

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

Sub. S. B. No. 3

Senators Hite, Faber

**Cosponsors: Senators Coley, Gardner, Lehner, Balderson, Beagle, Burke, Eklund,
Hottinger, Hughes, Jones, Jordan, LaRose, Manning, Obhof, Oelslager, Patton,
Peterson, Seitz, Uecker, Widener**

A BILL

To amend sections 3301.079, 3301.0711, 3301.0715, 1
3302.02, 3302.03, 3302.034, 3302.13, 3313.46, 2
3314.03, 3319.02, 3319.114, 3319.223, 3319.26, 3
3326.11, and 3328.24 and to enact sections 4
3301.0728 and 3302.16 of the Revised Code to 5
exempt school districts that meet specified 6
benchmarks from certain laws; to revise the law 7
regarding the administration of state primary 8
and secondary education assessments; to revise 9
the competitive bidding threshold for school 10
building and repair contracts; to revise the 11
alternative teacher evaluation framework; and to 12
require the School Facilities Commission to 13
develop a legislative proposal assisting high- 14
performing school districts in purchasing 15
technology, building expansion, and physical 16
alterations to improve school safety or 17
security. 18

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

Section 1. That sections 3301.079, 3301.0711, 3301.0715, 19
3302.02, 3302.03, 3302.034, 3302.13, 3313.46, 3314.03, 3319.02, 20
3319.114, 3319.223, 3319.26, 3326.11, and 3328.24 be amended and 21
sections 3301.0728 and 3302.16 of the Revised Code be enacted to 22
read as follows: 23

Sec. 3301.079. (A) (1) The state board of education 24
periodically shall adopt statewide academic standards with 25
emphasis on coherence, focus, and essential knowledge and that 26
are more challenging and demanding when compared to 27
international standards for each of grades kindergarten through 28
twelve in English language arts, mathematics, science, and 29
social studies. 30

(a) The state board shall ensure that the standards do all 31
of the following: 32

(i) Include the essential academic content and skills that 33
students are expected to know and be able to do at each grade 34
level that will allow each student to be prepared for 35
postsecondary instruction and the workplace for success in the 36
twenty-first century; 37

(ii) Include the development of skill sets that promote 38
information, media, and technological literacy; 39

(iii) Include interdisciplinary, project-based, real-world 40
learning opportunities; 41

(iv) Instill life-long learning by providing essential 42
knowledge and skills based in the liberal arts tradition, as 43
well as science, technology, engineering, mathematics, and 44
career-technical education; 45

(v) Be clearly written, transparent, and understandable by 46
parents, educators, and the general public. 47

(b) Not later than July 1, 2012, the state board shall 48
incorporate into the social studies standards for grades four to 49
twelve academic content regarding the original texts of the 50
Declaration of Independence, the Northwest Ordinance, the 51
Constitution of the United States and its amendments, with 52
emphasis on the Bill of Rights, and the Ohio Constitution, and 53
their original context. The state board shall revise the model 54
curricula and achievement assessments adopted under divisions 55
(B) and (C) of this section as necessary to reflect the 56
additional American history and American government content. The 57
state board shall make available a list of suggested grade- 58
appropriate supplemental readings that place the documents 59
prescribed by this division in their historical context, which 60
teachers may use as a resource to assist students in reading the 61
documents within that context. 62

(c) When the state board adopts or revises academic 63
content standards in social studies, American history, American 64
government, or science under division (A) (1) of this section, 65
the state board shall develop such standards independently and 66
not as part of a multistate consortium. 67

(2) After completing the standards required by division 68
(A) (1) of this section, the state board shall adopt standards 69
and model curricula for instruction in technology, financial 70
literacy and entrepreneurship, fine arts, and foreign language 71
for grades kindergarten through twelve. The standards shall meet 72
the same requirements prescribed in division (A) (1) (a) of this 73
section. 74

(3) The state board shall adopt the most recent standards 75
developed by the national association for sport and physical 76
education for physical education in grades kindergarten through 77

twelve or shall adopt its own standards for physical education 78
in those grades and revise and update them periodically. 79

The department of education shall employ a full-time 80
physical education coordinator to provide guidance and technical 81
assistance to districts, community schools, and STEM schools in 82
implementing the physical education standards adopted under this 83
division. The superintendent of public instruction shall 84
determine that the person employed as coordinator is qualified 85
for the position, as demonstrated by possessing an adequate 86
combination of education, license, and experience. 87

(4) When academic standards have been completed for any 88
subject area required by this section, the state board shall 89
inform all school districts, all community schools established 90
under Chapter 3314. of the Revised Code, all STEM schools 91
established under Chapter 3326. of the Revised Code, and all 92
nonpublic schools required to administer the assessments 93
prescribed by sections 3301.0710 and 3301.0712 of the Revised 94
Code of the content of those standards. Additionally, upon 95
completion of any academic standards under this section, the 96
department shall post those standards on the department's web 97
site. 98

(B) (1) The state board shall adopt a model curriculum for 99
instruction in each subject area for which updated academic 100
standards are required by division (A) (1) of this section and 101
for each of grades kindergarten through twelve that is 102
sufficient to meet the needs of students in every community. The 103
model curriculum shall be aligned with the standards, to ensure 104
that the academic content and skills specified for each grade 105
level are taught to students, and shall demonstrate vertical 106
articulation and emphasize coherence, focus, and rigor. When any 107

model curriculum has been completed, the state board shall 108
inform all school districts, community schools, and STEM schools 109
of the content of that model curriculum. 110

(2) Not later than June 30, 2013, the state board, in 111
consultation with any office housed in the governor's office 112
that deals with workforce development, shall adopt model 113
curricula for grades kindergarten through twelve that embed 114
career connection learning strategies into regular classroom 115
instruction. 116

(3) All school districts, community schools, and STEM 117
schools may utilize the state standards and the model curriculum 118
established by the state board, together with other relevant 119
resources, examples, or models to ensure that students have the 120
opportunity to attain the academic standards. Upon request, the 121
department shall provide technical assistance to any district, 122
community school, or STEM school in implementing the model 123
curriculum. 124

Nothing in this section requires any school district to 125
utilize all or any part of a model curriculum developed under 126
this section. 127

(C) The state board shall develop achievement assessments 128
aligned with the academic standards and model curriculum for 129
each of the subject areas and grade levels required by divisions 130
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 131

When any achievement assessment has been completed, the 132
state board shall inform all school districts, community 133
schools, STEM schools, and nonpublic schools required to 134
administer the assessment of its completion, and the department 135
shall make the achievement assessment available to the districts 136

and schools. 137

(D) (1) The state board shall adopt a diagnostic assessment 138
aligned with the academic standards and model curriculum for 139
each of grades kindergarten through two in reading, writing, and 140
mathematics and for grade three in reading and writing. The 141
diagnostic assessment shall be designed to measure student 142
comprehension of academic content and mastery of related skills 143
for the relevant subject area and grade level. Any diagnostic 144
assessment shall not include components to identify gifted 145
students. Blank copies of diagnostic assessments shall be public 146
records. 147

(2) When each diagnostic assessment has been completed, 148
the state board shall inform all school districts of its 149
completion and the department shall make the diagnostic 150
assessment available to the districts at no cost to the 151
district. ~~School~~ 152

(3) School districts shall administer the diagnostic 153
assessment pursuant to section 3301.0715 of the Revised Code 154
beginning the first school year following the development of the 155
assessment. 156

However, beginning with the 2015-2016 school year, both of 157
the following shall apply: 158

(a) In the case of the diagnostic assessments for grades 159
one or two in writing or mathematics or for grade three in 160
writing, a school district shall not be required to administer 161
any such assessment, but may do so at the discretion of the 162
district board; 163

(b) In the case of any diagnostic assessment that is not 164
for the grade levels and subject areas specified in division (D) 165

(3) (a) of this section, each school district shall administer 166
the assessment in the manner prescribed by section 3301.0715 of 167
the Revised Code. 168

(E) The state board shall not adopt a diagnostic or 169
achievement assessment for any grade level or subject area other 170
than those specified in this section. 171

(F) Whenever the state board or the department consults 172
with persons for the purpose of drafting or reviewing any 173
standards, diagnostic assessments, achievement assessments, or 174
model curriculum required under this section, the state board or 175
the department shall first consult with parents of students in 176
kindergarten through twelfth grade and with active Ohio 177
classroom teachers, other school personnel, and administrators 178
with expertise in the appropriate subject area. Whenever 179
practicable, the state board and department shall consult with 180
teachers recognized as outstanding in their fields. 181

If the department contracts with more than one outside 182
entity for the development of the achievement assessments 183
required by this section, the department shall ensure the 184
interchangeability of those assessments. 185

(G) Whenever the state board adopts standards or model 186
curricula under this section, the department also shall provide 187
information on the use of blended or digital learning in the 188
delivery of the standards or curricula to students in accordance 189
with division (A) (4) of this section. 190

(H) The fairness sensitivity review committee, established 191
by rule of the state board of education, shall not allow any 192
question on any achievement or diagnostic assessment developed 193
under this section or any proficiency test prescribed by former 194

section 3301.0710 of the Revised Code, as it existed prior to 195
September 11, 2001, to include, be written to promote, or 196
inquire as to individual moral or social values or beliefs. The 197
decision of the committee shall be final. This section does not 198
create a private cause of action. 199

(I) (1) (a) The English language arts academic standards 200
review committee is hereby created to review academic content 201
standards in the subject of English language arts. The committee 202
shall consist of the following members: 203

(i) Three experts who are residents of this state and who 204
primarily conduct research, provide instruction, currently work 205
in, or possess an advanced degree in the subject area. One 206
expert shall be appointed by each of the president of the 207
senate, the speaker of the house of representatives, and the 208
governor; 209

(ii) One parent or guardian appointed by the president of 210
the senate; 211

(iii) One educator who is currently teaching in a 212
classroom, appointed by the speaker of the house of 213
representatives; 214

(iv) The chancellor of the Ohio board of regents, or the 215
chancellor's designee; 216

(v) The state superintendent, or the superintendent's 217
designee, who shall serve as the chairperson of the committee. 218

(b) The mathematics academic standards review committee is 219
hereby created to review academic content standards in the 220
subject of mathematics. The committee shall consist of the 221
following members: 222

(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;	223 224 225 226 227 228
(ii) One parent or guardian appointed by the speaker of the house of representatives;	229 230
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	231 232
(iv) The chancellor, or the chancellor's designee;	233
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	234 235
(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members:	236 237 238 239
(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;	240 241 242 243 244 245
(ii) One parent or guardian appointed by the president of the senate;	246 247
(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;	248 249 250

(iv) The chancellor, or the chancellor's designee;	251
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	252 253
(d) The social studies academic standards review committee is hereby created to review academic content standards in the subject of social studies. The committee shall consist of the following members:	254 255 256 257
(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;	258 259 260 261 262 263
(ii) One parent or guardian appointed by the speaker of the house of representatives;	264 265
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	266 267
(iv) The chancellor, or the chancellor's designee;	268
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	269 270
(2) (a) Each committee created in division (I) (1) of this section shall review the academic content standards for its respective subject area to ensure that such standards are clear, concise, and appropriate for each grade level and promote higher student performance, learning, subject matter comprehension, and improved student achievement. Each committee also shall review whether the standards for its respective subject area promote essential knowledge in the subject, lifelong learning, the	271 272 273 274 275 276 277 278

liberal arts tradition, and college and career readiness and 279
whether the standards reduce remediation. 280

(b) Each committee shall determine whether the assessments 281
submitted to that committee under division (I)(4) of this 282
section are appropriate for the committee's respective subject 283
area and meet the academic content standards adopted under this 284
section and community expectations. 285

