
the department finds that a sponsor is not in compliance with 4647
applicable laws and administrative rules, the department shall 4648
declare in a written notice to the sponsor the specific laws or 4649
rules, or both, for which the sponsor is noncompliant. A sponsor 4650
notified under division (F) (1) of this section shall respond to 4651
the department not later than fourteen days after the 4652
notification with a proposed plan to remedy the conditions for 4653
which the sponsor was found to be noncompliant. The department 4654
shall approve or disapprove the plan not later than fourteen 4655
days after receiving it. If the plan is disapproved, the sponsor 4656
may submit a revised plan to the department not later than 4657
fourteen days after receiving notification of disapproval from 4658
the department or not later than sixty days after the date the 4659
sponsor received notification of noncompliance from the 4660
department, whichever is earlier. The department shall approve 4661
or disapprove the revised plan not later than fourteen days 4662
after receiving it or not later than sixty days after the date 4663
the sponsor received notification of noncompliance from the 4664
department, whichever is earlier. A sponsor may continue to make 4665
revisions by the deadlines prescribed in division (F) (1) of this 4666
section to any revised plan that is disapproved by the 4667

department until the sixtieth day after the date the sponsor 4668
received notification of noncompliance from the department. 4669

If a plan or a revised plan is approved, the sponsor shall 4670
implement it not later than sixty days after the date the 4671
sponsor received notification of noncompliance from the 4672
department or not later than thirty days after the plan is 4673
approved, whichever is later. If a sponsor does not respond to 4674
the department or implement an approved compliance plan by the 4675
deadlines prescribed by division (F) (1) of this section, or if a 4676
sponsor does not receive approval of a compliance plan on or 4677
before the sixtieth day after the date the sponsor received 4678
notification of noncompliance from the department, the 4679
department shall declare in written notice to the sponsor that 4680
the sponsor is in probationary status, and may limit the 4681
sponsor's ability to sponsor additional schools. 4682

(2) A sponsor that has been placed on probationary status 4683
under division (F) (1) of this section may apply to the 4684
department for its probationary status to be lifted. The 4685
application for a sponsor's probationary status to be lifted 4686
shall include evidence, occurring after the initial notification 4687
of noncompliance, of the sponsor's compliance with applicable 4688
laws and administrative rules. Not later than fourteen days 4689
after receiving an application from the sponsor, the department 4690
shall decide whether or not to remove the sponsor's probationary 4691
status. 4692

(G) In carrying out its duties under this chapter, the 4693
department shall not impose requirements on community schools or 4694
their sponsors that are not permitted by law or duly adopted 4695
rules. 4696

(H) This section applies to entities that sponsor 4697

conversion community schools and new start-up schools. 4698

(I) Nothing in divisions (C) to (F) of this section 4699
prohibits the department from taking any action permitted or 4700
required under the written agreement between the department and 4701
a sponsoring entity without a hearing on the matter, in the 4702
event that the sponsor is unwilling or unable to fulfill its 4703
obligations. 4704

Sec. 3314.016. This section applies to any entity that 4705
sponsors a community school, regardless of whether section 4706
3314.021 or 3314.027 of the Revised Code exempts the entity from 4707
the requirement to be approved for sponsorship under divisions 4708
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 4709
office of Ohio school sponsorship established under section 4710
3314.029 of the Revised Code shall be rated under division (B) 4711
of this section, but divisions (A) and (C) of this section do 4712
not apply to the office. 4713

(A) An entity that sponsors a community school shall be 4714
permitted to enter into contracts under section 3314.03 of the 4715
Revised Code to sponsor additional community schools only if the 4716
entity meets all of the following criteria: 4717

(1) The entity is in compliance with all provisions of 4718
this chapter requiring sponsors of community schools to report 4719
data or information to the department of education. 4720

(2) The entity is not rated as "ineffective" under 4721
division (B) (6) of this section. 4722

(3) Except as set forth in sections 3314.021 and 3314.027 4723
of the Revised Code, the entity has received approval from and 4724
entered into an agreement with the department of education 4725
pursuant to section 3314.015 of the Revised Code. 4726

(B) (1) Beginning with the 2015-2016 school year, the 4727
department shall develop and implement an evaluation system that 4728
annually rates and assigns an overall rating to each entity that 4729
sponsors a community school. That evaluation system shall be 4730
developed and posted on the department's web site by the 4731
fifteenth day of July of each school year. Any changes to the 4732
evaluation system after that date shall take effect the 4733
following year. The evaluation system shall be based on the 4734
following components: 4735

(a) Academic performance of students enrolled in community 4736
schools sponsored by the same entity. The academic performance 4737
component shall be derived from the performance measures 4738
prescribed for the state report cards under section 3302.03 or 4739
3314.017 of the Revised Code, and shall be based on the 4740
performance of the schools for the school year for which the 4741
evaluation is conducted. In addition to the academic performance 4742
for a specific school year, the academic performance component 4743
shall also include year-to-year changes in the overall sponsor 4744
portfolio. For a community school for which no graded 4745
performance measures are applicable or available, the department 4746
shall use nonreport card performance measures specified in the 4747
contract between the community school and the sponsor under 4748
division (A) (4) of section 3314.03 of the Revised Code. 4749

(b) Adherence by a sponsor to the quality practices 4750
prescribed by the department under division (B) (3) of this 4751
section. For a sponsor that was rated "effective" or "exemplary" 4752
on its most recent rating, the department may evaluate that 4753
sponsor's adherence to quality practices once over a period of 4754
three years. If the department elects to evaluate a sponsor once 4755
over a period of three years, the most recent rating for a 4756
sponsor's adherence to quality practices shall be used when 4757

determining an annual overall rating conducted under this 4758
section. 4759

(c) Compliance with all applicable laws and administrative 4760
rules by an entity that sponsors a community school. 4761

(2) In calculating an academic performance component, the 4762
department shall exclude all community schools that have been in 4763
operation for not more than two full school years and all 4764
community schools described in division (A) ~~(4)~~ (2) (b) of section 4765
3314.35 of the Revised Code. However, the academic performance 4766
of the community schools described in division (A) ~~(4)~~ (2) (b) of 4767
section 3314.35 of the Revised Code shall be reported, but shall 4768
not be used as a factor when determining a sponsoring entity's 4769
rating under this section. 4770

(3) The department, in consultation with entities that 4771
sponsor community schools, shall prescribe quality practices for 4772
community school sponsors and develop an instrument to measure 4773
adherence to those quality practices. The quality practices 4774
shall be based on standards developed by the national 4775
association of charter school authorizers or any other 4776
nationally organized community school organization. 4777

(4) (a) The department may permit peer review of a 4778
sponsor's adherence to the quality practices prescribed under 4779
division (B) (3) of this section. Peer reviewers shall be limited 4780
to individuals employed by sponsors rated "effective" or 4781
"exemplary" on the most recent ratings conducted under this 4782
section. 4783

(b) The department shall require individuals participating 4784
in peer review under division (B) (4) (a) of this section to 4785
complete training approved or established by the department. 4786

(c) The department may enter into an agreement with 4787
another entity to provide training to individuals conducting 4788
peer review of sponsors. Prior to entering into an agreement 4789
with an entity, the department shall review and approve of the 4790
entity's training program. 4791

(5) Not later than July 1, 2013, the state board of 4792
education shall adopt rules in accordance with Chapter 119. of 4793
the Revised Code prescribing standards for measuring compliance 4794
with applicable laws and rules under division (B)(1)(c) of this 4795
section. 4796

(6) The department annually shall rate all entities that 4797
sponsor community schools as either "exemplary," "effective," 4798
"ineffective," or "poor," based on the components prescribed by 4799
division (B) of this section, where each component is weighted 4800
equally. A separate rating shall be given by the department for 4801
each component of the evaluation system. 4802

The department shall publish the ratings between the first 4803
day of October and the fifteenth day of November. 4804

Prior to the publication of the final ratings, the 4805
department shall designate and provide notice of a period of at 4806
least ten business days during which each sponsor may review the 4807
information used by the department to determine the sponsor's 4808
rating on the components prescribed by divisions (B)(1)(b) and 4809
(c) of this section. If the sponsor believes there is an error 4810
in the department's evaluation, the sponsor may request 4811
adjustments to the rating of either of those components based on 4812
documentation previously submitted as part of an evaluation. The 4813
sponsor shall provide to the department any necessary evidence 4814
or information to support the requested adjustments. The 4815
department shall review the evidence and information, determine 4816

whether an adjustment is valid, and promptly notify the sponsor 4817
of its determination and reasons. If any adjustments to the data 4818
could result in a change to the rating on the applicable 4819
component or to the overall rating, the department shall 4820
recalculate the ratings prior to publication. 4821

The department shall provide training on an annual basis 4822
regarding the evaluation system prescribed under this section. 4823
The training shall, at a minimum, describe methodology, 4824
timelines, and data required for the evaluation system. The 4825
first training session shall occur not later than March 2, 2016. 4826
Beginning in 2018, the training shall be made available to each 4827
entity that sponsors a community school by the fifteenth day of 4828
July of each year and shall include guidance on any changes made 4829
to the evaluation system. 4830

(7) (a) Entities with an overall rating of "exemplary" for 4831
at least two consecutive years may take advantage of the 4832
following incentives: 4833

(i) Renewal of the written agreement with the department, 4834
not to exceed ten years, provided that the entity consents to 4835
continued evaluation of adherence to quality practices as 4836
described in division (B) (1) (b) of this section; 4837

(ii) The ability to extend the term of the contract 4838
between the sponsoring entity and the community school beyond 4839
the term described in the written agreement with the department; 4840

(iii) An exemption from the preliminary agreement and 4841
contract adoption and execution deadline requirements prescribed 4842
in division (D) of section 3314.02 of the Revised Code; 4843

(iv) An exemption from the automatic contract expiration 4844
requirement, should a new community school fail to open by the 4845

thirtieth day of September of the calendar year in which the 4846
community school contract is executed; 4847

(v) No limit on the number of community schools the entity 4848
may sponsor; 4849

(vi) No territorial restrictions on sponsorship. 4850

An entity may continue to sponsor any community schools 4851
with which it entered into agreements under division (B) (7) (a) 4852
(v) or (vi) of this section while rated "exemplary," 4853
notwithstanding the fact that the entity later receives a lower 4854
overall rating. 4855

(b) (i) Entities that receive an overall rating of 4856
"ineffective" shall be prohibited from sponsoring any new or 4857
additional community schools during the time in which the 4858
sponsor is rated as "ineffective" and shall be subject to a 4859
quality improvement plan based on correcting the deficiencies 4860
that led to the "ineffective" rating, with timelines and 4861
benchmarks that have been established by the department. 4862

(ii) Entities that receive an overall rating of 4863
"ineffective" on their three most recent ratings shall have all 4864
sponsorship authority revoked. Within thirty days after 4865
receiving its third rating of "ineffective," the entity may 4866
appeal the revocation of its sponsorship authority to the 4867
superintendent of public instruction, who shall appoint an 4868
independent hearing officer to conduct a hearing in accordance 4869
with Chapter 119. of the Revised Code. The hearing shall be 4870
conducted within thirty days after receipt of the notice of 4871
appeal. Within forty-five days after the hearing is completed, 4872
the state board of education shall determine whether the 4873
revocation is appropriate based on the hearing conducted by the 4874

independent hearing officer, and if determined appropriate, the 4875
revocation shall be confirmed. 4876