(3) The department of education shall provide 286
administrative support for each committee created in division 287
(I)(1) of this section. Members of each committee shall be 288
reimbursed for reasonable and necessary expenses related to the 289
operations of the committee. Members of each committee shall 290
serve at the pleasure of the appointing authority. 291

(4) Notwithstanding anything to the contrary in division 292
(N) of section 3301.0711 of the Revised Code, the department 293
shall submit to the appropriate committee created under division 294
(I)(1) of this section copies of the questions and corresponding 295
answers on the relevant assessments required by section 296
3301.0710 of the Revised Code on the first day of July following 297
the school year that the assessments were administered. The 298
department shall provide each committee with the entire content 299
of each relevant assessment, including corresponding answers. 300

The assessments received by the committees are not public 301
records of the committees and are not subject to release by the 302
committees to any other person or entity under section 149.43 of 303
the Revised Code. However, the assessments shall become public 304
records in accordance with division (N) of section 3301.0711 of 305
the Revised Code. 306

(J) Not later than forty-five days prior to the adoption 307

by the state board of updated academic standards under division 308
(A) (1) of this section or updated model curricula under division 309
(B) (1) of this section, the superintendent of public instruction 310
shall present the academic standards or model curricula, as 311
applicable, to the respective committees of the house of 312
representatives and senate that consider education legislation. 313

(K) As used in this section: 314

(1) "Blended learning" means the delivery of instruction 315
in a combination of time in a supervised physical location away 316
from home and online delivery whereby the student has some 317
element of control over time, place, path, or pace of learning. 318

(2) "Coherence" means a reflection of the structure of the 319
discipline being taught. 320

(3) "Digital learning" means learning facilitated by 321
technology that gives students some element of control over 322
time, place, path, or pace of learning. 323

(4) "Focus" means limiting the number of items included in 324
a curriculum to allow for deeper exploration of the subject 325
matter. 326

(5) "Vertical articulation" means key academic concepts 327
and skills associated with mastery in particular content areas 328
should be articulated and reinforced in a developmentally 329
appropriate manner at each grade level so that over time 330
students acquire a depth of knowledge and understanding in the 331
core academic disciplines. 332

Sec. 3301.0711. (A) The department of education shall: 333

(1) Annually furnish to, grade, and score all assessments 334
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 335

the Revised Code to be administered by city, local, exempted 336
village, and joint vocational school districts, except that each 337
district shall score any assessment administered pursuant to 338
division (B) (10) of this section. Each assessment so furnished 339
shall include the data verification code of the student to whom 340
the assessment will be administered, as assigned pursuant to 341
division (D) (2) of section 3301.0714 of the Revised Code. In 342
furnishing the practice versions of Ohio graduation tests 343
prescribed by division (D) of section 3301.0710 of the Revised 344
Code, the department shall make the tests available on its web 345
site for reproduction by districts. In awarding contracts for 346
grading assessments, the department shall give preference to 347
Ohio-based entities employing Ohio residents. 348

(2) Adopt rules for the ethical use of assessments and 349
prescribing the manner in which the assessments prescribed by 350
section 3301.0710 of the Revised Code shall be administered to 351
students. 352

(B) Except as provided in divisions (C) and (J) of this 353
section, the board of education of each city, local, and 354
exempted village school district shall, in accordance with rules 355
adopted under division (A) of this section: 356

~~(1) Administer~~ (a) Until the 2015-2016 school year, 357
administer the English language arts assessments prescribed 358
under division (A) (1) (a) of section 3301.0710 of the Revised 359
Code twice annually to all students in the third grade who have 360
not attained the score designated for that assessment under 361
division (A) (2) (c) of section 3301.0710 of the Revised Code. 362

(b) For the 2015-2016 school year, and for each school 363
year thereafter, administer the English language arts assessment 364
prescribed under division (A) (1) (a) of section 3301.0710 of the 365

<u>Revised Code once annually to all students in the third grade.</u>	366
<u>The department shall not require districts to administer</u>	367
<u>the assessment described in division (B) (1) (b) of this section</u>	368
<u>in the fall.</u>	369
(2) Administer the mathematics assessment prescribed under	370
division (A) (1) (a) of section 3301.0710 of the Revised Code at	371
least once annually to all students in the third grade.	372
(3) Administer the assessments prescribed under division	373
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	374
annually to all students in the fourth grade.	375
(4) Administer the assessments prescribed under division	376
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	377
annually to all students in the fifth grade.	378
(5) Administer the assessments prescribed under division	379
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	380
annually to all students in the sixth grade.	381
(6) Administer the assessments prescribed under division	382
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	383
annually to all students in the seventh grade.	384
(7) Administer the assessments prescribed under division	385
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	386
annually to all students in the eighth grade.	387
(8) Except as provided in division (B) (9) of this section,	388
administer any assessment prescribed under division (B) (1) of	389
section 3301.0710 of the Revised Code as follows:	390
(a) At least once annually to all tenth grade students and	391
at least twice annually to all students in eleventh or twelfth	392
grade who have not yet attained the score on that assessment	393

designated under that division; 394

(b) To any person who has successfully completed the 395
curriculum in any high school or the individualized education 396
program developed for the person by any high school pursuant to 397
section 3323.08 of the Revised Code but has not received a high 398
school diploma and who requests to take such assessment, at any 399
time such assessment is administered in the district. 400

(9) In lieu of the board of education of any city, local, 401
or exempted village school district in which the student is also 402
enrolled, the board of a joint vocational school district shall 403
administer any assessment prescribed under division (B)(1) of 404
section 3301.0710 of the Revised Code at least twice annually to 405
any student enrolled in the joint vocational school district who 406
has not yet attained the score on that assessment designated 407
under that division. A board of a joint vocational school 408
district may also administer such an assessment to any student 409
described in division (B)(8)(b) of this section. 410

(10) If the district has a three-year average graduation 411
rate of not more than seventy-five per cent, administer each 412
assessment prescribed by division (D) of section 3301.0710 of 413
the Revised Code in September to all ninth grade students, 414
beginning in the school year that starts July 1, 2005. 415

Except as provided in section 3313.614 of the Revised Code 416
for administration of an assessment to a person who has 417
fulfilled the curriculum requirement for a high school diploma 418
but has not passed one or more of the required assessments, the 419
assessments prescribed under division (B)(1) of section 420
3301.0710 of the Revised Code and the practice assessments 421
prescribed under division (D) of that section and required to be 422
administered under divisions (B)(8), (9), and (10) of this 423

section shall not be administered after July 1, 2015. 424

(11) Administer the assessments prescribed by division (B) 425
(2) of section 3301.0710 and section 3301.0712 of the Revised 426
Code in accordance with the timeline and plan for implementation 427
of those assessments prescribed by rule of the state board 428
adopted under division (D) (1) of section 3301.0712 of the 429
Revised Code. 430

(C) (1) (a) In the case of a student receiving special 431
education services under Chapter 3323. of the Revised Code, the 432
individualized education program developed for the student under 433
that chapter shall specify the manner in which the student will 434
participate in the assessments administered under this section. 435
The individualized education program may excuse the student from 436
taking any particular assessment required to be administered 437
under this section if it instead specifies an alternate 438
assessment method approved by the department of education as 439
conforming to requirements of federal law for receipt of federal 440
funds for disadvantaged pupils. To the extent possible, the 441
individualized education program shall not excuse the student 442
from taking an assessment unless no reasonable accommodation can 443
be made to enable the student to take the assessment. 444

(b) Any alternate assessment approved by the department 445
for a student under this division shall produce measurable 446
results comparable to those produced by the assessment it 447
replaces in order to allow for the student's results to be 448
included in the data compiled for a school district or building 449
under section 3302.03 of the Revised Code. 450

(c) Any student enrolled in a chartered nonpublic school 451
who has been identified, based on an evaluation conducted in 452
accordance with section 3323.03 of the Revised Code or section 453

504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 454
U.S.C.A. 794, as amended, as a child with a disability shall be 455
excused from taking any particular assessment required to be 456
administered under this section if a plan developed for the 457
student pursuant to rules adopted by the state board excuses the 458
student from taking that assessment. In the case of any student 459
so excused from taking an assessment, the chartered nonpublic 460
school shall not prohibit the student from taking the 461
assessment. 462

(2) A district board may, for medical reasons or other 463
good cause, excuse a student from taking an assessment 464
administered under this section on the date scheduled, but that 465
assessment shall be administered to the excused student not 466
later than nine days following the scheduled date. The district 467
board shall annually report the number of students who have not 468
taken one or more of the assessments required by this section to 469
the state board of education not later than the thirtieth day of 470
June. 471

(3) As used in this division, "limited English proficient 472
student" has the same meaning as in 20 U.S.C. 7801. 473

No school district board shall excuse any limited English 474
proficient student from taking any particular assessment 475
required to be administered under this section, except that any 476
limited English proficient student who has been enrolled in 477
United States schools for less than one full school year shall 478
not be required to take any reading, writing, or English 479
language arts assessment. However, no board shall prohibit a 480
limited English proficient student who is not required to take 481
an assessment under this division from taking the assessment. A 482
board may permit any limited English proficient student to take 483

an assessment required to be administered under this section 484
with appropriate accommodations, as determined by the 485
department. For each limited English proficient student, each 486
school district shall annually assess that student's progress in 487
learning English, in accordance with procedures approved by the 488
department. 489

The governing authority of a chartered nonpublic school 490
may excuse a limited English proficient student from taking any 491
assessment administered under this section. However, no 492
governing authority shall prohibit a limited English proficient 493
student from taking the assessment. 494

(D) (1) In the school year next succeeding the school year 495
in which the assessments prescribed by division (A) (1) or (B) (1) 496
of section 3301.0710 of the Revised Code or former division (A) 497
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 498
it existed prior to September 11, 2001, are administered to any 499
student, the board of education of any school district in which 500
the student is enrolled in that year shall provide to the 501
student intervention services commensurate with the student's 502
performance, including any intensive intervention required under 503
section 3313.608 of the Revised Code, in any skill in which the 504
student failed to demonstrate at least a score at the proficient 505
level on the assessment. 506

(2) Following any administration of the assessments 507
prescribed by division (D) of section 3301.0710 of the Revised 508
Code to ninth grade students, each school district that has a 509
three-year average graduation rate of not more than seventy-five 510
per cent shall determine for each high school in the district 511
whether the school shall be required to provide intervention 512
services to any students who took the assessments. In 513

determining which high schools shall provide intervention 514
services based on the resources available, the district shall 515
consider each school's graduation rate and scores on the 516
practice assessments. The district also shall consider the 517
scores received by ninth grade students on the English language 518
arts and mathematics assessments prescribed under division (A) 519
(1) (f) of section 3301.0710 of the Revised Code in the eighth 520
grade in determining which high schools shall provide 521
intervention services. 522

Each high school selected to provide intervention services 523
under this division shall provide intervention services to any 524
student whose results indicate that the student is failing to 525
make satisfactory progress toward being able to attain scores at 526
the proficient level on the Ohio graduation tests. Intervention 527
services shall be provided in any skill in which a student 528
demonstrates unsatisfactory progress and shall be commensurate 529
with the student's performance. Schools shall provide the 530
intervention services prior to the end of the school year, 531
during the summer following the ninth grade, in the next 532
succeeding school year, or at any combination of those times. 533

(E) Except as provided in section 3313.608 of the Revised 534
Code and division (M) of this section, no school district board 535
of education shall utilize any student's failure to attain a 536
specified score on an assessment administered under this section 537
as a factor in any decision to deny the student promotion to a 538
higher grade level. However, a district board may choose not to 539
promote to the next grade level any student who does not take an 540
assessment administered under this section or make up an 541
assessment as provided by division (C) (2) of this section and 542
who is not exempt from the requirement to take the assessment 543
under division (C) (3) of this section. 544

(F) No person shall be charged a fee for taking any 545
assessment administered under this section. 546

(G) (1) Each school district board shall designate one 547
location for the collection of assessments administered in the 548
spring under division (B) (1) of this section and those 549
administered under divisions (B) (2) to (7) of this section. Each 550
district board shall submit the assessments to the entity with 551
which the department contracts for the scoring of the 552
assessments as follows: 553

(a) If the district's total enrollment in grades 554
kindergarten through twelve during the first full school week of 555
October was less than two thousand five hundred, not later than 556
the Friday after all of the assessments have been administered; 557

(b) If the district's total enrollment in grades 558
kindergarten through twelve during the first full school week of 559
October was two thousand five hundred or more, but less than 560
seven thousand, not later than the Monday after all of the 561
assessments have been administered; 562

(c) If the district's total enrollment in grades 563
kindergarten through twelve during the first full school week of 564
October was seven thousand or more, not later than the Tuesday 565
after all of the assessments have been administered. 566

However, any assessment that a student takes during the 567
make-up period described in division (C) (2) of this section 568
shall be submitted not later than the Friday following the day 569
the student takes the assessment. 570

(2) The department or an entity with which the department 571
contracts for the scoring of the assessment shall send to each 572
school district board a list of the individual scores of all 573

persons taking an assessment prescribed by division (A) (1) or 574
(B) (1) of section 3301.0710 of the Revised Code within sixty 575
days after its administration, but in no case shall the scores 576
be returned later than the fifteenth day of June following the 577
administration. For assessments administered under this section 578
by a joint vocational school district, the department or entity 579
shall also send to each city, local, or exempted village school 580
district a list of the individual scores of any students of such 581
city, local, or exempted village school district who are 582
attending school in the joint vocational school district. 583

(H) Individual scores on any assessments administered 584
under this section shall be released by a district board only in 585
accordance with section 3319.321 of the Revised Code and the 586
rules adopted under division (A) of this section. No district 587
board or its employees shall utilize individual or aggregate 588
results in any manner that conflicts with rules for the ethical 589
use of assessments adopted pursuant to division (A) of this 590
section. 591

(I) Except as provided in division (G) of this section, 592
the department or an entity with which the department contracts 593
for the scoring of the assessment shall not release any 594
individual scores on any assessment administered under this 595
section. The state board of education shall adopt rules to 596
ensure the protection of student confidentiality at all times. 597
The rules may require the use of the data verification codes 598
assigned to students pursuant to division (D) (2) of section 599
3301.0714 of the Revised Code to protect the confidentiality of 600
student scores. 601

(J) Notwithstanding division (D) of section 3311.52 of the 602
Revised Code, this section does not apply to the board of 603

education of any cooperative education school district except as 604
provided under rules adopted pursuant to this division. 605

(1) In accordance with rules that the state board of 606
education shall adopt, the board of education of any city, 607
exempted village, or local school district with territory in a 608
cooperative education school district established pursuant to 609
divisions (A) to (C) of section 3311.52 of the Revised Code may 610
enter into an agreement with the board of education of the 611
cooperative education school district for administering any 612
assessment prescribed under this section to students of the 613
city, exempted village, or local school district who are 614
attending school in the cooperative education school district. 615

(2) In accordance with rules that the state board of 616
education shall adopt, the board of education of any city, 617
exempted village, or local school district with territory in a 618
cooperative education school district established pursuant to 619
section 3311.521 of the Revised Code shall enter into an 620
agreement with the cooperative district that provides for the 621
administration of any assessment prescribed under this section 622
to both of the following: 623

(a) Students who are attending school in the cooperative 624
district and who, if the cooperative district were not 625
established, would be entitled to attend school in the city, 626
local, or exempted village school district pursuant to section 627
3313.64 or 3313.65 of the Revised Code; 628

(b) Persons described in division (B) (8) (b) of this 629
section. 630

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

pursuant to this section. 633

(K) (1) (a) Except as otherwise provided in division (K) (1) 634
(a) or (K) (1) (c) of this section, each chartered nonpublic 635
school for which at least sixty-five per cent of its total 636
enrollment is made up of students who are participating in state 637
scholarship programs shall administer the elementary assessments 638
prescribed by section 3301.0710 of the Revised Code. In 639
accordance with procedures and deadlines prescribed by the 640
department, the parent or guardian of a student enrolled in the 641
school who is not participating in a state scholarship program 642
may submit notice to the chief administrative officer of the 643
school that the parent or guardian does not wish to have the 644
student take the elementary assessments prescribed for the 645
student's grade level under division (A) of section 3301.0710 of 646
the Revised Code. If a parent or guardian submits an opt-out 647
notice, the school shall not administer the assessments to that 648
student. This option does not apply to any assessment required 649
for a high school diploma under section 3313.612 of the Revised 650
Code. 651

(b) If a chartered nonpublic school is educating students 652
in grades nine through twelve, it shall administer the 653
assessments prescribed by divisions (B) (1) and (2) of section 654
3301.0710 of the Revised Code as a condition of compliance with 655
section 3313.612 of the Revised Code. 656

(c) A chartered nonpublic school may submit to the 657
superintendent of public instruction a request for a waiver from 658
administering the elementary assessments prescribed by division 659
(A) of section 3301.0710 of the Revised Code. The state 660
superintendent shall approve or disapprove a request for a 661
waiver submitted under division (K) (1) (c) of this section. No 662

waiver shall be approved for any school year prior to the 2015- 663
2016 school year. 664

To be eligible to submit a request for a waiver, a 665
chartered nonpublic school shall meet the following conditions: 666

(i) At least ninety-five per cent of the students enrolled 667
in the school are children with disabilities, as defined under 668
section 3323.01 of the Revised Code, or have received a 669
diagnosis by a school district or from a physician, including a 670
neuropsychiatrist or psychiatrist, or a psychologist who is 671
authorized to practice in this or another state as having a 672
condition that impairs academic performance, such as dyslexia, 673
dyscalculia, attention deficit hyperactivity disorder, or 674
Asperger's syndrome. 675

(ii) The school has solely served a student population 676
described in division (K) (1) (c) (i) of this section for at least 677
ten years. 678

(iii) The school provides to the department at least five 679
years of records of internal testing conducted by the school 680
that affords the department data required for accountability 681
purposes, including diagnostic assessments and nationally 682
standardized norm-referenced achievement assessments that 683
measure reading and math skills. 684

(d) Any chartered nonpublic school that is not subject to 685
division (K) (1) (a) of this section may participate in the 686
assessment program by administering any of the assessments 687
prescribed by division (A) of section 3301.0710 of the Revised 688
Code. The chief administrator of the school shall specify which 689
assessments the school will administer. Such specification shall 690
be made in writing to the superintendent of public instruction 691

prior to the first day of August of any school year in which 692
assessments are administered and shall include a pledge that the 693
nonpublic school will administer the specified assessments in 694
the same manner as public schools are required to do under this 695
section and rules adopted by the department. 696

(2) The department of education shall furnish the 697
assessments prescribed by section 3301.0710 or 3301.0712 of the 698
Revised Code to each chartered nonpublic school that is subject 699
to division (K) (1) (a) of this section or participates under 700
division (K) (1) (b) of this section. 701

(L) (1) The superintendent of the state school for the 702
blind and the superintendent of the state school for the deaf 703
shall administer the assessments described by sections 3301.0710 704
and 3301.0712 of the Revised Code. Each superintendent shall 705
administer the assessments in the same manner as district boards 706
are required to do under this section and rules adopted by the 707
department of education and in conformity with division (C) (1) 708
(a) of this section. 709

(2) The department of education shall furnish the 710
assessments described by sections 3301.0710 and 3301.0712 of the 711
Revised Code to each superintendent. 712

(M) Notwithstanding division (E) of this section, a school 713
district may use a student's failure to attain a score in at 714
least the proficient range on the mathematics assessment 715
described by division (A) (1) (a) of section 3301.0710 of the 716
Revised Code or on an assessment described by division (A) (1) 717
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 718
Code as a factor in retaining that student in the current grade 719
level. 720

(N) (1) In the manner specified in divisions (N) (3), (4), 721
and (6) of this section, the assessments required by division 722
(A) (1) of section 3301.0710 of the Revised Code shall become 723
public records pursuant to section 149.43 of the Revised Code on 724
the thirty-first day of July following the school year that the 725
assessments were administered. 726

(2) The department may field test proposed questions with 727
samples of students to determine the validity, reliability, or 728
appropriateness of questions for possible inclusion in a future 729
year's assessment. The department also may use anchor questions 730
on assessments to ensure that different versions of the same 731
assessment are of comparable difficulty. 732

Field test questions and anchor questions shall not be 733
considered in computing scores for individual students. Field 734
test questions and anchor questions may be included as part of 735
the administration of any assessment required by division (A) (1) 736
or (B) of section 3301.0710 and division (B) of section 737
3301.0712 of the Revised Code. 738

(3) Any field test question or anchor question 739
administered under division (N) (2) of this section shall not be 740
a public record. Such field test questions and anchor questions 741
shall be redacted from any assessments which are released as a 742
public record pursuant to division (N) (1) of this section. 743

(4) This division applies to the assessments prescribed by 744
division (A) of section 3301.0710 of the Revised Code. 745

(a) The first administration of each assessment, as 746
specified in former section 3301.0712 of the Revised Code, shall 747
be a public record. 748

(b) For subsequent administrations of each assessment 749

prior to the 2011-2012 school year, not less than forty per cent 750
of the questions on the assessment that are used to compute a 751
student's score shall be a public record. The department shall 752
determine which questions will be needed for reuse on a future 753
assessment and those questions shall not be public records and 754
shall be redacted from the assessment prior to its release as a 755
public record. However, for each redacted question, the 756
department shall inform each city, local, and exempted village 757
school district of the statewide academic standard adopted by 758
the state board of education under section 3301.079 of the 759
Revised Code and the corresponding benchmark to which the 760
question relates. The preceding sentence does not apply to field 761
test questions that are redacted under division (N) (3) of this 762
section. 763

(c) The administrations of each assessment in the 2011- 764
2012, 2012-2013, and 2013-2014 school years shall not be a 765
public record. 766

(5) Each assessment prescribed by division (B) (1) of 767
section 3301.0710 of the Revised Code shall not be a public 768
record. 769

(a) Forty per cent of the questions and preferred answers 770
on the assessments on the thirty-first day of July following the 771
administration of the assessment; 772

(b) Twenty per cent of the questions and preferred answers 773
on the assessment on the thirty-first day of July one year after 774
the administration of the assessment; 775

(c) The remaining forty per cent of the questions and 776
preferred answers on the assessment on the thirty-first day of 777
July two years after the administration of the assessment. 778

The entire content of an assessment shall become a public record within three years of its administration. 779
780

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. 781
782
783
784
785

(0) As used in this section: 786

(1) "Three-year average" means the average of the most recent consecutive three school years of data. 787
788

(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. 789
790
791
792
793
794

(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. 795
796
797
798
799
800
801
802
803
804

(4) "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 805
806
807

program established under section 3310.41 of the Revised Code, 808
the Jon Peterson special needs scholarship program established 809
under sections 3310.51 to 3310.64 of the Revised Code, and the 810
pilot project scholarship program established under sections 811
3313.974 to 3313.979 of the Revised Code. 812

Sec. 3301.0715. (A) Except as ~~otherwise~~ required under 813
division (B) (1) of section 3313.608 or as specified in division 814
(D) (3) of section 3301.079 of the Revised Code, the board of 815
education of each city, local, and exempted village school 816
district shall administer each applicable diagnostic assessment 817
developed and provided to the district in accordance with 818
section 3301.079 of the Revised Code to the following: 819