(c) Entities that receive an overall rating of "poor" 4877
shall have all sponsorship authority revoked. Within thirty days 4878
after receiving a rating of "poor," the entity may appeal the 4879
revocation of its sponsorship authority to the superintendent of 4880
public instruction, who shall appoint an independent hearing 4881
officer to conduct a hearing in accordance with Chapter 119. of 4882
the Revised Code. The hearing shall be conducted within thirty 4883
days after receipt of the notice of appeal. Within forty-five 4884
days after the hearing is completed, the state board of 4885
education shall determine whether the revocation is appropriate 4886
based on the hearing conducted by the independent hearing 4887
officer, and if determined appropriate, the revocation shall be 4888
confirmed. 4889

(8) For the 2014-2015 school year and each school year 4890
thereafter, student academic performance prescribed under 4891
division (B)(1)(a) of this section shall include student 4892
academic performance data from community schools that primarily 4893
serve students enrolled in a dropout prevention and recovery 4894
program. 4895

(C) If the governing authority of a community school 4896
enters into a contract with a sponsor prior to the date on which 4897
the sponsor is prohibited from sponsoring additional schools 4898
under division (A) of this section and the school has not opened 4899
for operation as of that date, that contract shall be void and 4900
the school shall not open until the governing authority secures 4901
a new sponsor by entering into a contract with the new sponsor 4902
under section 3314.03 of the Revised Code. However, the 4903
department's office of Ohio school sponsorship, established 4904

under section 3314.029 of the Revised Code, may assume the 4905
sponsorship of the school until the earlier of the expiration of 4906
two school years or until a new sponsor is secured by the 4907
school's governing authority. A community school sponsored by 4908
the department under this division shall not be included when 4909
calculating the maximum number of directly authorized community 4910
schools permitted under division (A) (3) of section 3314.029 of 4911
the Revised Code. 4912

(D) When an entity's authority to sponsor schools is 4913
revoked pursuant to division (B) (7) (b) or (c) of this section, 4914
the office of Ohio school sponsorship shall assume sponsorship 4915
of any schools with which the original sponsor has contracted 4916
for the remainder of that school year. The office may continue 4917
sponsoring those schools until the earlier of: 4918

(1) The expiration of two school years from the time that 4919
sponsorship is revoked; 4920

(2) When a new sponsor is secured by the governing 4921
authority pursuant to division (C) (1) of section 3314.02 of the 4922
Revised Code. 4923

Any community school sponsored under this division shall 4924
not be counted for purposes of directly authorized community 4925
schools under division (A) (3) of section 3314.029 of the Revised 4926
Code. 4927

Sec. 3314.017. (A) The state board of education shall 4928
prescribe by rules, adopted in accordance with Chapter 119. of 4929
the Revised Code, an academic performance rating and report card 4930
system that satisfies the requirements of this section for 4931
community schools that primarily serve students enrolled in 4932
dropout prevention and recovery programs as described in 4933

division (A) ~~(4)~~ (2) (a) of section 3314.35 of the Revised Code, to 4934
be used in lieu of the ~~system~~ systems prescribed under sections 4935
3302.03, 3302.032, and 3314.012 of the Revised Code ~~beginning~~ 4936
~~with the 2012-2013 school year~~. Each such school shall comply 4937
with the testing and reporting requirements of the system as 4938
prescribed by the state board. 4939

(B) Nothing in this section shall at any time relieve a 4940
school from its obligations under the "No Child Left Behind Act 4941
of 2001" to make "adequate yearly progress," as both that act 4942
and that term are defined in section 3302.01 of the Revised 4943
Code, or a school's amenability to the provisions of section 4944
3302.04 or 3302.041 of the Revised Code. The department shall 4945
continue to report each school's performance as required by the 4946
act and to enforce applicable sanctions under section 3302.04 or 4947
3302.041 of the Revised Code. 4948

(C) The rules adopted by the state board shall prescribe 4949
the following performance indicators for the rating and report 4950
card system required by this section: 4951

(1) Graduation rate for each of the following student 4952
cohorts: 4953

(a) The number of students who graduate in four years or 4954
less with a regular high school diploma divided by the number of 4955
students who form the adjusted cohort for the graduating class; 4956

(b) The number of students who graduate in five years with 4957
a regular high school diploma divided by the number of students 4958
who form the adjusted cohort for the four-year graduation rate; 4959

(c) The number of students who graduate in six years with 4960
a regular high school diploma divided by the number of students 4961
who form the adjusted cohort for the four-year graduation rate; 4962

(d) The number of students who graduate in seven years 4963
with a regular high school diploma divided by the number of 4964
students who form the adjusted cohort for the four-year 4965
graduation rate; 4966

(e) The number of students who graduate in eight years 4967
with a regular high school diploma divided by the number of 4968
students who form the adjusted cohort for the four-year 4969
graduation rate. 4970

(2) The percentage of twelfth-grade students currently 4971
enrolled in the school who have attained the designated passing 4972
score on all of the applicable state high school achievement 4973
assessments required under division (B) (1) or (2) of section 4974
3301.0710 of the Revised Code and other students enrolled in the 4975
school, regardless of grade level, who are within three months 4976
of their twenty-second birthday and have attained the designated 4977
passing score on all of the applicable state high school 4978
achievement assessments by their twenty-second birthday; 4979

(3) Annual measurable objectives as defined in section 4980
3302.01 of the Revised Code; 4981

(4) Growth in student achievement in reading, or 4982
mathematics, or both as measured by separate nationally norm- 4983
referenced assessments that have developed appropriate standards 4984
for students enrolled in dropout prevention and recovery 4985
programs, adopted or approved by the state board. 4986

(D) (1) The state board's rules shall prescribe the 4987
expected performance levels and benchmarks for each of the 4988
indicators prescribed by division (C) of this section based on 4989
the data gathered by the department under division (F) of this 4990
section. Based on a school's level of attainment or 4991

nonattainment of the expected performance levels and benchmarks 4992
for each of the indicators, the department shall rate each 4993
school in one of the following categories: 4994

(a) Exceeds standards; 4995

(b) Meets standards; 4996

(c) Does not meet standards. 4997

(2) The state board's rules shall establish all of the 4998
following: 4999

(a) Not later than June 30, 2013, performance levels and 5000
benchmarks for the indicators described in divisions (C) (1) to 5001
(3) of this section; 5002

(b) Not later than December 31, 2014, both of the 5003
following: 5004

(i) Performance levels and benchmarks for the indicator 5005
described in division (C) (4) of this section; 5006

(ii) Standards for awarding a community school described 5007
in division (A) ~~(4)~~ (2) (a) of section 3314.35 of the Revised Code 5008
an overall designation, which shall be calculated as follows: 5009

(I) Thirty per cent of the score shall be based on the 5010
indicators described in division (C) (1) of this section that are 5011
applicable to the school year for which the overall designation 5012
is granted. 5013

(II) Thirty per cent of the score shall be based on the 5014
indicators described in division (C) (4) of this section. 5015

(III) Twenty per cent of the score shall be based on the 5016
indicators described in division (C) (2) of this section. 5017

(IV) Twenty per cent of the score shall be based on the 5018

indicators described in division (C) (3) of this section. 5019

(3) If both of the indicators described in divisions (C) 5020
(1) and (2) of this section improve by ten per cent for two 5021
consecutive years, a school shall be rated not less than "meets 5022
standards." 5023

The rating and the relevant performance data for each 5024
school shall be posted on the department's web site, and a copy 5025
of the rating and data shall be provided to the governing 5026
authority of the community school. 5027

(E) (1) For the 2012-2013 school year, the department shall 5028
issue a report card including the following performance 5029
measures, but without a performance rating as described in 5030
divisions (D) (1) (a) to (c) of this section, for each community 5031
school described in division (A) ~~(4)~~ (2) (a) of section 3314.35 of 5032
the Revised Code: 5033

(a) The graduation rates as described in divisions (C) (1) 5034
(a) to (c) of this section; 5035

(b) The percentage of twelfth-grade students and other 5036
students who have attained a designated passing score on high 5037
school achievement assessments as described in division (C) (2) 5038
of this section; 5039

(c) The statewide average for the graduation rates and 5040
assessment passage rates described in divisions (C) (1) (a) to (c) 5041
and (C) (2) of this section; 5042

(d) Annual measurable objectives described in division (C) 5043
(3) of this section. 5044

(2) For the 2013-2014 school year, the department shall 5045
issue a report card including the following performance measures 5046

for each community school described in division (A) ~~(4)~~ (2) (a) of 5047
section 3314.35 of the Revised Code: 5048

(a) The graduation rates described in divisions (C) (1) (a) 5049
to (d) of this section, including a performance rating as 5050
described in divisions (D) (1) (a) to (c) of this section; 5051

(b) The percentage of twelfth-grade students and other 5052
students who have attained a designated passing score on high 5053
school achievement assessments as described in division (C) (2) 5054
of this section, including a performance rating as described in 5055
divisions (D) (1) (a) to (c) of this section; 5056

(c) Annual measurable objectives described in division (C) 5057
(3) of this section, including a performance rating as described 5058
in divisions (D) (1) (a) to (c) of this section; 5059

(d) Both of the following without an assigned rating: 5060

(i) Growth in annual student achievement in reading and 5061
mathematics described in division (C) (4) of this section, if 5062
available; 5063

(ii) Student outcome data, including postsecondary credit 5064
earned, nationally recognized career or technical certification, 5065
military enlistment, job placement, and attendance rate. 5066

(3) Beginning with the 2014-2015 school year, and annually 5067
thereafter, the department shall issue a report card for each 5068
community school described in division (A) (4) (a) of section 5069
3314.35 of the Revised Code that includes all of the following 5070
performance measures, including a performance rating for each 5071
measure as described in divisions (D) (1) (a) to (c) of this 5072
section: 5073

(a) The graduation rates as described in division (C) (1) 5074

of this section; 5075

(b) The percentage of twelfth-grade students and other 5076
students who have attained a designated passing score on high 5077
school achievement assessments as described in division (C) (2) 5078
of this section; 5079

(c) Annual measurable objectives described in division (C) 5080
(3) of this section, including a performance rating as described 5081
in divisions (D) (1) (a) to (c) of this section; 5082

(d) Growth in annual student achievement in reading and 5083
mathematics as described in division (C) (4) of this section; 5084

(e) An overall performance designation for the school 5085
calculated under rules adopted under division (D) (2) of this 5086
section. 5087

The department shall also include student outcome data, 5088
including postsecondary credit earned, nationally recognized 5089
career or technical certification, military enlistment, job 5090
placement, attendance rate, and progress on closing achievement 5091
gaps for each school. This information shall not be included in 5092
the calculation of a school's performance rating. 5093

(F) In developing the rating and report card system 5094
required by this section, during the 2012-2013 and 2013-2014 5095
school years, the department shall gather and analyze data as 5096
determined necessary from each community school described in 5097
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 5098
such school shall cooperate with the department by supplying 5099
requested data and administering required assessments, including 5100
sample assessments for purposes of measuring student achievement 5101
growth as described in division (C) (4) of this section. The 5102
department shall consult with stakeholder groups in performing 5103

its duties under this division. 5104

The department shall also identify one or more states that 5105
have established or are in the process of establishing similar 5106
academic performance rating systems for dropout prevention and 5107
recovery programs and consult with the departments of education 5108
of those states in developing the system required by this 5109
section. 5110

(G) Not later than December 31, 2014, the state board 5111
shall review the performance levels and benchmarks for 5112
performance indicators in the report card issued under this 5113
section and may revise them based on the data collected under 5114
division (F) of this section. 5115

Sec. 3314.02. (A) As used in this chapter: 5116

(1) "Sponsor" means the board of education of a school 5117
district or the governing board of an educational service center 5118
that agrees to the conversion of all or part of a school or 5119
building under division (B) of this section, or an entity listed 5120
in division (C) (1) of this section, which has been approved by 5121
the department of education to sponsor community schools or is 5122
exempted by section 3314.021 or 3314.027 of the Revised Code 5123
from obtaining approval, and with which the governing authority 5124
of a community school enters into a contract under section 5125
3314.03 of the Revised Code. 5126

(2) "Pilot project area" means the school districts 5127
included in the territory of the former community school pilot 5128
project established by former Section 50.52 of Am. Sub. H.B. No. 5129
215 of the 122nd general assembly. 5130

(3) "Challenged school district" means any of the 5131
following: 5132

- (a) A school district that is part of the pilot project area; 5133
5134
- (b) A school district that meets one of the following conditions: 5135
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- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 5137
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- (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code, as it existed between March 22, 2013, and the effective date of this amendment; 5141
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- (iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of ~~that~~ section 3302.03 or 3302.032 of the Revised Code. 5147
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- (c) A big eight school district; 5156
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code. 5157
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- (4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 5160
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(a) A percentage of children residing in the district and 5162
participating in the predecessor of Ohio works first greater 5163
than thirty per cent, as reported pursuant to section 3317.10 of 5164
the Revised Code; 5165

(b) An average daily membership greater than twelve 5166
thousand, as reported pursuant to former division (A) of section 5167
3317.03 of the Revised Code. 5168

(5) "New start-up school" means a community school other 5169
than one created by converting all or part of an existing public 5170
school or educational service center building, as designated in 5171
the school's contract pursuant to division (A)(17) of section 5172
3314.03 of the Revised Code. 5173

(6) "Urban school district" means one of the state's 5174
twenty-one urban school districts as defined in division (O) of 5175
section 3317.02 of the Revised Code as that section existed 5176
prior to July 1, 1998. 5177

(7) "Internet- or computer-based community school" means a 5178
community school established under this chapter in which the 5179
enrolled students work primarily from their residences on 5180
assignments in nonclassroom-based learning opportunities 5181
provided via an internet- or other computer-based instructional 5182
method that does not rely on regular classroom instruction or 5183
via comprehensive instructional methods that include internet- 5184
based, other computer-based, and noncomputer-based learning 5185
opportunities unless a student receives career-technical 5186
education under section 3314.086 of the Revised Code. 5187

A community school that operates mainly as an internet- or 5188
computer-based community school and provides career-technical 5189
education under section 3314.086 of the Revised Code shall be 5190

considered an internet- or computer-based community school, even 5191
if it provides some classroom-based instruction, so long as it 5192
provides instruction via the methods described in this division. 5193

(8) "Operator" means either of the following: 5194

(a) An individual or organization that manages the daily 5195
operations of a community school pursuant to a contract between 5196
the operator and the school's governing authority; 5197

(b) A nonprofit organization that provides programmatic 5198
oversight and support to a community school under a contract 5199
with the school's governing authority and that retains the right 5200
to terminate its affiliation with the school if the school fails 5201
to meet the organization's quality standards. 5202

(9) "Alliance municipal school district" has the same 5203
meaning as in section 3311.86 of the Revised Code. 5204

(B)(1) Any person or group of individuals may initially 5205
propose under this division the conversion of all or a portion 5206
of a public school to a community school. The proposal shall be 5207
made to the board of education of the city, local, exempted 5208
village, or joint vocational school district in which the public 5209
school is proposed to be converted. 5210

(2) Any person or group of individuals may initially 5211
propose under this division the conversion of all or a portion 5212
of a building operated by an educational service center to a 5213
community school. The proposal shall be made to the governing 5214
board of the service center. 5215

On or after July 1, 2017, except as provided in section 5216
3314.027 of the Revised Code, any educational service center 5217
that sponsors a community school shall be approved by and enter 5218
into a written agreement with the department as described in 5219

section 3314.015 of the Revised Code. 5220

(3) Upon receipt of a proposal, and after an agreement has 5221
been entered into pursuant to section 3314.015 of the Revised 5222
Code, a board may enter into a preliminary agreement with the 5223
person or group proposing the conversion of the public school or 5224
service center building, indicating the intention of the board 5225
to support the conversion to a community school. A proposing 5226
person or group that has a preliminary agreement under this 5227
division may proceed to finalize plans for the school, establish 5228
a governing authority for the school, and negotiate a contract 5229
with the board. Provided the proposing person or group adheres 5230
to the preliminary agreement and all provisions of this chapter, 5231
the board shall negotiate in good faith to enter into a contract 5232
in accordance with section 3314.03 of the Revised Code and 5233
division (C) of this section. 5234

(4) The sponsor of a conversion community school proposed 5235
to open in an alliance municipal school district shall be 5236
subject to approval by the department of education for 5237
sponsorship of that school using the criteria established under 5238
division (A) of section 3311.87 of the Revised Code. 5239

Division (B) (4) of this section does not apply to a 5240
sponsor that, on or before September 29, 2015, was exempted 5241
under section 3314.021 or 3314.027 of the Revised Code from the 5242
requirement to be approved for sponsorship under divisions (A) 5243
(2) and (B) (1) of section 3314.015 of the Revised Code. 5244

(C) (1) Any person or group of individuals may propose 5245
under this division the establishment of a new start-up school 5246
to be located in a challenged school district. The proposal may 5247
be made to any of the following entities: 5248

(a) The board of education of the district in which the school is proposed to be located; 5249
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(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; 5251
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(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; 5255
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(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied: 5259
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(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code; 5263
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(ii) It is approved to do so by the department; 5265

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 5266
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(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 under division (B) (3) 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 5268
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preparation program approved by the state board of education; 5278

(f) Any qualified tax-exempt entity under section 501(c) 5279
(3) of the Internal Revenue Code as long as all of the following 5280
conditions are satisfied: 5281

(i) The entity has been in operation for at least five 5282
years prior to applying to be a community school sponsor. 5283

(ii) The entity has assets of at least five hundred 5284
thousand dollars and a demonstrated record of financial 5285
responsibility. 5286

(iii) The department has determined that the entity is an 5287
education-oriented entity under division (B) (4) of section 5288
3314.015 of the Revised Code and the entity has a demonstrated 5289
record of successful implementation of educational programs. 5290

(iv) The entity is not a community school. 5291

(g) The mayor of a city in which the majority of the 5292
territory of a school district to which section 3311.60 of the 5293
Revised Code applies is located, regardless of whether that 5294
district has created the position of independent auditor as 5295
prescribed by that section. The mayor's sponsorship authority 5296
under this division is limited to community schools that are 5297
located in that school district. Such mayor may sponsor 5298
community schools only with the approval of the city council of 5299
that city, after establishing standards with which community 5300
schools sponsored by the mayor must comply, and after entering 5301
into a sponsor agreement with the department as prescribed under 5302
section 3314.015 of the Revised Code. The mayor shall establish 5303
the standards for community schools sponsored by the mayor not 5304
later than one hundred eighty days after July 15, 2013, and 5305
shall submit them to the department upon their establishment. 5306

The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C) (1) of this section may enter into a preliminary agreement pursuant to division (C) (2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

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

(3) A new start-up school that is established in a school district described in either division (A) (3) (b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

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

public instruction. 5337

(D) A majority vote of the board of a sponsoring entity 5338
and a majority vote of the members of the governing authority of 5339
a community school shall be required to adopt a contract and 5340
convert the public school or educational service center building 5341
to a community school or establish the new start-up school. 5342
Beginning September 29, 2005, adoption of the contract shall 5343
occur not later than the fifteenth day of March, and signing of 5344
the contract shall occur not later than the fifteenth day of 5345
May, prior to the school year in which the school will open. The 5346
governing authority shall notify the department of education 5347
when the contract has been signed. Subject to sections 3314.013 5348
and 3314.016 of the Revised Code, an unlimited number of 5349
community schools may be established in any school district 5350
provided that a contract is entered into for each community 5351
school pursuant to this chapter. 5352

(E) (1) As used in this division, "immediate relatives" are 5353
limited to spouses, children, parents, grandparents, and 5354
siblings, as well as in-laws residing in the same household as 5355
the person serving on the governing authority. 5356

Each new start-up community school established under this 5357
chapter shall be under the direction of a governing authority 5358
which shall consist of a board of not less than five 5359
individuals. 5360

(2) (a) No person shall serve on the governing authority or 5361
operate the community school under contract with the governing 5362
authority under any of the following circumstances: 5363

(i) The person owes the state any money or is in a dispute 5364
over whether the person owes the state any money concerning the 5365

operation of a community school that has closed. 5366

(ii) The person would otherwise be subject to division (B) 5367
of section 3319.31 of the Revised Code with respect to refusal, 5368
limitation, or revocation of a license to teach, if the person 5369
were a licensed educator. 5370

(iii) The person has pleaded guilty to or been convicted 5371
of theft in office under section 2921.41 of the Revised Code, or 5372
has pleaded guilty to or been convicted of a substantially 5373
similar offense in another state. 5374

(b) No person shall serve on the governing authority or 5375
engage in the financial day-to-day management of the community 5376
school under contract with the governing authority unless and 5377
until that person has submitted to a criminal records check in 5378
the manner prescribed by section 3319.39 of the Revised Code. 5379

(c) Each sponsor of a community school shall annually 5380
verify that a finding for recovery has not been issued by the 5381
auditor of state against any individual or individuals who 5382
propose to create a community school or any member of the 5383
governing authority, the operator, or any employee of each 5384
community school. 5385

(3) No person shall serve on the governing authorities of 5386
more than five start-up community schools at the same time. 5387

(4) (a) For a community school established under this 5388
chapter that is not sponsored by a school district or an 5389
educational service center, no present or former member, or 5390
immediate relative of a present or former member, of the 5391
governing authority shall be an owner, employee, or consultant 5392
of the community school's sponsor or operator, unless at least 5393
one year has elapsed since the conclusion of the person's 5394

membership on the governing authority. 5395

(b) For a community school established under this chapter 5396
that is sponsored by a school district or an educational service 5397
center, no present or former member, or immediate relative of a 5398
present or former member, of the governing authority shall: 5399

(i) Be an officer of the district board or service center 5400
governing board that serves as the community school's sponsor, 5401
unless at least one year has elapsed since the conclusion of the 5402
person's membership on the governing authority; 5403

(ii) Serve as an employee of, or a consultant for, the 5404
department, division, or section of the sponsoring district or 5405
service center that is directly responsible for sponsoring 5406
community schools, or have supervisory authority over such a 5407
department, division, or section, unless at least one year has 5408
elapsed since the conclusion of the person's membership on the 5409
governing authority. 5410