(1) Any student who transfers into the district or to a 820
different school within the district if each applicable 821
diagnostic assessment was not administered by the district or 822
school the student previously attended in the current school 823
year, within thirty days after the date of transfer. If the 824
district or school into which the student transfers cannot 825
determine whether the student has taken any applicable 826
diagnostic assessment in the current school year, the district 827
or school may administer the diagnostic assessment to the 828
student. However, if a student transfers into the district prior 829
to the administration of the diagnostic assessments to all 830
students under division (B) of this section, the district may 831
administer the diagnostic assessments to that student on the 832
date or dates determined under that division. 833

(2) Each kindergarten student, not earlier than the first 834
day of the school year and not later than the first day of 835
November. 836

For the purpose of division (A) (2) of this section, the 837

district shall administer the kindergarten readiness assessment 838
provided by the department of education. In no case shall the 839
results of the readiness assessment be used to prohibit a 840
student from enrolling in kindergarten. 841

(3) Each student enrolled in first, second, or third 842
grade. 843

Division (A) of this section does not apply to students 844
with significant cognitive disabilities, as defined by the 845
department of education. 846

(B) Each district board shall administer each diagnostic 847
assessment when the board deems appropriate, provided the 848
administration complies with section 3313.608 of the Revised 849
Code. However, the board shall administer any diagnostic 850
assessment at least once annually to all students in the 851
appropriate grade level. A district board may administer any 852
diagnostic assessment in the fall and spring of a school year to 853
measure the amount of academic growth attributable to the 854
instruction received by students during that school year. 855

(C) Any district that received a grade of "A" or "B" for 856
the performance index score under division (A) (1) (b), (B) (1) (b), 857
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 858
value-added progress dimension under division (A) (1) (e), (B) (1) 859
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 860
immediately preceding school year may use different diagnostic 861
assessments from those adopted under division (D) of section 862
3301.079 of the Revised Code in order to satisfy the 863
requirements of division (A) (3) of this section. 864

(D) Each district board shall utilize and score any 865
diagnostic assessment administered under division (A) of this 866

section in accordance with rules established by the department. 867
After the administration of any diagnostic assessment, each 868
district shall provide a student's completed diagnostic 869
assessment, the results of such assessment, and any other 870
accompanying documents used during the administration of the 871
assessment to the parent of that student, and shall include all 872
such documents and information in any plan developed for the 873
student under division (C) of section 3313.608 of the Revised 874
Code. Each district shall submit to the department, in the 875
manner the department prescribes, the results of the diagnostic 876
assessments administered under this section, regardless of the 877
type of assessment used under section 3313.608 of the Revised 878
Code. The department may issue reports with respect to the data 879
collected. The department may report school and district level 880
kindergarten diagnostic assessment data and use diagnostic 881
assessment data to calculate the measure prescribed by divisions 882
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 883

(E) Each district board shall provide intervention 884
services to students whose diagnostic assessments show that they 885
are failing to make satisfactory progress toward attaining the 886
academic standards for their grade level. 887

Sec. 3301.0728. (A) Except as provided for in divisions 888
(B) and (C) of this section, beginning with assessments 889
administered on or after July 1, 2015, the board of education of 890
each city, local, and exempted village school district shall 891
ensure that no student is required to do either of the 892
following: 893

(1) Spend a cumulative amount of time in excess of two per 894
cent of the school year taking the following assessments 895
combined: 896

(a) The applicable state assessments prescribed by 897
division (A) of section 3301.0710 and division (B) (2) of section 898
3301.0712 of the Revised Code; 899

(b) Any assessment required by the district board to be 900
administered district-wide to all students in a specified 901
subject area or grade level. 902

(2) Spend a cumulative amount of time in excess of one per 903
cent of the school year taking practice or diagnostic 904
assessments used to prepare for assessments described in 905
divisions (A) (1) (a) and (b) of this section. 906

(B) The limitations prescribed by division (A) of this 907
section shall not apply to assessments for students with 908
disabilities, any related diagnostic assessment for students who 909
failed to attain a passing score on the English language arts 910
achievement assessment prescribed by division (A) (1) (a) of 911
section 3301.0710 of the Revised Code, substitute examinations 912
as prescribed by division (B) (4) of section 3301.0712 of the 913
Revised Code, or additional assessments administered to identify 914
a student as gifted under Chapter 3324. of the Revised Code. 915

(C) The board of education of each city, exempted village, 916
and local school district may exceed the limitations prescribed 917
by division (A) of this section by resolution of the district 918
board. However, prior to the adoption of such a resolution, the 919
board shall conduct at least one public hearing on the proposed 920
resolution. 921

Sec. 3302.02. Not later than one year after the adoption 922
of rules under division (D) of section 3301.0712 of the Revised 923
Code and at least every sixth year thereafter, upon 924
recommendations of the superintendent of public instruction, the 925

state board of education shall establish a set of performance 926
indicators that considered as a unit will be used as one of the 927
performance categories for the report cards required by section 928
3302.03 of the Revised Code. In establishing these indicators, 929
the superintendent shall consider inclusion of student 930
performance on assessments prescribed under section 3301.0710 or 931
3301.0712 of the Revised Code, rates of student improvement on 932
such assessments, the breadth of coursework available within the 933
district, and other indicators of student success. 934

Beginning with the report card for the 2014-2015 school 935
year, the performance indicators shall include an indicator that 936
reflects the level of services provided to, and the performance 937
of, students identified as gifted under Chapter 3324. of the 938
Revised Code. The indicator shall include the performance of 939
students identified as gifted on state assessments and value- 940
added growth measure disaggregated for students identified as 941
gifted. 942

For the 2013-2014 school year, except as otherwise 943
provided in this section, for any indicator based on the 944
percentage of students attaining a proficient score on the 945
assessments prescribed by divisions (A) and (B) (1) of section 946
3301.0710 of the Revised Code, a school district or building 947
shall be considered to have met the indicator if at least eighty 948
per cent of the tested students attain a score of proficient or 949
higher on the assessment. A school district or building shall be 950
considered to have met the indicator for the assessments 951
prescribed by division (B) (1) of section 3301.0710 of the 952
Revised Code and only as administered to eleventh grade 953
students, if at least eighty-five per cent of the tested 954
students attain a score of proficient or higher on the 955
assessment. Not later than July 1, 2014, the state board may 956

adopt rules, under Chapter 119. of the Revised Code, to 957
establish different proficiency percentages to meet each 958
indicator that is based on a state assessment, prescribed under 959
section 3301.0710 or 3301.0712 of the Revised Code, for the 960
2014-2015 school year and thereafter. 961

The superintendent shall not establish any performance 962
indicator for passage of the third or fourth grade English 963
language arts assessment that is solely based on the assessment 964
given in the fall, as authorized prior to the 2015-2016 school 965
year, for the purpose of determining whether students have met 966
the reading guarantee provisions of section 3313.608 of the 967
Revised Code. 968

Sec. 3302.03. Annually, not later than the fifteenth day 969
of September or the preceding Friday when that day falls on a 970
Saturday or Sunday, the department of education shall assign a 971
letter grade for overall academic performance and for each 972
separate performance measure for each school district, and each 973
school building in a district, in accordance with this section. 974
The state board shall adopt rules pursuant to Chapter 119. of 975
the Revised Code to establish performance criteria for each 976
letter grade and prescribe a method by which the department 977
assigns each letter grade. For a school building to which any of 978
the performance measures do not apply, due to grade levels 979
served by the building, the state board shall designate the 980
performance measures that are applicable to the building and 981
that must be calculated separately and used to calculate the 982
building's overall grade. The department shall issue annual 983
report cards reflecting the performance of each school district, 984
each building within each district, and for the state as a whole 985
using the performance measures and letter grade system described 986
in this section. The department shall include on the report card 987

for each district and each building within each district the 988
most recent two-year trend data in student achievement for each 989
subject and each grade. 990

(A) (1) For the 2012-2013 school year, the department shall 991
issue grades as described in division (E) of this section for 992
each of the following performance measures: 993

(a) Annual measurable objectives; 994

(b) Performance index score for a school district or 995
building. Grades shall be awarded as a percentage of the total 996
possible points on the performance index system as adopted by 997
the state board. In adopting benchmarks for assigning letter 998
grades under division (A) (1) (b) of this section, the state board 999
of education shall designate ninety per cent or higher for an 1000
"A," at least seventy per cent but not more than eighty per cent 1001
for a "C," and less than fifty per cent for an "F." 1002

(c) The extent to which the school district or building 1003
meets each of the applicable performance indicators established 1004
by the state board under section 3302.02 of the Revised Code and 1005
the percentage of applicable performance indicators that have 1006
been achieved. In adopting benchmarks for assigning letter 1007
grades under division (A) (1) (c) of this section, the state board 1008
shall designate ninety per cent or higher for an "A." 1009

(d) The four- and five-year adjusted cohort graduation 1010
rates. 1011

In adopting benchmarks for assigning letter grades under 1012
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1013
department shall designate a four-year adjusted cohort 1014
graduation rate of ninety-three per cent or higher for an "A" 1015
and a five-year cohort graduation rate of ninety-five per cent 1016

or higher for an "A." 1017

(e) The overall score under the value-added progress 1018
dimension of a school district or building, for which the 1019
department shall use up to three years of value-added data as 1020
available. The letter grade assigned for this growth measure 1021
shall be as follows: 1022

(i) A score that is at least two standard errors of 1023
measure above the mean score shall be designated as an "A." 1024

(ii) A score that is at least one standard error of 1025
measure but less than two standard errors of measure above the 1026
mean score shall be designated as a "B." 1027

(iii) A score that is less than one standard error of 1028
measure above the mean score but greater than or equal to one 1029
standard error of measure below the mean score shall be 1030
designated as a "C." 1031

(iv) A score that is not greater than one standard error 1032
of measure below the mean score but is greater than or equal to 1033
two standard errors of measure below the mean score shall be 1034
designated as a "D." 1035

(v) A score that is not greater than two standard errors 1036
of measure below the mean score shall be designated as an "F." 1037

Whenever the value-added progress dimension is used as a 1038
graded performance measure, whether as an overall measure or as 1039
a measure of separate subgroups, the grades for the measure 1040
shall be calculated in the same manner as prescribed in division 1041
(A) (1) (e) of this section. 1042

(f) The value-added progress dimension score for a school 1043
district or building disaggregated for each of the following 1044

subgroups: students identified as gifted, students with 1045
disabilities, and students whose performance places them in the 1046
lowest quintile for achievement on a statewide basis. Each 1047
subgroup shall be a separate graded measure. 1048

(2) Not later than April 30, 2013, the state board of 1049
education shall adopt a resolution describing the performance 1050
measures, benchmarks, and grading system for the 2012-2013 1051
school year and, not later than June 30, 2013, shall adopt rules 1052
in accordance with Chapter 119. of the Revised Code that 1053
prescribe the methods by which the performance measures under 1054
division (A)(1) of this section shall be assessed and assigned a 1055
letter grade, including performance benchmarks for each letter 1056
grade. 1057

At least forty-five days prior to the state board's 1058
adoption of rules to prescribe the methods by which the 1059
performance measures under division (A)(1) of this section shall 1060
be assessed and assigned a letter grade, the department shall 1061
conduct a public presentation before the standing committees of 1062
the house of representatives and the senate that consider 1063
education legislation describing such methods, including 1064
performance benchmarks. 1065

(3) There shall not be an overall letter grade for a 1066
school district or building for the 2012-2013 school year. 1067

(B)(1) For the 2013-2014 school year, the department shall 1068
issue grades as described in division (E) of this section for 1069
each of the following performance measures: 1070

(a) Annual measurable objectives; 1071

(b) Performance index score for a school district or 1072
building. Grades shall be awarded as a percentage of the total 1073

possible points on the performance index system as created by 1074
the department. In adopting benchmarks for assigning letter 1075
grades under division (B) (1) (b) of this section, the state board 1076
shall designate ninety per cent or higher for an "A," at least 1077
seventy per cent but not more than eighty per cent for a "C," 1078
and less than fifty per cent for an "F." 1079