(5) The governing authority of a start-up or conversion 5411
community school may provide by resolution for the compensation 5412
of its members. However, no individual who serves on the 5413
governing authority of a start-up or conversion community school 5414
shall be compensated more than one hundred twenty-five dollars 5415
per meeting of that governing authority and no such individual 5416
shall be compensated more than a total amount of five thousand 5417
dollars per year for all governing authorities upon which the 5418
individual serves. Each member of the governing authority may be 5419
paid compensation for attendance at an approved training 5420
program, provided that such compensation shall not exceed sixty 5421
dollars a day for attendance at a training program three hours 5422
or less in length and one hundred twenty-five dollars a day for 5423
attendance at a training program longer than three hours in 5424

length. 5425

(6) No person who is the employee of a school district or 5426
educational service center shall serve on the governing 5427
authority of any community school sponsored by that school 5428
district or service center. 5429

(7) Each member of the governing authority of a community 5430
school shall annually file a disclosure statement setting forth 5431
the names of any immediate relatives or business associates 5432
employed by any of the following within the previous three 5433
years: 5434

(a) The sponsor or operator of that community school; 5435

(b) A school district or educational service center that 5436
has contracted with that community school; 5437

(c) A vendor that is or has engaged in business with that 5438
community school. 5439

(8) No person who is a member of a school district board 5440
of education shall serve on the governing authority of any 5441
community school. 5442

(F) (1) A new start-up school that is established prior to 5443
August 15, 2003, in an urban school district that is not also a 5444
big-eight school district may continue to operate after that 5445
date and the contract between the school's governing authority 5446
and the school's sponsor may be renewed, as provided under this 5447
chapter, after that date, but no additional new start-up schools 5448
may be established in such a district unless the district is a 5449
challenged school district as defined in this section as it 5450
exists on and after that date. 5451

(2) A community school that was established prior to June 5452

29, 1999, and is located in a county contiguous to the pilot 5453
project area and in a school district that is not a challenged 5454
school district may continue to operate after that date, 5455
provided the school complies with all provisions of this 5456
chapter. The contract between the school's governing authority 5457
and the school's sponsor may be renewed, but no additional 5458
start-up community school may be established in that district 5459
unless the district is a challenged school district. 5460

(3) Any educational service center that, on June 30, 2007, 5461
sponsors a community school that is not located in a county 5462
within the territory of the service center or in a county 5463
contiguous to such county may continue to sponsor that community 5464
school on and after June 30, 2007, and may renew its contract 5465
with the school. However, the educational service center shall 5466
not enter into a contract with any additional community school, 5467
unless the governing board of the service center has entered 5468
into an agreement with the department authorizing the service 5469
center to sponsor a community school in any challenged school 5470
district in the state. 5471

Sec. 3314.03. A copy of every contract entered into under 5472
this section shall be filed with the superintendent of public 5473
instruction. The department of education shall make available on 5474
its web site a copy of every approved, executed contract filed 5475
with the superintendent under this section. 5476

(A) Each contract entered into between a sponsor and the 5477
governing authority of a community school shall specify the 5478
following: 5479

(1) That the school shall be established as either of the 5480
following: 5481

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	5482 5483 5484
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	5485 5486
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	5487 5488 5489 5490
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	5491 5492 5493 5494
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	5495 5496 5497 5498
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	5499 5500 5501
(6) (a) Dismissal procedures;	5502
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	5503 5504 5505 5506 5507 5508
(7) The ways by which the school will achieve racial and	5509

ethnic balance reflective of the community it serves; 5510

(8) Requirements for financial audits by the auditor of 5511
state. The contract shall require financial records of the 5512
school to be maintained in the same manner as are financial 5513
records of school districts, pursuant to rules of the auditor of 5514
state. Audits shall be conducted in accordance with section 5515
117.10 of the Revised Code. 5516

(9) An addendum to the contract outlining the facilities 5517
to be used that contains at least the following information: 5518

(a) A detailed description of each facility used for 5519
instructional purposes; 5520

(b) The annual costs associated with leasing each facility 5521
that are paid by or on behalf of the school; 5522

(c) The annual mortgage principal and interest payments 5523
that are paid by the school; 5524

(d) The name of the lender or landlord, identified as 5525
such, and the lender's or landlord's relationship to the 5526
operator, if any. 5527

(10) Qualifications of teachers, including a requirement 5528
that the school's classroom teachers be licensed in accordance 5529
with sections 3319.22 to 3319.31 of the Revised Code, except 5530
that a community school may engage noncertificated persons to 5531
teach up to twelve hours per week pursuant to section 3319.301 5532
of the Revised Code. 5533

(11) That the school will comply with the following 5534
requirements: 5535

(a) The school will provide learning opportunities to a 5536
minimum of twenty-five students for a minimum of nine hundred 5537

twenty hours per school year. 5538

(b) The governing authority will purchase liability 5539
insurance, or otherwise provide for the potential liability of 5540
the school. 5541

(c) The school will be nonsectarian in its programs, 5542
admission policies, employment practices, and all other 5543
operations, and will not be operated by a sectarian school or 5544
religious institution. 5545

(d) The school will comply with sections 9.90, 9.91, 5546
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 5547
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 5548
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 5549
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 5550
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 5551
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 5552
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 5553
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 5554
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 5555
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 5556
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5557
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 5558
4123., 4141., and 4167. of the Revised Code as if it were a 5559
school district and will comply with section 3301.0714 of the 5560
Revised Code in the manner specified in section 3314.17 of the 5561
Revised Code. 5562

(e) The school shall comply with Chapter 102. and section 5563
2921.42 of the Revised Code. 5564

(f) The school will comply with sections 3313.61, 5565
3313.611, and 3313.614 of the Revised Code, except that for 5566

students who enter ninth grade for the first time before July 1, 5567
2010, the requirement in sections 3313.61 and 3313.611 of the 5568
Revised Code that a person must successfully complete the 5569
curriculum in any high school prior to receiving a high school 5570
diploma may be met by completing the curriculum adopted by the 5571
governing authority of the community school rather than the 5572
curriculum specified in Title XXXIII of the Revised Code or any 5573
rules of the state board of education. Beginning with students 5574
who enter ninth grade for the first time on or after July 1, 5575
2010, the requirement in sections 3313.61 and 3313.611 of the 5576
Revised Code that a person must successfully complete the 5577
curriculum of a high school prior to receiving a high school 5578
diploma shall be met by completing the requirements prescribed 5579
in division (C) of section 3313.603 of the Revised Code, unless 5580
the person qualifies under division (D) or (F) of that section. 5581
Each school shall comply with the plan for awarding high school 5582
credit based on demonstration of subject area competency, and 5583
beginning with the 2017-2018 school year, with the updated plan 5584
that permits students enrolled in seventh and eighth grade to 5585
meet curriculum requirements based on subject area competency 5586
adopted by the state board of education under divisions (J) (1) 5587
and (2) of section 3313.603 of the Revised Code. Beginning with 5588
the 2018-2019 school year, the school shall comply with the 5589
framework for granting units of high school credit to students 5590
who demonstrate subject area competency through work-based 5591
learning experiences, internships, or cooperative education 5592
developed by the department under division (J) (3) of section 5593
3313.603 of the Revised Code. 5594

(g) The school governing authority will submit within four 5595
months after the end of each school year a report of its 5596
activities and progress in meeting the goals and standards of 5597

divisions (A) (3) and (4) of this section and its financial 5598
status to the sponsor and the parents of all students enrolled 5599
in the school. 5600

(h) The school, unless it is an internet- or computer- 5601
based community school, will comply with section 3313.801 of the 5602
Revised Code as if it were a school district. 5603

(i) If the school is the recipient of moneys from a grant 5604
awarded under the federal race to the top program, Division (A), 5605
Title XIV, Sections 14005 and 14006 of the "American Recovery 5606
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 5607
the school will pay teachers based upon performance in 5608
accordance with section 3317.141 and will comply with section 5609
3319.111 of the Revised Code as if it were a school district. 5610

(j) If the school operates a preschool program that is 5611
licensed by the department of education under sections 3301.52 5612
to 3301.59 of the Revised Code, the school shall comply with 5613
sections 3301.50 to 3301.59 of the Revised Code and the minimum 5614
standards for preschool programs prescribed in rules adopted by 5615
the state board under section 3301.53 of the Revised Code. 5616

(k) The school will comply with sections 3313.6021 and 5617
3313.6023 of the Revised Code as if it were a school district 5618
unless it is either of the following: 5619

(i) An internet- or computer-based community school; 5620

(ii) A community school in which a majority of the 5621
enrolled students are children with disabilities as described in 5622
division (A) ~~(4)~~ (2) (b) of section 3314.35 of the Revised Code. 5623

(12) Arrangements for providing health and other benefits 5624
to employees; 5625

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

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

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

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

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

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside

outside the district in which the school is located. That policy 5655
shall comply with the admissions procedures specified in 5656
sections 3314.06 and 3314.061 of the Revised Code and, at the 5657
sole discretion of the authority, shall do one of the following: 5658

(a) Prohibit the enrollment of students who reside outside 5659
the district in which the school is located; 5660

(b) Permit the enrollment of students who reside in 5661
districts adjacent to the district in which the school is 5662
located; 5663

(c) Permit the enrollment of students who reside in any 5664
other district in the state. 5665

(20) A provision recognizing the authority of the 5666
department of education to take over the sponsorship of the 5667
school in accordance with the provisions of division (C) of 5668
section 3314.015 of the Revised Code; 5669

(21) A provision recognizing the sponsor's authority to 5670
assume the operation of a school under the conditions specified 5671
in division (B) of section 3314.073 of the Revised Code; 5672

(22) A provision recognizing both of the following: 5673

(a) The authority of public health and safety officials to 5674
inspect the facilities of the school and to order the facilities 5675
closed if those officials find that the facilities are not in 5676
compliance with health and safety laws and regulations; 5677

(b) The authority of the department of education as the 5678
community school oversight body to suspend the operation of the 5679
school under section 3314.072 of the Revised Code if the 5680
department has evidence of conditions or violations of law at 5681
the school that pose an imminent danger to the health and safety 5682

of the school's students and employees and the sponsor refuses 5683
to take such action. 5684

(23) A description of the learning opportunities that will 5685
be offered to students including both classroom-based and non- 5686
classroom-based learning opportunities that is in compliance 5687
with criteria for student participation established by the 5688
department under division (H) (2) of section 3314.08 of the 5689
Revised Code; 5690

(24) The school will comply with sections 3302.04 and 5691
3302.041 of the Revised Code, except that any action required to 5692
be taken by a school district pursuant to those sections shall 5693
be taken by the sponsor of the school. However, the sponsor 5694
shall not be required to take any action described in division 5695
(F) of section 3302.04 of the Revised Code. 5696

(25) Beginning in the 2006-2007 school year, the school 5697
will open for operation not later than the thirtieth day of 5698
September each school year, unless the mission of the school as 5699
specified under division (A) (2) of this section is solely to 5700
serve dropouts. In its initial year of operation, if the school 5701
fails to open by the thirtieth day of September, or within one 5702
year after the adoption of the contract pursuant to division (D) 5703
of section 3314.02 of the Revised Code if the mission of the 5704
school is solely to serve dropouts, the contract shall be void. 5705

(26) Whether the school's governing authority is planning 5706
to seek designation for the school as a STEM school equivalent 5707
under section 3326.032 of the Revised Code; 5708