(c) The extent to which the school district or building 1080
meets each of the applicable performance indicators established 1081
by the state board under section 3302.03 of the Revised Code and 1082
the percentage of applicable performance indicators that have 1083
been achieved. In adopting benchmarks for assigning letter 1084
grades under division (B) (1) (c) of this section, the state board 1085
shall designate ninety per cent or higher for an "A." 1086

(d) The four- and five-year adjusted cohort graduation 1087
rates; 1088

(e) The overall score under the value-added progress 1089
dimension of a school district or building, for which the 1090
department shall use up to three years of value-added data as 1091
available. 1092

(f) The value-added progress dimension score for a school 1093
district or building disaggregated for each of the following 1094
subgroups: students identified as gifted in superior cognitive 1095
ability and specific academic ability fields under Chapter 3324. 1096
of the Revised Code, students with disabilities, and students 1097
whose performance places them in the lowest quintile for 1098
achievement on a statewide basis. Each subgroup shall be a 1099
separate graded measure. 1100

(g) Whether a school district or building is making 1101
progress in improving literacy in grades kindergarten through 1102

three, as determined using a method prescribed by the state 1103
board. The state board shall adopt rules to prescribe benchmarks 1104
and standards for assigning grades to districts and buildings 1105
for purposes of division (B) (1) (g) of this section. In adopting 1106
benchmarks for assigning letter grades under divisions (B) (1) (g) 1107
and (C) (1) (g) of this section, the state board shall determine 1108
progress made based on the reduction in the total percentage of 1109
students scoring below grade level, or below proficient, 1110
compared from year to year on the reading and writing diagnostic 1111
assessments administered under section 3301.0715 of the Revised 1112
Code and the third grade English language arts assessment under 1113
section 3301.0710 of the Revised Code, as applicable. The state 1114
board shall designate for a "C" grade a value that is not lower 1115
than the statewide average value for this measure. No grade 1116
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1117
section for a district or building in which less than five per 1118
cent of students have scored below grade level on the diagnostic 1119
assessment administered to students in kindergarten under 1120
division (B) (1) of section 3313.608 of the Revised Code. 1121

(h) For a high mobility school district or building, an 1122
additional value-added progress dimension score. For this 1123
measure, the department shall use value-added data from the most 1124
recent school year available and shall use assessment scores for 1125
only those students to whom the district or building has 1126
administered the assessments prescribed by section 3301.0710 of 1127
the Revised Code for each of the two most recent consecutive 1128
school years. 1129

As used in this division, "high mobility school district 1130
or building" means a school district or building where at least 1131
twenty-five per cent of its total enrollment is made up of 1132
students who have attended that school district or building for 1133

less than one year. 1134

(2) In addition to the graded measures in division (B) (1) 1135
of this section, the department shall include on a school 1136
district's or building's report card all of the following 1137
without an assigned letter grade: 1138

(a) The percentage of students enrolled in a district or 1139
building participating in advanced placement classes and the 1140
percentage of those students who received a score of three or 1141
better on advanced placement examinations; 1142

(b) The number of a district's or building's students who 1143
have earned at least three college credits through dual 1144
enrollment or advanced standing programs, such as the post- 1145
secondary enrollment options program under Chapter 3365. of the 1146
Revised Code and state-approved career-technical courses offered 1147
through dual enrollment or statewide articulation, that appear 1148
on a student's transcript or other official document, either of 1149
which is issued by the institution of higher education from 1150
which the student earned the college credit. The credits earned 1151
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1152
this section shall not include any that are remedial or 1153
developmental and shall include those that count toward the 1154
curriculum requirements established for completion of a degree. 1155

(c) The percentage of students enrolled in a district or 1156
building who have taken a national standardized test used for 1157
college admission determinations and the percentage of those 1158
students who are determined to be remediation-free in accordance 1159
with standards adopted under division (F) of section 3345.061 of 1160
the Revised Code; 1161

(d) The percentage of the district's or the building's 1162

students who receive industry-recognized credentials. The state 1163
board shall adopt criteria for acceptable industry-recognized 1164
credentials. 1165

(e) The percentage of students enrolled in a district or 1166
building who are participating in an international baccalaureate 1167
program and the percentage of those students who receive a score 1168
of four or better on the international baccalaureate 1169
examinations. 1170

(f) The percentage of the district's or building's 1171
students who receive an honors diploma under division (B) of 1172
section 3313.61 of the Revised Code. 1173

(3) Not later than December 31, 2013, the state board 1174
shall adopt rules in accordance with Chapter 119. of the Revised 1175
Code that prescribe the methods by which the performance 1176
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1177
will be assessed and assigned a letter grade, including 1178
performance benchmarks for each grade. 1179

At least forty-five days prior to the state board's 1180
adoption of rules to prescribe the methods by which the 1181
performance measures under division (B) (1) of this section shall 1182
be assessed and assigned a letter grade, the department shall 1183
conduct a public presentation before the standing committees of 1184
the house of representatives and the senate that consider 1185
education legislation describing such methods, including 1186
performance benchmarks. 1187

(4) There shall not be an overall letter grade for a 1188
school district or building for the 2013-2014 school year. 1189

(C) (1) For the 2014-2015 school year and each school year 1190
thereafter, the department shall issue grades as described in 1191

division (E) of this section for each of the performance 1192
measures prescribed in division (C) (1) of this section and an 1193
overall letter grade based on an aggregate of those measures, 1194
except for the performance measure set forth in division (C) (1) 1195
(h) of this section. The graded measures are as follows: 1196

(a) Annual measurable objectives; 1197

(b) Performance index score for a school district or 1198
building. Grades shall be awarded as a percentage of the total 1199
possible points on the performance index system as created by 1200
the department. In adopting benchmarks for assigning letter 1201
grades under division (C) (1) (b) of this section, the state board 1202
shall designate ninety per cent or higher for an "A," at least 1203
seventy per cent but not more than eighty per cent for a "C," 1204
and less than fifty per cent for an "F." 1205

(c) The extent to which the school district or building 1206
meets each of the applicable performance indicators established 1207
by the state board under section 3302.03 of the Revised Code and 1208
the percentage of applicable performance indicators that have 1209
been achieved. In adopting benchmarks for assigning letter 1210
grades under division (C) (1) (c) of this section, the state board 1211
shall designate ninety per cent or higher for an "A." 1212

(d) The four- and five-year adjusted cohort graduation 1213
rates; 1214

(e) The overall score under the value-added progress 1215
dimension, or another measure of student academic progress if 1216
adopted by the state board, of a school district or building, 1217
for which the department shall use up to three years of value- 1218
added data as available. 1219

In adopting benchmarks for assigning letter grades for 1220

overall score on value-added progress dimension under division 1221
(C) (1) (e) of this section, the state board shall prohibit the 1222
assigning of a grade of "A" for that measure unless the 1223
district's or building's grade assigned for value-added progress 1224
dimension for all subgroups under division (C) (1) (f) of this 1225
section is a "B" or higher. 1226

For the metric prescribed by division (C) (1) (e) of this 1227
section, the state board may adopt a student academic progress 1228
measure to be used instead of the value-added progress 1229
dimension. If the state board adopts such a measure, it also 1230
shall prescribe a method for assigning letter grades for the new 1231
measure that is comparable to the method prescribed in division 1232
(A) (1) (e) of this section. 1233

(f) The value-added progress dimension score of a school 1234
district or building disaggregated for each of the following 1235
subgroups: students identified as gifted in superior cognitive 1236
ability and specific academic ability fields under Chapter 3324. 1237
of the Revised Code, students with disabilities, and students 1238
whose performance places them in the lowest quintile for 1239
achievement on a statewide basis, as determined by a method 1240
prescribed by the state board. Each subgroup shall be a separate 1241
graded measure. 1242

The state board may adopt student academic progress 1243
measures to be used instead of the value-added progress 1244
dimension. If the state board adopts such measures, it also 1245
shall prescribe a method for assigning letter grades for the new 1246
measures that is comparable to the method prescribed in division 1247
(A) (1) (e) of this section. 1248

(g) Whether a school district or building is making 1249
progress in improving literacy in grades kindergarten through 1250

three, as determined using a method prescribed by the state 1251
board. The state board shall adopt rules to prescribe benchmarks 1252
and standards for assigning grades to a district or building for 1253
purposes of division (C) (1) (g) of this section. The state board 1254
shall designate for a "C" grade a value that is not lower than 1255
the statewide average value for this measure. No grade shall be 1256
issued under division (C) (1) (g) of this section for a district 1257
or building in which less than five per cent of students have 1258
scored below grade level on the kindergarten diagnostic 1259
assessment under division (B) (1) of section 3313.608 of the 1260
Revised Code. 1261

(h) For a high mobility school district or building, an 1262
additional value-added progress dimension score. For this 1263
measure, the department shall use value-added data from the most 1264
recent school year available and shall use assessment scores for 1265
only those students to whom the district or building has 1266
administered the assessments prescribed by section 3301.0710 of 1267
the Revised Code for each of the two most recent consecutive 1268
school years. 1269

As used in this division, "high mobility school district 1270
or building" means a school district or building where at least 1271
twenty-five per cent of its total enrollment is made up of 1272
students who have attended that school district or building for 1273
less than one year. 1274

(2) In addition to the graded measures in division (C) (1) 1275
of this section, the department shall include on a school 1276
district's or building's report card all of the following 1277
without an assigned letter grade: 1278

(a) The percentage of students enrolled in a district or 1279
building who have taken a national standardized test used for 1280

college admission determinations and the percentage of those 1281
students who are determined to be remediation-free in accordance 1282
with the standards adopted under division (F) of section 1283
3345.061 of the Revised Code; 1284

(b) The percentage of students enrolled in a district or 1285
building participating in advanced placement classes and the 1286
percentage of those students who received a score of three or 1287
better on advanced placement examinations; 1288

(c) The percentage of a district's or building's students 1289
who have earned at least three college credits through advanced 1290
standing programs, such as the college credit plus program under 1291
Chapter 3365. of the Revised Code and state-approved career- 1292
technical courses offered through dual enrollment or statewide 1293
articulation, that appear on a student's college transcript 1294
issued by the institution of higher education from which the 1295
student earned the college credit. The credits earned that are 1296
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1297
shall not include any that are remedial or developmental and 1298
shall include those that count toward the curriculum 1299
requirements established for completion of a degree. 1300

(d) The percentage of the district's or building's 1301
students who receive an honor's diploma under division (B) of 1302
section 3313.61 of the Revised Code; 1303

(e) The percentage of the district's or building's 1304
students who receive industry-recognized credentials; 1305