(27) That the school's attendance and participation 5709
policies will be available for public inspection; 5710

(28) That the school's attendance and participation 5711

records shall be made available to the department of education, 5712
auditor of state, and school's sponsor to the extent permitted 5713
under and in accordance with the "Family Educational Rights and 5714
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 5715
and any regulations promulgated under that act, and section 5716
3319.321 of the Revised Code; 5717

(29) If a school operates using the blended learning 5718
model, as defined in section 3301.079 of the Revised Code, all 5719
of the following information: 5720

(a) An indication of what blended learning model or models 5721
will be used; 5722

(b) A description of how student instructional needs will 5723
be determined and documented; 5724

(c) The method to be used for determining competency, 5725
granting credit, and promoting students to a higher grade level; 5726

(d) The school's attendance requirements, including how 5727
the school will document participation in learning 5728
opportunities; 5729

(e) A statement describing how student progress will be 5730
monitored; 5731

(f) A statement describing how private student data will 5732
be protected; 5733

(g) A description of the professional development 5734
activities that will be offered to teachers. 5735

(30) A provision requiring that all moneys the school's 5736
operator loans to the school, including facilities loans or cash 5737
flow assistance, must be accounted for, documented, and bear 5738
interest at a fair market rate; 5739

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

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

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract

between the governing authority and the sponsor. The total 5768
amount of such payments for monitoring, oversight, and technical 5769
assistance of the school shall not exceed three per cent of the 5770
total amount of payments for operating expenses that the school 5771
receives from the state. 5772

(D) The contract shall specify the duties of the sponsor 5773
which shall be in accordance with the written agreement entered 5774
into with the department of education under division (B) of 5775
section 3314.015 of the Revised Code and shall include the 5776
following: 5777

(1) Monitor the community school's compliance with all 5778
laws applicable to the school and with the terms of the 5779
contract; 5780

(2) Monitor and evaluate the academic and fiscal 5781
performance and the organization and operation of the community 5782
school on at least an annual basis; 5783

(3) Report on an annual basis the results of the 5784
evaluation conducted under division (D) (2) of this section to 5785
the department of education and to the parents of students 5786
enrolled in the community school; 5787

(4) Provide technical assistance to the community school 5788
in complying with laws applicable to the school and terms of the 5789
contract; 5790

(5) Take steps to intervene in the school's operation to 5791
correct problems in the school's overall performance, declare 5792
the school to be on probationary status pursuant to section 5793
3314.073 of the Revised Code, suspend the operation of the 5794
school pursuant to section 3314.072 of the Revised Code, or 5795
terminate the contract of the school pursuant to section 3314.07 5796

of the Revised Code as determined necessary by the sponsor; 5797

(6) Have in place a plan of action to be undertaken in the 5798
event the community school experiences financial difficulties or 5799
closes prior to the end of a school year. 5800

(E) Upon the expiration of a contract entered into under 5801
this section, the sponsor of a community school may, with the 5802
approval of the governing authority of the school, renew that 5803
contract for a period of time determined by the sponsor, but not 5804
ending earlier than the end of any school year, if the sponsor 5805
finds that the school's compliance with applicable laws and 5806
terms of the contract and the school's progress in meeting the 5807
academic goals prescribed in the contract have been 5808
satisfactory. Any contract that is renewed under this division 5809
remains subject to the provisions of sections 3314.07, 3314.072, 5810
and 3314.073 of the Revised Code. 5811

(F) If a community school fails to open for operation 5812
within one year after the contract entered into under this 5813
section is adopted pursuant to division (D) of section 3314.02 5814
of the Revised Code or permanently closes prior to the 5815
expiration of the contract, the contract shall be void and the 5816
school shall not enter into a contract with any other sponsor. A 5817
school shall not be considered permanently closed because the 5818
operations of the school have been suspended pursuant to section 5819
3314.072 of the Revised Code. 5820

Sec. 3314.034. (A) Subject to division (B) of this 5821
section, any community school to which either of the following 5822
conditions apply shall be prohibited from entering into a 5823
contract with a new sponsor: 5824

(1) The community school has received a grade of "D" or 5825

"F" for the performance index score, under division (C) (1) (b) of 5826
section ~~3302.03~~3302.032 of the Revised Code, and an overall 5827
grade of "D" or "F" for the value-added progress dimension or 5828
another measure of student academic progress if adopted by the 5829
state board of education, under division (C) (1) (e) of that 5830
section, on the most recent report card issued for the school 5831
pursuant to that section. 5832

(2) The community school is one in which a majority of the 5833
students are enrolled in a dropout prevention and recovery 5834
program, and it has received a rating of "does not meet 5835
standards" for the annual student growth measure and combined 5836
graduation rates on the most recent report card issued for the 5837
school under section 3314.017 of the Revised Code. 5838

(B) A community school to which division (A) of this 5839
section applies may enter into a contract with a new sponsor if 5840
all of the following conditions are satisfied: 5841

(1) The proposed sponsor received a rating of "effective" 5842
or higher pursuant to division (B) (6) of section 3314.016 of the 5843
Revised Code on its most recent evaluation conducted according 5844
to that section, or the proposed sponsor is the office of Ohio 5845
school sponsorship established in section 3314.029 of the 5846
Revised Code. 5847

(2) The community school submits a request to enter into a 5848
new contract with a sponsor. 5849

(3) The community school has not submitted a prior request 5850
that was granted. 5851

(4) The department grants the school's request pursuant to 5852
division (C) of this section. 5853

(C) A school shall submit a request to change sponsors 5854

under this section not later than on the fifteenth day of 5855
February of the year in which the school wishes to do so. The 5856
department shall grant or deny the request not later than thirty 5857
days after the department receives it. If the department denies 5858
the request, the community school may submit an appeal to the 5859
state board of education, which shall hold a hearing in 5860
accordance with Chapter 119. of the Revised Code. The community 5861
school shall file its notice of appeal to the state board not 5862
later than ten days after receiving the decision from the 5863
department. The state board shall conduct the hearing not later 5864
than thirty days after receiving the school's notice of appeal 5865
and act upon the determination of the hearing officer not later 5866
than the twenty-fifth day of June of the year in which the 5867
school wishes to change sponsors. 5868

(D) Factors to be considered during a hearing held 5869
pursuant to division (C) of this section include, but are not 5870
limited to, the following: 5871

(1) The school's impact on the students and the community 5872
or communities it serves; 5873

(2) The quality and quantity of academic and 5874
administrative support the school receives from its current 5875
sponsor to help the school to improve; 5876

(3) The sponsor's annual evaluations of the community 5877
school under division (D) (2) of section 3314.03 of the Revised 5878
Code for the previous three years; 5879

(4) The academic performance of the school, taking into 5880
account the demographic information of the students enrolled in 5881
the school; 5882

(5) The academic performance of alternative schools that 5883

serve comparable populations of students as those served by the community school;	5884 5885
(6) The fiscal stability of the school;	5886
(7) The results of any audits of the school by the auditor of state;	5887 5888
(8) The length of time the school has been under the oversight of its current sponsor;	5889 5890
(9) The number of times the school has changed sponsors prior to the current request;	5891 5892
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	5893 5894
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.	5895 5896 5897 5898 5899 5900
(B) Division (B) of this section shall not apply to internet- or computer-based community schools.	5901 5902
(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.	5903 5904 5905 5906 5907 5908 5909
(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division	5910 5911

(B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) 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.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 or 3302.032 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 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 as that section existed prior to the effective date of this amendment; 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 that section ~~3302.03 of the Revised Code~~;

(iii) For the 2016-2017 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, as it existed prior to the effective date of this amendment, or section 3302.032 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. 5941
5942

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply: 5943
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(a) At least one of the school districts in which the school is established is a challenged school district; 5946
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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 5948
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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. 5952
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In the case of a community school to which division (B) (3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation. 5955
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(4) A community school may be located in multiple 5969

facilities under the same contract and, notwithstanding division 5970
(B) (1) of this section, may assign students in the same grade 5971
level to multiple facilities, as long as both of the following 5972
apply: 5973

(a) The facilities are all located in the same county. 5974

(b) Either of the following conditions are satisfied: 5975

(i) The community school is sponsored by a board of 5976
education of a city, local, or exempted village school district 5977
having territory in the same county where the facilities of the 5978
community school are located; 5979

(ii) The community school is managed by an operator. 5980

In the case of a community school to which division (B) (4) 5981
of this section applies and that maintains facilities in more 5982
than one school district, the school's governing authority shall 5983
designate one of those districts to be considered the school's 5984
primary location and the district in which the school is located 5985
for the purposes of division (A) (19) of section 3314.03 and 5986
divisions (C) and (H) of section 3314.06 of the Revised Code and 5987
for all other purposes of this chapter and shall notify the 5988
department of that designation. 5989

(5) Any facility used for a community school shall meet 5990
all health and safety standards established by law for school 5991
buildings. 5992

(C) In the case where a community school is proposed to be 5993
located in a facility owned by a school district or educational 5994
service center, the facility may not be used for such community 5995
school unless the district or service center board owning the 5996
facility enters into an agreement for the community school to 5997
utilize the facility. Use of the facility may be under any terms 5998

and conditions agreed to by the district or service center board 5999
and the school. 6000

(D) Two or more separate community schools may be located 6001
in the same facility. 6002

(E) In the case of a community school that is located in 6003
multiple facilities, beginning July 1, 2012, the department 6004
shall assign a unique identification number to the school and to 6005
each facility maintained by the school. Each number shall be 6006
used for identification purposes only. Nothing in this division 6007
shall be construed to require the department to calculate the 6008
amount of funds paid under this chapter, or to compute any data 6009
required for the report cards issued under section 3314.012 of 6010
the Revised Code, for each facility separately. The department 6011
shall make all such calculations or computations for the school 6012
as a whole. 6013

Sec. 3314.085. (A) For purposes of this section: 6014

(1) "Formula amount" has the same meaning as in section 6015
3317.02 of the Revised Code. 6016

(2) "Four-year adjusted cohort graduation rate" has the 6017
same meaning as in section 3302.01 of the Revised Code. 6018

(3) A community school's "third-grade reading proficiency 6019
percentage" means the percentage of the school's students 6020
scoring at a proficient level of skill or higher on the third- 6021
grade English language arts assessment prescribed under division 6022
(A) (1) (a) of section 3301.0710 of the Revised Code for the 6023
immediately preceding school year, as reported on the school's 6024
report card under section ~~3302.03~~ 3302.032 of the Revised Code. 6025

(B) In addition to the payments made under section 3314.08 6026
of the Revised Code, the department of education shall annually 6027

pay to each community school both of the following: 6028

(1) A graduation bonus calculated according to the 6029
following formula: 6030

The school's four-year adjusted cohort graduation rate on its 6031
most recent report card issued by the department under section 6032
3302.03 or 3314.017 of the Revised Code X 0.075 X the formula 6033
amount X the number of the school's graduates reported to the 6034
department, in accordance with the guidelines adopted under 6035
section 3301.0714 of the Revised Code, for the same school year 6036
for which the most recent report card was issued 6037

(2) A third-grade reading bonus calculated according to 6038
the following formula: 6039

The school's third-grade reading proficiency percentage X 0.075 6040
X the formula amount X the number of the school's students 6041
scoring at a proficient level or higher on the third-grade 6042
English language arts assessment prescribed under division (A) 6043

(1) (a) of section 3301.0710 of the Revised Code for the 6044
immediately preceding school year 6045

~~Sec. 3314.35. (A) (1) Except as provided in division (A) (4) 6046
of this section, this section applies to any community school 6047
that meets one of the following criteria after July 1, 2009, but 6048
before July 1, 2011: 6049~~

~~(a) The school does not offer a grade level higher than 6050
three and has been declared to be in a state of academic 6051
emergency under section 3302.03 of the Revised Code for three of 6052
the four most recent school years. 6053~~

~~(b) The school satisfies all of the following conditions: 6054~~

~~(i) The school offers any of grade levels four to eight 6055~~

~~but does not offer a grade level higher than nine.~~ 6056

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~ 6057
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~~(iii) In at least two of the three most recent school
years, the school showed less than one standard year of academic
growth in either reading or mathematics, as determined by the
department of education in accordance with rules adopted under
division (A) of section 3302.021 of the Revised Code.~~ 6060
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~~(c) The school offers any of grade levels ten to twelve
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.~~ 6065
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~~(2) Except as provided in division (A) (4) of this section,
this section applies to any community school that meets one of
the following criteria after July 1, 2011, but before July 1,
2013:~~ 6069
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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 two of
the three most recent school years.~~ 6073
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~~(b) The school satisfies all of the following conditions:~~ 6077

~~(i) The school offers any of grade levels four to eight
but does not offer a grade level higher than nine.~~ 6078
6079

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~ 6080
6081
6082

~~(iii) In at least two of the three most recent school~~ 6083

~~years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~ 6084
6085
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6087

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 6088
6089
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~~(3) Except as provided in division (A) (4) (2) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:~~ 6092
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(a) The school does not offer a grade level higher than three and, for two of the three most recent school years, satisfies any of the following criteria: 6095
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6097

(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 March 22, 2013; 6098
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(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code; 6101
6102
6103
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(iii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code. 6106
6107
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6109

(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two of the three most recent school years, satisfies any of the 6110
6111
6112

following criteria: 6113

(i) The school has been declared to be in a state of 6114
academic emergency under section 3302.03 of the Revised Code, as 6115
it existed prior to March 22, 2013, and the school showed less 6116
than one standard year of academic growth in either reading or 6117
mathematics, as determined by the department in accordance with 6118
rules adopted under division (A) of section 3302.021 of the 6119
Revised Code; 6120

(ii) The school has received a grade of "F" for the 6121
performance index score under division (A) (1) (b), (B) (1) (b), or 6122
(C) (1) (b) and a grade of "F" for the value-added progress 6123
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 6124
section 3302.03 of the Revised Code, as it existed prior to the 6125
effective date of this amendment, or section 3302.032 of the 6126
Revised Code; 6127

(iii) The school has received an overall grade of "F" 6128
under division (C) and a grade of "F" for the value-added 6129
progress dimension under division (C) (1) (e) of section 3302.03 6130
of the Revised Code, as it existed prior to the effective date 6131
of this amendment, or section 3302.032 of the Revised Code. 6132

(c) The school offers any of grade levels ten to twelve 6133
and, for two of the three most recent school years, satisfies 6134
any of the following criteria: 6135

(i) The school has been declared to be in a state of 6136
academic emergency under section 3302.03 of the Revised Code, as 6137
it existed prior to March 22, 2013; 6138

(ii) The school has received a grade of "F" for the 6139
performance index score under division (A) (1) (b), (B) (1) (b), or 6140
(C) (1) (b) and has not met annual measurable objectives under 6141

division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 6142
of the Revised Code, as it existed prior to the effective date 6143
of this amendment, or section 3302.032 of the Revised Code; 6144

(iii) The school has received an overall grade of "F" 6145
under division (C) and a grade of "F" for the value-added 6146
progress dimension under division (C) (1) (e) of section 3302.03 6147
of the Revised Code, as it existed prior to the effective date 6148
of this amendment, or section 3302.032 of the Revised Code. 6149

For purposes of division (A) ~~(3)~~ (1) of this section only, 6150
the department of education shall calculate the value-added 6151
progress dimension for a community school using assessment 6152
scores for only those students to whom the school has 6153
administered the achievement assessments prescribed by section 6154
3301.0710 of the Revised Code for at least the two most recent 6155
school years but using value-added data from only the most 6156
recent school year. 6157

~~(4)~~ (2) This section does not apply to either of the 6158
following: 6159

(a) Any community school in which a majority of the 6160
students are enrolled in a dropout prevention and recovery 6161
program that is operated by the school. Rather, such schools 6162
shall be subject to closure only as provided in section 3314.351 6163
of the Revised Code. However, prior to July 1, 2014, a community 6164
school in which a majority of the students are enrolled in a 6165
dropout prevention and recovery program shall be exempt from 6166
this section only if it has been granted a waiver under section 6167
3314.36 of the Revised Code. 6168

(b) Any community school in which a majority of the 6169
enrolled students are children with disabilities receiving 6170

special education and related services in accordance with 6171
Chapter 3323. of the Revised Code. 6172

(B) Any community school to which this section applies 6173
shall permanently close at the conclusion of the school year in 6174
which the school first becomes subject to this section. The 6175
sponsor and governing authority of the school shall comply with 6176
all procedures for closing a community school adopted by the 6177
department under division (E) of section 3314.015 of the Revised 6178
Code. The governing authority of the school shall not enter into 6179
a contract with any other sponsor under section 3314.03 of the 6180
Revised Code after the school closes. 6181

(C) In accordance with division (B) of section 3314.012 of 6182
the Revised Code, the department shall not consider the 6183
performance ratings assigned to a community school for its first 6184
two years of operation when determining whether the school meets 6185
the criteria prescribed by division (A) (1) or (2) of this 6186
section. 6187

(D) Nothing in this section or in any other provision of 6188
the Revised Code prohibits the sponsor of a community school 6189
from exercising its option not to renew a contract for any 6190
reason or from terminating a contract prior to its expiration 6191
for any of the reasons set forth in section 3314.07 of the 6192
Revised Code. 6193

Sec. 3317.0216. (A) For purposes of this section, a city, 6194
local, or exempted village school district's "third-grade 6195
reading proficiency percentage" means the percentage of the 6196
district's students scoring at a proficient level of skill or 6197
higher on the third-grade English language arts assessment 6198
prescribed under division (A) (1) (a) of section 3301.0710 of the 6199
Revised Code for the immediately preceding school year, as 6200

reported on the district's report card under section ~~3302.03~~ 6201
3302.032 of the Revised Code. 6202

(B) The department of education shall annually calculate a 6203
third-grade reading bonus for each city, local, and exempted 6204
village school district according to the following formula: 6205

The district's third-grade reading proficiency percentage X 6206
0.075 X the formula amount X the number of the district's 6207
students scoring at a proficient level of skill or higher on the 6208
third-grade English language arts assessment prescribed under 6209
division (A)(1)(a) of section 3301.0710 of the Revised Code for 6210
the immediately preceding school year X the district's state 6211
share index 6212

Sec. 3319.111. Notwithstanding section 3319.09 of the 6213
Revised Code, this section applies to any person who is employed 6214
under a teacher license issued under this chapter, or under a 6215
professional or permanent teacher's certificate issued under 6216
former section 3319.222 of the Revised Code, and who spends at 6217
least fifty per cent of the time employed providing student 6218
instruction. However, this section does not apply to any person 6219
who is employed as a substitute teacher or as an instructor of 6220
adult education. 6221

(A) Not later than July 1, 2013, the board of education of 6222
each school district, in consultation with teachers employed by 6223
the board, shall adopt a standards-based teacher evaluation 6224
policy that conforms with the framework for evaluation of 6225
teachers developed under section 3319.112 of the Revised Code. 6226
The policy shall become operative at the expiration of any 6227
collective bargaining agreement covering teachers employed by 6228
the board that is in effect on September 29, 2011, and shall be 6229
included in any renewal or extension of such an agreement. 6230

(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~~ 3302.032 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)(a) The board may evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section once every three school years, so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is average or higher, as determined by the department of education.

(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years, so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is average or higher, as determined by the department of education.

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

(C) (2) of this section, the evaluation shall be completed by the 6261
first day of May of the applicable school year, and the teacher 6262
shall receive a written report of the results of the evaluation 6263
by the tenth day of May of that school year. 6264

(d) Beginning with the 2014-2015 school year, the board 6265
may elect not to conduct an evaluation of a teacher who meets 6266
one of the following requirements: 6267

(i) The teacher was on leave from the school district for 6268
fifty per cent or more of the school year, as calculated by the 6269
board. 6270

(ii) The teacher has submitted notice of retirement and 6271
that notice has been accepted by the board not later than the 6272
first day of December of the school year in which the evaluation 6273
is otherwise scheduled to be conducted. 6274

(e) Beginning with the 2017-2018 school year, the board 6275
may elect not to conduct an evaluation of a teacher who is 6276
participating in the teacher residency program established under 6277
section 3319.223 of the Revised Code for the year during which 6278
that teacher takes, for the first time, at least half of the 6279
performance-based assessment prescribed by the state board of 6280
education for resident educators. 6281

(3) In any year that a teacher is not formally evaluated 6282
pursuant to division (C) of this section as a result of 6283
receiving a rating of accomplished or skilled on the teacher's 6284
most recent evaluation, an individual qualified to evaluate a 6285
teacher under division (D) of this section shall conduct at 6286
least one observation of the teacher and hold at least one 6287
conference with the teacher. 6288

(D) Each evaluation conducted pursuant to this section 6289

shall be conducted by one or more of the following persons who 6290
hold a credential established by the department of education for 6291
being an evaluator: 6292

(1) A person who is under contract with the board pursuant 6293
to section 3319.01 or 3319.02 of the Revised Code and holds a 6294
license designated for being a superintendent, assistant 6295
superintendent, or principal issued under section 3319.22 of the 6296
Revised Code; 6297

(2) A person who is under contract with the board pursuant 6298
to section 3319.02 of the Revised Code and holds a license 6299
designated for being a vocational director, administrative 6300
specialist, or supervisor in any educational area issued under 6301
section 3319.22 of the Revised Code; 6302

(3) A person designated to conduct evaluations under an 6303
agreement entered into by the board, including an agreement 6304
providing for peer review entered into by the board and 6305
representatives of teachers employed by the board; 6306

(4) A person who is employed by an entity contracted by 6307
the board to conduct evaluations and who holds a license 6308
designated for being a superintendent, assistant superintendent, 6309
principal, vocational director, administrative specialist, or 6310
supervisor in any educational area issued under section 3319.22 6311
of the Revised Code or is qualified to conduct evaluations. 6312

(E) Notwithstanding division (A) (3) of section 3319.112 of 6313
the Revised Code: 6314

(1) The board shall require at least three formal 6315
observations of each teacher who is under consideration for 6316
nonrenewal and with whom the board has entered into a limited 6317
contract or an extended limited contract under section 3319.11 6318

of the Revised Code. 6319

(2) The board may elect, by adoption of a resolution, to 6320
require only one formal observation of a teacher who received a 6321
rating of accomplished on the teacher's most recent evaluation 6322
conducted under this section, provided the teacher completes a 6323
project that has been approved by the board to demonstrate the 6324
teacher's continued growth and practice at the accomplished 6325
level. 6326