(f) The percentage of students enrolled in a district or 1306
building who are participating in an international baccalaureate 1307
program and the percentage of those students who receive a score 1308
of four or better on the international baccalaureate 1309

examinations;	1310
(g) The results of the college and career-ready	1311
assessments administered under division (B) (1) of section	1312
3301.0712 of the Revised Code.	1313
(3) The state board shall adopt rules pursuant to Chapter	1314
119. of the Revised Code that establish a method to assign an	1315
overall grade for a school district or school building for the	1316
2014-2015 school year and each school year thereafter. The rules	1317
shall group the performance measures in divisions (C) (1) and (2)	1318
of this section into the following components:	1319
(a) Gap closing, which shall include the performance	1320
measure in division (C) (1) (a) of this section;	1321
(b) Achievement, which shall include the performance	1322
measures in divisions (C) (1) (b) and (c) of this section;	1323
(c) Progress, which shall include the performance measures	1324
in divisions (C) (1) (e) and (f) of this section;	1325
(d) Graduation, which shall include the performance	1326
measure in division (C) (1) (d) of this section;	1327
(e) Kindergarten through third-grade literacy, which shall	1328
include the performance measure in division (C) (1) (g) of this	1329
section;	1330
(f) Prepared for success, which shall include the	1331
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),	1332
and (f) of this section. The state board shall develop a method	1333
to determine a grade for the component in division (C) (3) (f) of	1334
this section using the performance measures in divisions (C) (2)	1335
(a), (b), (c), (d), (e), and (f) of this section. When	1336
available, the state board may incorporate the performance	1337

measure under division (C) (2) (g) of this section into the 1338
component under division (C) (3) (f) of this section. When 1339
determining the overall grade for the prepared for success 1340
component prescribed by division (C) (3) (f) of this section, no 1341
individual student shall be counted in more than one performance 1342
measure. However, if a student qualifies for more than one 1343
performance measure in the component, the state board may, in 1344
its method to determine a grade for the component, specify an 1345
additional weight for such a student that is not greater than or 1346
equal to 1.0. In determining the overall score under division 1347
(C) (3) (f) of this section, the state board shall ensure that the 1348
pool of students included in the performance measures aggregated 1349
under that division are all of the students included in the 1350
four- and five-year adjusted graduation cohort. 1351

In the rules adopted under division (C) (3) of this 1352
section, the state board shall adopt a method for determining a 1353
grade for each component in divisions (C) (3) (a) to (f) of this 1354
section. The state board also shall establish a method to assign 1355
an overall grade of "A," "B," "C," "D," or "F" using the grades 1356
assigned for each component. The method the state board adopts 1357
for assigning an overall grade shall give equal weight to the 1358
components in divisions (C) (3) (b) and (c) of this section. 1359

At least forty-five days prior to the state board's 1360
adoption of rules to prescribe the methods for calculating the 1361
overall grade for the report card, as required by this division, 1362
the department shall conduct a public presentation before the 1363
standing committees of the house of representatives and the 1364
senate that consider education legislation describing the format 1365
for the report card, weights that will be assigned to the 1366
components of the overall grade, and the method for calculating 1367
the overall grade. 1368

(D) Not later than July 1, 2015, the state board shall 1369
develop a measure of student academic progress for high school 1370
students using only data from assessments in English language 1371
arts and mathematics. For the 2014-2015 school year, the 1372
department shall include this measure on a school district or 1373
building's report card, as applicable, without an assigned 1374
letter grade. Beginning with the report card for the 2015-2016 1375
school year, each school district and applicable school building 1376
shall be assigned a separate letter grade for this measure and 1377
the district's or building's grade for that measure shall be 1378
included in determining the district's or building's overall 1379
letter grade. This measure shall be included within the measure 1380
prescribed in division (C) (3) (c) of this section in the 1381
calculation for the overall letter grade. 1382

(E) The letter grades assigned to a school district or 1383
building under this section shall be as follows: 1384

(1) "A" for a district or school making excellent 1385
progress; 1386

(2) "B" for a district or school making above average 1387
progress; 1388

(3) "C" for a district or school making average progress; 1389

(4) "D" for a district or school making below average 1390
progress; 1391

(5) "F" for a district or school failing to meet minimum 1392
progress. 1393

(F) When reporting data on student achievement and 1394
progress, the department shall disaggregate that data according 1395
to the following categories: 1396

(1) Performance of students by grade-level;	1397
(2) Performance of students by race and ethnic group;	1398
(3) Performance of students by gender;	1399
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1400 1401
(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;	1402 1403 1404
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1405 1406
(7) Performance of students grouped by those who are economically disadvantaged;	1407 1408
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1409 1410 1411
(9) Performance of students grouped by those who are classified as limited English proficient;	1412 1413
(10) Performance of students grouped by those who have disabilities;	1414 1415
(11) Performance of students grouped by those who are classified as migrants;	1416 1417
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability	1418 1419 1420 1421 1422 1423

in math and reading. If any other academic field is assessed, 1424
the department shall also include data for students with 1425
specific academic ability in that field as well. 1426

(13) Performance of students grouped by those who perform 1427
in the lowest quintile for achievement on a statewide basis, as 1428
determined by a method prescribed by the state board. 1429

The department may disaggregate data on student 1430
performance according to other categories that the department 1431
determines are appropriate. To the extent possible, the 1432
department shall disaggregate data on student performance 1433
according to any combinations of two or more of the categories 1434
listed in divisions (F) (1) to (13) of this section that it deems 1435
relevant. 1436

In reporting data pursuant to division (F) of this 1437
section, the department shall not include in the report cards 1438
any data statistical in nature that is statistically unreliable 1439
or that could result in the identification of individual 1440
students. For this purpose, the department shall not report 1441
student performance data for any group identified in division 1442
(F) of this section that contains less than ten students. If the 1443
department does not report student performance data for a group 1444
because it contains less than ten students, the department shall 1445
indicate on the report card that is why data was not reported. 1446

(G) The department may include with the report cards any 1447
additional education and fiscal performance data it deems 1448
valuable. 1449

(H) The department shall include on each report card a 1450
list of additional information collected by the department that 1451
is available regarding the district or building for which the 1452

report card is issued. When available, such additional 1453
information shall include student mobility data disaggregated by 1454
race and socioeconomic status, college enrollment data, and the 1455
reports prepared under section 3302.031 of the Revised Code. 1456

The department shall maintain a site on the world wide 1457
web. The report card shall include the address of the site and 1458
shall specify that such additional information is available to 1459
the public at that site. The department shall also provide a 1460
copy of each item on the list to the superintendent of each 1461
school district. The district superintendent shall provide a 1462
copy of any item on the list to anyone who requests it. 1463

(I) Division (I) of this section does not apply to 1464
conversion community schools that primarily enroll students 1465
between sixteen and twenty-two years of age who dropped out of 1466
high school or are at risk of dropping out of high school due to 1467
poor attendance, disciplinary problems, or suspensions. 1468

(1) For any district that sponsors a conversion community 1469
school under Chapter 3314. of the Revised Code, the department 1470
shall combine data regarding the academic performance of 1471
students enrolled in the community school with comparable data 1472
from the schools of the district for the purpose of determining 1473
the performance of the district as a whole on the report card 1474
issued for the district under this section or section 3302.033 1475
of the Revised Code. 1476

(2) Any district that leases a building to a community 1477
school located in the district or that enters into an agreement 1478
with a community school located in the district whereby the 1479
district and the school endorse each other's programs may elect 1480
to have data regarding the academic performance of students 1481
enrolled in the community school combined with comparable data 1482

from the schools of the district for the purpose of determining 1483
the performance of the district as a whole on the district 1484
report card. Any district that so elects shall annually file a 1485
copy of the lease or agreement with the department. 1486

(3) Any municipal school district, as defined in section 1487
3311.71 of the Revised Code, that sponsors a community school 1488
located within the district's territory, or that enters into an 1489
agreement with a community school located within the district's 1490
territory whereby the district and the community school endorse 1491
each other's programs, may exercise either or both of the 1492
following elections: 1493

(a) To have data regarding the academic performance of 1494
students enrolled in that community school combined with 1495
comparable data from the schools of the district for the purpose 1496
of determining the performance of the district as a whole on the 1497
district's report card; 1498

(b) To have the number of students attending that 1499
community school noted separately on the district's report card. 1500

The election authorized under division (I) (3) (a) of this 1501
section is subject to approval by the governing authority of the 1502
community school. 1503

Any municipal school district that exercises an election 1504
to combine or include data under division (I) (3) of this 1505
section, by the first day of October of each year, shall file 1506
with the department documentation indicating eligibility for 1507
that election, as required by the department. 1508

(J) The department shall include on each report card the 1509
percentage of teachers in the district or building who are 1510
highly qualified, as defined by the No Child Left Behind Act of 1511

2001, and a comparison of that percentage with the percentages 1512
of such teachers in similar districts and buildings. 1513

(K) (1) In calculating English language arts, mathematics, 1514
social studies, or science assessment passage rates used to 1515
determine school district or building performance under this 1516
section, the department shall include all students taking an 1517
assessment with accommodation or to whom an alternate assessment 1518
is administered pursuant to division (C) (1) or (3) of section 1519
3301.0711 of the Revised Code. 1520

(2) In calculating performance index scores, rates of 1521
achievement on the performance indicators established by the 1522
state board under section 3302.02 of the Revised Code, and 1523
annual measurable objectives for determining adequate yearly 1524
progress for school districts and buildings under this section, 1525
the department shall do all of the following: 1526

(a) Include for each district or building only those 1527
students who are included in the ADM certified for the first 1528
full school week of October and are continuously enrolled in the 1529
district or building through the time of the spring 1530
administration of any assessment prescribed by division (A) (1) 1531
or (B) (1) of section 3301.0710 or division (B) of section 1532
3301.0712 of the Revised Code that is administered to the 1533
student's grade level; 1534

(b) ~~Include~~ For the 2013-2014 and 2014-2015 school year, 1535
include cumulative totals from both the fall and spring 1536
administrations of the third grade English language arts 1537
achievement assessment; 1538

(c) Except as required by the No Child Left Behind Act of 1539
2001, exclude for each district or building any limited English 1540

proficient student who has been enrolled in United States 1541
schools for less than one full school year. 1542

(L) Beginning with the 2015-2016 school year and at least 1543
once every three years thereafter, the state board of education 1544
shall review and may adjust the benchmarks for assigning letter 1545
grades to the performance measures and components prescribed 1546
under divisions (C) (3) and (D) of this section. 1547

Sec. 3302.034. (A) Not later than December 31, 2013, the 1548
state board of education shall adopt and specify measures in 1549
addition to those included on the report card issued under 1550
section 3302.03 of the Revised Code. The measures adopted under 1551
this section shall be reported separately, as specified under 1552
division (B) of this section, for each school district, each 1553
building in a district, each community school established under 1554
Chapter 3314., each STEM school established under Chapter 3326., 1555
and each college-preparatory boarding school established under 1556
Chapter 3328. of the Revised Code. The measures shall include at 1557
least the following: 1558

(1) Data for students who have passed over a grade or 1559
subject area under an acceleration policy prescribed under 1560
section 3324.10 of the Revised Code; 1561

(2) The number of students who are economically 1562
disadvantaged as determined by the department of education; 1563

(3) The number of lead teachers employed by each district 1564
and each building once the data is available through the 1565
education management information system established under 1566
section 3301.0714 of the Revised Code; 1567

(4) The amount of students screened and identified as 1568
gifted under Chapter 3324. of the Revised Code; 1569

(5) Postgraduate student outcome data as described under 1570
division (E) (2) (d) (ii) of section 3314.017 of the Revised Code; 1571

(6) Availability of courses in fine arts; 1572

(7) Participation with other school districts to provide 1573
career-technical education services to students; 1574

~~(8) The amount of extracurricular services offered to 1575
students. 1576~~

(B) The department shall report this information annually 1577
beginning with the 2013-2014 school year and make this 1578
information available on its web site for comparison purposes. 1579

Sec. 3302.13. (A) This section applies to any school 1580
district or community school that meets both of the following 1581
criteria, as reported on the past two consecutive report cards 1582
issued for that district or school under section 3302.03 of the 1583
Revised Code: 1584

(1) The district or school received a grade of "D" or "F" 1585
on the kindergarten through third-grade literacy progress 1586
measure under division (C) (3) (e) of section 3302.03 of the 1587
Revised Code. 1588

(2) Less than sixty per cent of the district's students 1589
who took the third grade English language arts assessment 1590
prescribed under section 3301.0710 of the Revised Code ~~during 1591
the most recent fall and spring administrations of that 1592
assessment for that school year~~ attained at least a proficient 1593
score on that assessment. 1594

(B) By December 31, 2016, and by the thirty-first day of 1595
each December thereafter, any school district or community 1596
school that meets the criteria set forth in division (A) of this 1597

section shall submit to the department of education a school or 1598
district reading achievement improvement plan, which shall 1599
include all requirements prescribed by the state board of 1600
education pursuant to division (C) of this section. 1601