(F) The board shall include in its evaluation policy 6327
procedures for using the evaluation results for retention and 6328
promotion decisions and for removal of poorly performing 6329
teachers. Seniority shall not be the basis for a decision to 6330
retain a teacher, except when making a decision between teachers 6331
who have comparable evaluations. 6332

(G) For purposes of section 3333.0411 of the Revised Code, 6333
the board annually shall report to the department of education 6334
the number of teachers for whom an evaluation was conducted 6335
under this section and the number of teachers assigned each 6336
rating prescribed under division (B)(1) of section 3319.112 of 6337
the Revised Code, aggregated by the teacher preparation programs 6338
from which and the years in which the teachers graduated. The 6339
department shall establish guidelines for reporting the 6340
information required by this division. The guidelines shall not 6341
permit or require that the name of, or any other personally 6342
identifiable information about, any teacher be reported under 6343
this division. 6344

(H) Notwithstanding any provision to the contrary in 6345
Chapter 4117. of the Revised Code, the requirements of this 6346
section prevail over any conflicting provisions of a collective 6347
bargaining agreement entered into on or after September 24, 6348

2012. 6349

Sec. 3319.112. (A) Not later than December 31, 2011, the 6350
state board of education shall develop a standards-based state 6351
framework for the evaluation of teachers. The state board may 6352
update the framework periodically by adoption of a resolution. 6353
The framework shall establish an evaluation system that does the 6354
following: 6355

(1) Provides for multiple evaluation factors. One factor 6356
shall be student academic growth which shall account for fifty 6357
per cent of each evaluation, except as otherwise prescribed by 6358
the alternative framework under section 3319.114 of the Revised 6359
Code. When applicable to the grade level or subject area taught 6360
by a teacher, the value-added progress dimension established 6361
under section 3302.021 of the Revised Code or an alternative 6362
student academic progress measure if adopted under division (C) 6363
(1)(e) of section ~~3302.03~~3302.032 of the Revised Code shall be 6364
used in the student academic growth portion of an evaluation in 6365
proportion to the part of a teacher's schedule of courses or 6366
subjects for which the value-added progress dimension is 6367
applicable. 6368

If a teacher's schedule is comprised only of courses or 6369
subjects for which the value-added progress dimension is 6370
applicable, one of the following applies: 6371

(a) Beginning with March 22, 2013, until June 30, 2014, 6372
the majority of the student academic growth factor of the 6373
evaluation shall be based on the value-added progress dimension. 6374

(b) On or after July 1, 2014, the entire student academic 6375
growth factor of the evaluation shall be based on the value- 6376
added progress dimension. In calculating student academic growth 6377

for an evaluation, a student shall not be included if the 6378
student has forty-five or more excused or unexcused absences 6379
during the full academic year. 6380

(2) Is aligned with the standards for teachers adopted 6381
under section 3319.61 of the Revised Code; 6382

(3) Requires observation of the teacher being evaluated, 6383
including at least two formal observations by the evaluator of 6384
at least thirty minutes each and classroom walkthroughs; 6385

(4) Assigns a rating on each evaluation in accordance with 6386
division (B) of this section or section 3319.114 of the Revised 6387
Code, whichever is applicable; 6388

(5) Requires each teacher to be provided with a written 6389
report of the results of the teacher's evaluation; 6390

(6) Identifies measures of student academic growth for 6391
grade levels and subjects for which the value-added progress 6392
dimension prescribed by section 3302.021 of the Revised Code or 6393
an alternative student academic progress measure if adopted 6394
under division (C) (1) (e) of section ~~3302.03~~ 3302.032 of the 6395
Revised Code does not apply; 6396

(7) Implements a classroom-level, value-added program 6397
developed by a nonprofit organization described in division (B) 6398
of section 3302.021 of the Revised Code or an alternative 6399
student academic progress measure if adopted under division (C) 6400
(1) (e) of section ~~3302.03~~ 3302.032 of the Revised Code; 6401

(8) Provides for professional development to accelerate 6402
and continue teacher growth and provide support to poorly 6403
performing teachers; 6404

(9) Provides for the allocation of financial resources to 6405

support professional development. 6406

(B) For purposes of the framework developed under this 6407
section, the state board also shall do the following: 6408

(1) Develop specific standards and criteria that 6409
distinguish between the following levels of performance for 6410
teachers and principals for the purpose of assigning ratings on 6411
the evaluations conducted under sections 3311.80, 3311.84, 6412
3319.02, and 3319.111 of the Revised Code: 6413

(a) Accomplished; 6414

(b) Skilled; 6415

(c) Developing; 6416

(d) Ineffective. 6417

(2) For grade levels and subjects for which the 6418
assessments prescribed under sections 3301.0710 and 3301.0712 of 6419
the Revised Code and the value-added progress dimension 6420
prescribed by section 3302.021 of the Revised Code, or 6421
alternative student academic progress measure, do not apply, 6422
develop a list of student assessments that measure mastery of 6423
the course content for the appropriate grade level, which may 6424
include nationally normed standardized assessments, industry 6425
certification examinations, or end-of-course examinations. 6426

(C) The state board shall consult with experts, teachers 6427
and principals employed in public schools, and representatives 6428
of stakeholder groups in developing the standards and criteria 6429
required by division (B) (1) of this section. 6430

(D) To assist school districts in developing evaluation 6431
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 6432
of the Revised Code, the department shall do both of the 6433

following: 6434

(1) Serve as a clearinghouse of promising evaluation 6435
procedures and evaluation models that districts may use; 6436

(2) Provide technical assistance to districts in creating 6437
evaluation policies. 6438

(E) Not later than June 30, 2013, the state board, in 6439
consultation with state agencies that employ teachers, shall 6440
develop a standards-based framework for the evaluation of 6441
teachers employed by those agencies. Each state agency that 6442
employs teachers shall adopt a standards-based teacher 6443
evaluation policy that conforms with the framework developed 6444
under this division. The policy shall become operative at the 6445
expiration of any collective bargaining agreement covering 6446
teachers employed by the agency that is in effect on September 6447
24, 2012, and shall be included in any renewal or extension of 6448
such an agreement. However, this division does not apply to any 6449
person who is employed as a substitute teacher or as an 6450
instructor of adult education. 6451

Sec. 3324.05. (A) Each school district shall submit an 6452
annual report to the department of education specifying the 6453
number of students in each of grades kindergarten through twelve 6454
screened, the number assessed, and the number identified as 6455
gifted in each category specified in section 3324.03 of the 6456
Revised Code. 6457

(B) The department of education shall audit each school 6458
district's identification numbers at least once every three 6459
years and may select any district at random or upon complaint or 6460
suspicion of noncompliance for a further audit to determine 6461
compliance with sections 3324.03 to 3324.06 of the Revised Code. 6462

If the department does not perform audits as required 6463
under this division, the department shall make a presentation to 6464
the state board of education, at a regular meeting of the state 6465
board, explaining why the audits have not been performed. 6466

(C) The department shall provide technical assistance to 6467
any district found in noncompliance under division (B) of this 6468
section. The department may reduce funds received by the 6469
district under Chapter 3317. of the Revised Code by any amount 6470
if the district continues to be noncompliant. 6471

Sec. 3326.17. (A) The department of education shall issue 6472
an annual report card for each science, technology, engineering, 6473
and mathematics school that includes all information applicable 6474
to school buildings under section 3302.03 of the Revised Code. 6475

(B) For each student enrolled in a STEM school, the 6476
department shall combine data regarding the academic performance 6477
of that student with comparable data from the school district in 6478
which the student is entitled to attend school pursuant to 6479
section 3313.64 or 3313.65 of the Revised Code for the purpose 6480
of calculating the performance of the district as a whole on the 6481
report card issued for the district under section ~~3302.03~~ 6482
3302.032 of the Revised Code. 6483

(C) The department also shall compute a rating for each 6484
group of STEM schools that is under the direction of the same 6485
governing body, as authorized under section 3326.031 of the 6486
Revised Code, and issue a distinct report card for the group as 6487
a whole. 6488

(D) Each STEM school and its governing body shall comply 6489
with sections 3302.04 and 3302.041 of the Revised Code, except 6490
that any action required to be taken by a school district 6491

pursuant to those sections shall be taken by the school. 6492
However, the school shall not be required to take any action 6493
described in division (F) of section 3302.04 of the Revised 6494
Code. 6495

Sec. 3326.41. (A) For purposes of this section: 6496

(1) "Formula amount" has the same meaning as in section 6497
3317.02 of the Revised Code. 6498

(2) "Four-year adjusted cohort graduation rate" has the 6499
same meaning as in section 3302.01 of the Revised Code. 6500

(3) A science, technology, engineering, and mathematics 6501
school's "third-grade reading proficiency percentage" means the 6502
percentage of the school's students scoring at a proficient 6503
level of skill or higher on the third-grade English language 6504
arts assessment prescribed under division (A) (1) (a) of section 6505
3301.0710 of the Revised Code for the immediately preceding 6506
school year, as reported on the school's report card under 6507
section ~~3302.03~~ 3302.032 of the Revised Code. 6508

(B) In addition to the payments made under section 3326.33 6509
of the Revised Code, the department of education shall annually 6510
pay to each science, technology, engineering, and mathematics 6511
school both of the following: 6512

(1) A graduation bonus calculated according to the 6513
following formula: 6514

The school's four-year adjusted cohort graduation rate on its 6515
most recent report card issued by the department under section 6516
3302.03 of the Revised Code X 0.075 X the formula amount X the 6517
number of the school's graduates reported to the department, in 6518
accordance with the guidelines adopted under section 3301.0714 6519
of the Revised Code, for the same school year for which the most 6520

recent report card was issued 6521

(2) A third-grade reading bonus calculated according to 6522
the following formula: 6523

The school's third-grade reading proficiency percentage X 0.075 6524
X the formula amount X the number of the school's students 6525
scoring at a proficient level or higher on the third-grade 6526
English language arts assessment prescribed under division (A) 6527

(1) (a) of section 3301.0710 of the Revised Code for the 6528
immediately preceding school year 6529

Sec. 3328.26. (A) The department of education shall issue 6530
an annual report card for each college-preparatory boarding 6531
school established under this chapter that includes all 6532
information applicable to school buildings under section 3302.03 6533
of the Revised Code. 6534

(B) For each student enrolled in the school, the 6535
department shall combine data regarding the academic performance 6536
of that student with comparable data from the school district in 6537
which the student is entitled to attend school for the purpose 6538
of calculating the performance of the district as a whole on the 6539
report card issued for the district under section ~~3302.03~~ 6540
3302.032 of the Revised Code. 6541

(C) Each college-preparatory boarding school and its 6542
operator shall comply with sections 3302.04 and 3302.041 of the 6543
Revised Code, except that any action required to be taken by a 6544
school district pursuant to those sections shall be taken by the 6545
school. 6546

Sec. 3333.041. (A) On or before the last day of December 6547
of each year, the chancellor of higher education shall submit to 6548
the governor and, in accordance with section 101.68 of the 6549

Revised Code, the general assembly a report or reports 6550
concerning all of the following: 6551