(C) Not later than December 31, 2014, the state board 1602
shall adopt rules in accordance with Chapter 119. of the Revised 1603
Code prescribing the content of and deadlines for the reading 1604
achievement improvement plans required under division (B) of 1605
this section. The rules shall prescribe that each plan include, 1606
at a minimum, an analysis of relevant student performance data, 1607
measurable student performance goals, strategies to meet 1608
specific student needs, a staffing and professional development 1609
plan, and instructional strategies for improving literacy. 1610

(D) Any school district or community school to which this 1611
section applies shall no longer be required to submit an 1612
improvement plan pursuant to division (B) of this section when 1613
that district or school meets either of the following criteria, 1614
as reported on the most recent report card issued for that 1615
district or school under section 3302.03 of the Revised Code: 1616

(1) The district or school received a grade of "C" or 1617
higher on the kindergarten through third-grade literacy progress 1618
measure under division (C) (3) (e) of section 3302.03 of the 1619
Revised Code. 1620

(2) Not less than sixty per cent of the district's 1621
students who took the third grade English language arts 1622
assessment prescribed under section 3301.0710 of the Revised 1623
Code ~~during the most recent fall and spring administrations of~~ 1624
~~that assessment for that school year~~ attain attained at least a 1625
proficient score on that assessment. 1626

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

Sec. 3302.16. (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 class size;

(4) Any provision of the Revised Code or rule or standard of the state board requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

(B) (1) Notwithstanding anything to the contrary in the

Revised Code, including sections 3319.30 and 3319.36 of the 1656
Revised Code, the superintendent of a school district that 1657
qualifies under division (D) of this section may employ an 1658
individual who is not licensed as required by sections 3319.22 1659
to 3319.30 of the Revised Code, but who is otherwise qualified 1660
based on experience, to teach classes in the district, so long 1661
as the board of education of the school district approves the 1662
individual's employment and provides mentoring and professional 1663
development opportunities to that individual, as determined 1664
necessary by the board. 1665

(2) As a condition of employment under this section, an 1666
individual shall be subject to a criminal records check as 1667
prescribed by section 3319.391 of the Revised Code. 1668

(3) An individual employed pursuant to this division is 1669
subject to Chapter 3307. of the Revised Code. 1670

(C) Notwithstanding anything to the contrary in the 1671
Revised Code, noncompliance with any of the requirements listed 1672
in divisions (A) or (B) of this section shall not disqualify a 1673
school district that qualifies under division (D) of this 1674
section from receiving funds under Chapter 3317. of the Revised 1675
Code. 1676

(D) In order for a city, local, or exempted village school 1677
district to qualify for the exemptions described in this 1678
section, the school district shall meet all of the following 1679
benchmarks on the most recent report card issued for that 1680
district under section 3302.03 of the Revised Code: 1681

(1) The district received at least eighty-five per cent of 1682
the total possible points for the performance index score 1683
calculated under division (C) (1) (b) of that section; 1684

(2) The district received a grade of an "A" for performance indicators met under division (C) (1) (c) of that section; 1685
1686
1687

(3) The district has a four-year adjusted cohort graduation rate of at least ninety-three per cent and a five-year adjusted cohort graduation rate of at least ninety-five per cent, as calculated under division (C) (1) (d) of that section. 1688
1689
1690
1691

(E) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 1692
1693

Sec. 3313.46. (A) In addition to any other law governing the bidding for contracts by the board of education of any school district, when any such board determines to build, repair, enlarge, improve, or demolish any school building, the cost of which will exceed ~~twenty-five~~ fifty thousand dollars, except in cases of urgent necessity, or for the security and protection of school property, and except as otherwise provided in division (D) of section 713.23 and in section 125.04 of the Revised Code, all of the following shall apply: 1694
1695
1696
1697
1698
1699
1700
1701
1702

(1) The board shall cause to be prepared the plans, specifications, and related information as required in divisions (A) (1), (2), and (3) of section 153.01 of the Revised Code unless the board determines that other information is sufficient to inform any bidders of the board's requirements. However, if the board determines that such other information is sufficient for bidding a project, the board shall not engage in the construction of any such project involving the practice of professional engineering, professional surveying, or architecture, for which plans, specifications, and estimates have not been made by, and the construction thereof inspected by, a licensed professional engineer, licensed professional 1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714

surveyor, or registered architect. 1715

(2) The board shall advertise for bids once each week for 1716
a period of not less than two consecutive weeks, or as provided 1717
in section 7.16 of the Revised Code, in a newspaper of general 1718
circulation in the district before the date specified by the 1719
board for receiving bids. The board may also cause notice to be 1720
inserted in trade papers or other publications designated by it 1721
or to be distributed by electronic means, including posting the 1722
notice on the board's internet web site. If the board posts the 1723
notice on its web site, it may eliminate the second notice 1724
otherwise required to be published in a newspaper of general 1725
circulation within the school district, provided that the first 1726
notice published in such newspaper meets all of the following 1727
requirements: 1728

(a) It is published at least two weeks before the opening 1729
of bids. 1730

(b) It includes a statement that the notice is posted on 1731
the board of education's internet web site. 1732

(c) It includes the internet address of the board's 1733
internet web site. 1734

(d) It includes instructions describing how the notice may 1735
be accessed on the board's internet web site. 1736

(3) Unless the board extends the time for the opening of 1737
bids they shall be opened at the time and place specified by the 1738
board in the advertisement for the bids. 1739

(4) Each bid shall contain the name of every person 1740
interested therein. Each bid shall meet the requirements of 1741
section 153.54 of the Revised Code. 1742

(5) When both labor and materials are embraced in the work 1743
bid for, the board may require that each be separately stated in 1744
the bid, with the price thereof, or may require that bids be 1745
submitted without such separation. 1746

(6) None but the lowest responsible bid shall be accepted. 1747
The board may reject all the bids, or accept any bid for both 1748
labor and material for such improvement or repair, which is the 1749
lowest in the aggregate. In all other respects, the award of 1750
contracts for improvement or repair, but not for purchases made 1751
under section 3327.08 of the Revised Code, shall be pursuant to 1752
section 153.12 of the Revised Code. 1753

(7) The contract shall be between the board and the 1754
bidders. The board shall pay the contract price for the work 1755
pursuant to sections 153.13 and 153.14 of the Revised Code. The 1756
board shall approve and retain the estimates referred to in 1757
section 153.13 of the Revised Code and make them available to 1758
the auditor of state upon request. 1759

(8) When two or more bids are equal, in the whole, or in 1760
any part thereof, and are lower than any others, either may be 1761
accepted, but in no case shall the work be divided between such 1762
bidders. 1763

(9) When there is reason to believe there is collusion or 1764
combination among the bidders, or any number of them, the bids 1765
of those concerned therein shall be rejected. 1766

(B) Division (A) of this section does not apply to the 1767
board of education of any school district in any of the 1768
following situations: 1769

(1) The acquisition of educational materials used in 1770
teaching. 1771

(2) If the board determines and declares by resolution 1772
adopted by two-thirds of all its members that any item is 1773
available and can be acquired only from a single source. 1774

(3) If the board declares by resolution adopted by two- 1775
thirds of all its members that division (A) of this section does 1776
not apply to any installation, modification, or remodeling 1777
involved in any energy conservation measure undertaken through 1778
an installment payment contract under section 3313.372 of the 1779
Revised Code or undertaken pursuant to division (G) of section 1780
133.06 of the Revised Code. 1781

(4) The acquisition of computer software for instructional 1782
purposes and computer hardware for instructional purposes 1783
pursuant to division (B) (4) of section 3313.37 of the Revised 1784
Code. 1785

(C) No resolution adopted pursuant to division (B) (2) or 1786
(3) of this section shall have any effect on whether sections 1787
153.12 to 153.14 and 153.54 of the Revised Code apply to the 1788
board of education of any school district with regard to any 1789
item. 1790

Sec. 3314.03. A copy of every contract entered into under 1791
this section shall be filed with the superintendent of public 1792
instruction. The department of education shall make available on 1793
its web site a copy of every approved, executed contract filed 1794
with the superintendent under this section. 1795

(A) Each contract entered into between a sponsor and the 1796
governing authority of a community school shall specify the 1797
following: 1798

(1) That the school shall be established as either of the 1799
following: 1800

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	1801 1802 1803
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	1804 1805
(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;	1806 1807 1808 1809
(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;	1810 1811 1812 1813
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	1814 1815
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	1816 1817 1818
(6) (a) Dismissal procedures;	1819
(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.	1820 1821 1822 1823 1824 1825
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1826 1827
(8) Requirements for financial audits by the auditor of	1828

state. The contract shall require financial records of the 1829
school to be maintained in the same manner as are financial 1830
records of school districts, pursuant to rules of the auditor of 1831
state. Audits shall be conducted in accordance with section 1832
117.10 of the Revised Code. 1833

(9) The facilities to be used and their locations; 1834

(10) Qualifications of teachers, including a requirement 1835
that the school's classroom teachers be licensed in accordance 1836
with sections 3319.22 to 3319.31 of the Revised Code, except 1837
that a community school may engage noncertificated persons to 1838
teach up to twelve hours per week pursuant to section 3319.301 1839
of the Revised Code. 1840

(11) That the school will comply with the following 1841
requirements: 1842

(a) The school will provide learning opportunities to a 1843
minimum of twenty-five students for a minimum of nine hundred 1844
twenty hours per school year. 1845

(b) The governing authority will purchase liability 1846
insurance, or otherwise provide for the potential liability of 1847
the school. 1848

(c) The school will be nonsectarian in its programs, 1849
admission policies, employment practices, and all other 1850
operations, and will not be operated by a sectarian school or 1851
religious institution. 1852

(d) The school will comply with sections 9.90, 9.91, 1853
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1854
3301.0711, 3301.0712, 3301.0715, 3301.0728, 3301.948, 3313.472, 1855
3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 1856
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 1857

3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1858
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 1859
3313.716, 3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 1860
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 1861
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 1862
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1863
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1864
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 1865
the Revised Code as if it were a school district and will comply 1866
with section 3301.0714 of the Revised Code in the manner 1867
specified in section 3314.17 of the Revised Code. 1868

(e) The school shall comply with Chapter 102. and section 1869
2921.42 of the Revised Code. 1870

(f) The school will comply with sections 3313.61, 1871
3313.611, and 3313.614 of the Revised Code, except that for 1872
students who enter ninth grade for the first time before July 1, 1873
2010, the requirement in sections 3313.61 and 3313.611 of the 1874
Revised Code that a person must successfully complete the 1875
curriculum in any high school prior to receiving a high school 1876
diploma may be met by completing the curriculum adopted by the 1877
governing authority of the community school rather than the 1878
curriculum specified in Title XXXVIII of the Revised Code or any 1879
rules of the state board of education. Beginning with students 1880
who enter ninth grade for the first time on or after July 1, 1881
2010, the requirement in sections 3313.61 and 3313.611 of the 1882
Revised Code that a person must successfully complete the 1883
curriculum of a high school prior to receiving a high school 1884
diploma shall be met by completing the requirements prescribed 1885
in division (C) of section 3313.603 of the Revised Code, unless 1886
the person qualifies under division (D) or (F) of that section. 1887
Each school shall comply with the plan for awarding high school 1888

credit based on demonstration of subject area competency, 1889
adopted by the state board of education under division (J) of 1890
section 3313.603 of the Revised Code. 1891

(g) The school governing authority will submit within four 1892
months after the end of each school year a report of its 1893
activities and progress in meeting the goals and standards of 1894
divisions (A) (3) and (4) of this section and its financial 1895
status to the sponsor and the parents of all students enrolled 1896
in the school. 1897