(1) The status of graduates of Ohio school districts at 6552
state institutions of higher education during the twelve-month 6553
period ending on the thirtieth day of September of the current 6554
calendar year. The report shall list, by school district, the 6555
number of graduates of each school district who attended a state 6556
institution of higher education and the percentage of each 6557
district's graduates enrolled in a state institution of higher 6558
education during the reporting period who were required during 6559
such period by the college or university, as a prerequisite to 6560
enrolling in those courses generally required for first-year 6561
students, to enroll in a remedial course in English, including 6562
composition or reading, mathematics, and any other area 6563
designated by the chancellor. The chancellor also shall make the 6564
information described in division (A)(1) of this section 6565
available to the board of education of each city, exempted 6566
village, and local school district. 6567

Each state institution of higher education shall, by the 6568
first day of November of each year, submit to the chancellor in 6569
the form specified by the chancellor the information the 6570
chancellor requires to compile the report. 6571

(2) The following information with respect to the Ohio 6572
tuition trust authority: 6573

(a) The name of each investment manager that is a minority 6574
business enterprise or a women's business enterprise with which 6575
the chancellor contracts; 6576

(b) The amount of assets managed by investment managers 6577
that are minority business enterprises or women's business 6578

enterprises, expressed as a percentage of assets managed by 6579
investment managers with which the chancellor has contracted; 6580

(c) Efforts by the chancellor to increase utilization of 6581
investment managers that are minority business enterprises or 6582
women's business enterprises. 6583

(3) The chancellor's strategy in assigning choose Ohio 6584
first scholarships, as established under section 3333.61 of the 6585
Revised Code, among state universities and colleges and how the 6586
actual awards fit that strategy. 6587

(4) The academic and economic impact of the Ohio co- 6588
op/internship program established under section 3333.72 of the 6589
Revised Code. At a minimum, the report shall include the 6590
following: 6591

(a) Progress and performance metrics for each initiative 6592
that received an award in the previous fiscal year; 6593

(b) Economic indicators of the impact of each initiative, 6594
and all initiatives as a whole, on the regional economies and 6595
the statewide economy; 6596

(c) The chancellor's strategy in allocating awards among 6597
state institutions of higher education and how the actual awards 6598
fit that strategy. 6599

(B) On or before the fifteenth day of February of each 6600
year, the ~~director~~chancellor shall submit to the governor and, 6601
in accordance with section 101.68 of the Revised Code, the 6602
general assembly a report concerning aggregate academic growth 6603
data for students assigned to graduates of teacher preparation 6604
programs approved under section 3333.048 of the Revised Code who 6605
teach English language arts or mathematics in any of grades four 6606
to eight in a public school in Ohio. For this purpose, the 6607

~~director-chancellor~~ shall use the value-added progress dimension 6608
prescribed by section 3302.021 of the Revised Code or the 6609
alternative student academic progress measure if adopted under 6610
division (C) (1) (e) of section ~~3302.03~~ 3302.032 of the Revised 6611
Code. The ~~director-chancellor~~ shall aggregate the data by 6612
graduating class for each approved teacher preparation program, 6613
except that if a particular class has ten or fewer graduates to 6614
which this division applies, the ~~director-chancellor~~ shall 6615
report the data for a group of classes over a three-year period. 6616
In no case shall the report identify any individual graduate. 6617
The department of education shall share any data necessary for 6618
the report with the ~~director-chancellor~~. 6619

(C) As used in this section: 6620

(1) "Minority business enterprise" has the same meaning as 6621
in section 122.71 of the Revised Code. 6622

(2) "State institution of higher education" and "state 6623
university" have the same meanings as in section 3345.011 of the 6624
Revised Code. 6625

(3) "State university or college" has the same meaning as 6626
in section 3345.12 of the Revised Code. 6627

(4) "Women's business enterprise" means a business, or a 6628
partnership, corporation, limited liability company, or joint 6629
venture of any kind, that is owned and controlled by women who 6630
are United States citizens and residents of this state. 6631

Sec. 3333.048. (A) Not later than one year after October 6632
16, 2009, the chancellor of higher education and the 6633
superintendent of public instruction jointly shall do the 6634
following: 6635

(1) In accordance with Chapter 119. of the Revised Code, 6636

establish metrics and educator preparation programs for the 6637
preparation of educators and other school personnel and the 6638
institutions of higher education that are engaged in their 6639
preparation. The metrics and educator preparation programs shall 6640
be aligned with the standards and qualifications for educator 6641
licenses adopted by the state board of education under section 6642
3319.22 of the Revised Code and the requirements of the Ohio 6643
teacher residency program established under section 3319.223 of 6644
the Revised Code. The metrics and educator preparation programs 6645
also shall ensure that educators and other school personnel are 6646
adequately prepared to use the value-added progress dimension 6647
prescribed by section 3302.021 of the Revised Code or the 6648
alternative student academic progress measure if adopted under 6649
division (C) (1) (e) of section ~~3302.03~~3302.032 of the Revised 6650
Code. 6651

(2) Provide for the inspection of institutions of higher 6652
education desiring to prepare educators and other school 6653
personnel. 6654

(B) Not later than one year after October 16, 2009, the 6655
chancellor shall approve institutions of higher education 6656
engaged in the preparation of educators and other school 6657
personnel that maintain satisfactory training procedures and 6658
records of performance, as determined by the chancellor. 6659

(C) If the metrics established under division (A) (1) of 6660
this section require an institution of higher education that 6661
prepares teachers to satisfy the standards of an independent 6662
accreditation organization, the chancellor shall permit each 6663
institution to satisfy the standards of any applicable national 6664
educator preparation accrediting agency recognized by the United 6665
States department of education. 6666

(D) The metrics and educator preparation programs 6667
established under division (A) (1) of this section may require an 6668
institution of higher education, as a condition of approval by 6669
the chancellor, to make changes in the curricula of its 6670
preparation programs for educators and other school personnel. 6671

Notwithstanding division (E) of section 119.03 and 6672
division (A) (1) of section 119.04 of the Revised Code, any 6673
metrics, educator preparation programs, rules, and regulations, 6674
or any amendment or rescission of such metrics, educator 6675
preparation programs, rules, and regulations, adopted under this 6676
section that necessitate institutions offering preparation 6677
programs for educators and other school personnel approved by 6678
the chancellor to revise the curricula of those programs shall 6679
not be effective for at least one year after the first day of 6680
January next succeeding the publication of the said change. 6681

Each institution shall allocate money from its existing 6682
revenue sources to pay the cost of making the curricular 6683
changes. 6684

(E) The chancellor shall notify the state board of the 6685
metrics and educator preparation programs established under 6686
division (A) (1) of this section and the institutions of higher 6687
education approved under division (B) of this section. The state 6688
board shall publish the metrics, educator preparation programs, 6689
and approved institutions with the standards and qualifications 6690
for each type of educator license. 6691

(F) The graduates of educator preparation programs 6692
approved by the chancellor shall be licensed by the state board 6693
in accordance with the standards and qualifications adopted 6694
under section 3319.22 of the Revised Code. 6695

Sec. 3333.391. (A) As used in this section and in section 3333.392 of the Revised Code:

(1) "Academic year" shall be as defined by the chancellor of higher education.

(2) "Hard-to-staff school" and "hard-to-staff subject" shall be as defined by the department of education.

(3) "Parent" means the parent, guardian, or custodian of a qualified student.

(4) "Qualified service" means teaching at a qualifying school.

(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and superintendent of public instruction, under section ~~3302.03~~ 3302.032 of the Revised Code at the time the recipient becomes employed by the district.

(B) If the chancellor of higher education determines that sufficient funds are available from general revenue fund appropriations made to the department of higher education 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 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 6725
nonprofit institution of higher education that has a certificate 6726
of authorization under Chapter 1713. of the Revised Code. The 6727
scholarships shall be for up to four years at the undergraduate 6728
level at an amount determined by the chancellor based on state 6729
appropriations. 6730

(C) The chancellor shall adopt a competitive process for 6731
awarding scholarships under the teaching fellows program, which 6732
shall include minimum grade point average and scores on national 6733
standardized tests for college admission. The process shall also 6734
give additional consideration to all of the following: 6735

(1) A person who has participated in the program described 6736
in division (A) of section 3333.39 of the Revised Code; 6737

(2) A person who plans to specialize in teaching students 6738
with special needs; 6739

(3) A person who plans to teach in the disciplines of 6740
science, technology, engineering, or mathematics. 6741

The chancellor shall require that all applicants to the 6742
teaching fellows program shall file a statement of service 6743
status in compliance with section 3345.32 of the Revised Code, 6744
if applicable, and that all applicants have not been convicted 6745
of, plead guilty to, or adjudicated a delinquent child for any 6746
violation listed in section 3333.38 of the Revised Code. 6747

(D) Teaching fellows shall complete the four-year teaching 6748
commitment within not more than seven years after graduating 6749
from the teacher training program. Failure to fulfill the 6750
commitment shall convert the scholarship into a loan to be 6751
repaid under section 3333.392 of the Revised Code. 6752

(E) The chancellor shall adopt rules in accordance with 6753

Chapter 119. of the Revised Code to administer this section and 6754
section 3333.392 of the Revised Code. 6755

Section 2. That existing sections 3301.0710, 3301.0711, 6756
3301.0714, 3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 6757
3302.03, 3302.033, 3302.036, 3302.04, 3302.05, 3302.063, 6758
3302.10, 3302.12, 3302.13, 3302.15, 3302.151, 3302.21, 3302.22, 6759
3310.03, 3311.741, 3311.80, 3313.413, 3313.618, 3313.6113, 6760
3313.903, 3314.012, 3314.015, 3314.016, 3314.017, 3314.02, 6761
3314.03, 3314.034, 3314.05, 3314.085, 3314.35, 3317.0216, 6762
3319.111, 3319.112, 3324.05, 3326.17, 3326.41, 3328.26, 6763
3333.041, 3333.048, and 3333.391 and sections 3302.031, 6764
3302.032, 3302.034, 3302.035, and 3314.37 of the Revised Code 6765
are hereby repealed. 6766

Section 3. The provisions of sections 3301.0711, 6767
3301.0714, 3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 6768
3302.03, 3302.031, 3303.032, 3302.033, 3302.034, 3302.035, 6769
3302.036, 3302.04, 3302.05, 3302.063, 3302.10, 3302.12, 3302.13, 6770
3302.15, 3302.151, 3302.21, 3302.22, 3310.03, 3311.741, 3311.80, 6771
3313.413, 3313.618, 3313.6113, 3313.903, 3314.012, 3314.015, 6772
3314.016, 3314.017, 3314.02, 3314.03, 3314.034, 3314.05, 6773
3314.085, 3314.35, 3314.37, 3317.0216, 3319.111, 3319.112, 6774
3326.17, 3326.41, 3328.26, 3333.041, 3333.048, and 3333.391 as 6775
amended, renumbered, repealed, or enacted by this act shall 6776
first apply to the 2018-2019 school year. 6777

Section 4. Section 3302.036 of the Revised Code is 6778
presented in this act as a composite of the section as amended 6779
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st 6780
General Assembly. The General Assembly, applying the principle 6781
stated in division (B) of section 1.52 of the Revised Code that 6782
amendments are to be harmonized if reasonably capable of 6783

simultaneous operation, finds that the following sections,	6784
presented in this act as composites of the composite is the	6785
resulting version of the section in effect prior to the	6786
effective date of the section as presented in this act.	6787