(h) The school, unless it is an internet- or computer- 1898
based community school, will comply with section 3313.801 of the 1899
Revised Code as if it were a school district. 1900

(i) If the school is the recipient of moneys from a grant 1901
awarded under the federal race to the top program, Division (A), 1902
Title XIV, Sections 14005 and 14006 of the "American Recovery 1903
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1904
the school will pay teachers based upon performance in 1905
accordance with section 3317.141 and will comply with section 1906
3319.111 of the Revised Code as if it were a school district. 1907

(12) Arrangements for providing health and other benefits 1908
to employees; 1909

(13) The length of the contract, which shall begin at the 1910
beginning of an academic year. No contract shall exceed five 1911
years unless such contract has been renewed pursuant to division 1912
(E) of this section. 1913

(14) The governing authority of the school, which shall be 1914
responsible for carrying out the provisions of the contract; 1915

(15) A financial plan detailing an estimated school budget 1916
for each year of the period of the contract and specifying the 1917

total estimated per pupil expenditure amount for each such year.	1918
(16) Requirements and procedures regarding the disposition	1919
of employees of the school in the event the contract is	1920
terminated or not renewed pursuant to section 3314.07 of the	1921
Revised Code;	1922
(17) Whether the school is to be created by converting all	1923
or part of an existing public school or educational service	1924
center building or is to be a new start-up school, and if it is	1925
a converted public school or service center building,	1926
specification of any duties or responsibilities of an employer	1927
that the board of education or service center governing board	1928
that operated the school or building before conversion is	1929
delegating to the governing authority of the community school	1930
with respect to all or any specified group of employees provided	1931
the delegation is not prohibited by a collective bargaining	1932
agreement applicable to such employees;	1933
(18) Provisions establishing procedures for resolving	1934
disputes or differences of opinion between the sponsor and the	1935
governing authority of the community school;	1936
(19) A provision requiring the governing authority to	1937
adopt a policy regarding the admission of students who reside	1938
outside the district in which the school is located. That policy	1939
shall comply with the admissions procedures specified in	1940
sections 3314.06 and 3314.061 of the Revised Code and, at the	1941
sole discretion of the authority, shall do one of the following:	1942
(a) Prohibit the enrollment of students who reside outside	1943
the district in which the school is located;	1944
(b) Permit the enrollment of students who reside in	1945
districts adjacent to the district in which the school is	1946

located;	1947
(c) Permit the enrollment of students who reside in any other district in the state.	1948 1949
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	1950 1951 1952 1953
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	1954 1955 1956
(22) A provision recognizing both of the following:	1957
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	1958 1959 1960 1961
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	1962 1963 1964 1965 1966 1967 1968
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	1969 1970 1971 1972 1973 1974

(24) The school will comply with sections 3302.04 and 1975
3302.041 of the Revised Code, except that any action required to 1976
be taken by a school district pursuant to those sections shall 1977
be taken by the sponsor of the school. However, the sponsor 1978
shall not be required to take any action described in division 1979
(F) of section 3302.04 of the Revised Code. 1980

(25) Beginning in the 2006-2007 school year, the school 1981
will open for operation not later than the thirtieth day of 1982
September each school year, unless the mission of the school as 1983
specified under division (A)(2) of this section is solely to 1984
serve dropouts. In its initial year of operation, if the school 1985
fails to open by the thirtieth day of September, or within one 1986
year after the adoption of the contract pursuant to division (D) 1987
of section 3314.02 of the Revised Code if the mission of the 1988
school is solely to serve dropouts, the contract shall be void. 1989

(26) Whether the school's governing authority is planning 1990
to seek designation for the school as a STEM school equivalent 1991
under section 3326.032 of the Revised Code. 1992

(B) The community school shall also submit to the sponsor 1993
a comprehensive plan for the school. The plan shall specify the 1994
following: 1995

(1) The process by which the governing authority of the 1996
school will be selected in the future; 1997

(2) The management and administration of the school; 1998

(3) If the community school is a currently existing public 1999
school or educational service center building, alternative 2000
arrangements for current public school students who choose not 2001
to attend the converted school and for teachers who choose not 2002
to teach in the school or building after conversion; 2003

(4) The instructional program and educational philosophy of the school;	2004 2005
(5) Internal financial controls.	2006
(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 amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	2007 2008 2009 2010 2011 2012 2013 2014 2015 2016
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	2017 2018 2019 2020 2021
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	2022 2023 2024
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	2025 2026 2027
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	2028 2029 2030 2031
(4) Provide technical assistance to the community school	2032

in complying with laws applicable to the school and terms of the contract; 2033
2034

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 2035
2036
2037
2038
2039
2040
2041

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 2042
2043
2044

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the 2056
2057
2058
2059
2060
2061
2062

operations of the school have been suspended pursuant to section 2063
3314.072 of the Revised Code. 2064

Sec. 3319.02. (A) (1) As used in this section, "other 2065
administrator" means any of the following: 2066

(a) Except as provided in division (A) (2) of this section, 2067
any employee in a position for which a board of education 2068
requires a license designated by rule of the department of 2069
education for being an administrator issued under section 2070
3319.22 of the Revised Code, including a professional pupil 2071
services employee or administrative specialist or an equivalent 2072
of either one who is not employed as a school counselor and 2073
spends less than fifty per cent of the time employed teaching or 2074
working with students; 2075

(b) Any nonlicensed employee whose job duties enable such 2076
employee to be considered as either a "supervisor" or a 2077
"management level employee," as defined in section 4117.01 of 2078
the Revised Code; 2079

(c) A business manager appointed under section 3319.03 of 2080
the Revised Code. 2081

(2) As used in this section, "other administrator" does 2082
not include a superintendent, assistant superintendent, 2083
principal, or assistant principal. 2084

(B) The board of education of each school district and the 2085
governing board of an educational service center may appoint one 2086
or more assistant superintendents and such other administrators 2087
as are necessary. An assistant educational service center 2088
superintendent or service center supervisor employed on a part- 2089
time basis may also be employed by a local board as a teacher. 2090
The board of each city, exempted village, and local school 2091

district shall employ principals for all high schools and for 2092
such other schools as the board designates, and those boards may 2093
appoint assistant principals for any school that they designate. 2094

(C) In educational service centers and in city, exempted 2095
village, and local school districts, assistant superintendents, 2096
principals, assistant principals, and other administrators shall 2097
only be employed or reemployed in accordance with nominations of 2098
the superintendent, except that a board of education of a school 2099
district or the governing board of a service center, by a three- 2100
fourths vote of its full membership, may reemploy any assistant 2101
superintendent, principal, assistant principal, or other 2102
administrator whom the superintendent refuses to nominate. 2103

The board of education or governing board shall execute a 2104
written contract of employment with each assistant 2105
superintendent, principal, assistant principal, and other 2106
administrator it employs or reemploys. The term of such contract 2107
shall not exceed three years except that in the case of a person 2108
who has been employed as an assistant superintendent, principal, 2109
assistant principal, or other administrator in the district or 2110
center for three years or more, the term of the contract shall 2111
be for not more than five years and, unless the superintendent 2112
of the district recommends otherwise, not less than two years. 2113
If the superintendent so recommends, the term of the contract of 2114
a person who has been employed by the district or service center 2115
as an assistant superintendent, principal, assistant principal, 2116
or other administrator for three years or more may be one year, 2117
but all subsequent contracts granted such person shall be for a 2118
term of not less than two years and not more than five years. 2119
When a teacher with continuing service status becomes an 2120
assistant superintendent, principal, assistant principal, or 2121
other administrator with the district or service center with 2122

which the teacher holds continuing service status, the teacher 2123
retains such status in the teacher's nonadministrative position 2124
as provided in sections 3311.77, 3319.08, and 3319.09 of the 2125
Revised Code. 2126

A board of education or governing board may reemploy an 2127
assistant superintendent, principal, assistant principal, or 2128
other administrator at any regular or special meeting held 2129
during the period beginning on the first day of January of the 2130
calendar year immediately preceding the year of expiration of 2131
the employment contract and ending on the first day of June of 2132
the year the employment contract expires. 2133

Except by mutual agreement of the parties thereto, no 2134
assistant superintendent, principal, assistant principal, or 2135
other administrator shall be transferred during the life of a 2136
contract to a position of lesser responsibility. No contract may 2137
be terminated by a board except pursuant to section 3319.16 of 2138
the Revised Code. No contract may be suspended except pursuant 2139
to section 3319.17 or 3319.171 of the Revised Code. The salaries 2140
and compensation prescribed by such contracts shall not be 2141
reduced by a board unless such reduction is a part of a uniform 2142
plan affecting the entire district or center. The contract shall 2143
specify the employee's administrative position and duties as 2144
included in the job description adopted under division (D) of 2145
this section, the salary and other compensation to be paid for 2146
performance of duties, the number of days to be worked, the 2147
number of days of vacation leave, if any, and any paid holidays 2148
in the contractual year. 2149

An assistant superintendent, principal, assistant 2150
principal, or other administrator is, at the expiration of the 2151
current term of employment, deemed reemployed at the same salary 2152

plus any increments that may be authorized by the board, unless 2153
such employee notifies the board in writing to the contrary on 2154
or before the fifteenth day of June, or unless such board, on or 2155
before the first day of June of the year in which the contract 2156
of employment expires, either reemploys such employee for a 2157
succeeding term or gives written notice of its intention not to 2158
reemploy the employee. The term of reemployment of a person 2159
reemployed under this paragraph shall be one year, except that 2160
if such person has been employed by the school district or 2161
service center as an assistant superintendent, principal, 2162
assistant principal, or other administrator for three years or 2163
more, the term of reemployment shall be two years. 2164

(D) (1) Each board shall adopt procedures for the 2165
evaluation of all assistant superintendents, principals, 2166
assistant principals, and other administrators and shall 2167
evaluate such employees in accordance with those procedures. The 2168
procedures for the evaluation of principals and assistant 2169
principals shall be based on principles comparable to the 2170
teacher evaluation policy adopted by the board under section 2171
3319.111 of the Revised Code, but shall be tailored to the 2172
duties and responsibilities of principals and assistant 2173
principals and the environment in which they work. An Beginning 2174
with evaluations conducted for the 2015-2016 school year, if the 2175
state board prescribes a framework for the evaluation of 2176
principals and assistant principals, student academic growth 2177
shall account for not more than thirty-five per cent of each 2178
evaluation. 2179

An evaluation based upon procedures adopted under this 2180
division shall be considered by the board in deciding whether to 2181
renew the contract of employment of an assistant superintendent, 2182
principal, assistant principal, or other administrator. 2183

(2) The evaluation shall measure each assistant 2184
superintendent's, principal's, assistant principal's, and other 2185
administrator's effectiveness in performing the duties included 2186
in the job description and the evaluation procedures shall 2187
provide for, but not be limited to, the following: 2188

(a) Each assistant superintendent, principal, assistant 2189
principal, and other administrator shall be evaluated annually 2190
through a written evaluation process. 2191

(b) The evaluation shall be conducted by the 2192
superintendent or designee. 2193

(c) In order to provide time to show progress in 2194
correcting the deficiencies identified in the evaluation 2195
process, the evaluation process shall be completed as follows: 2196

(i) In any school year that the employee's contract of 2197
employment is not due to expire, at least one evaluation shall 2198
be completed in that year. A written copy of the evaluation 2199
shall be provided to the employee no later than the end of the 2200
employee's contract year as defined by the employee's annual 2201
salary notice. 2202

(ii) In any school year that the employee's contract of 2203
employment is due to expire, at least a preliminary evaluation 2204
and at least a final evaluation shall be completed in that year. 2205
A written copy of the preliminary evaluation shall be provided 2206
to the employee at least sixty days prior to any action by the 2207
board on the employee's contract of employment. The final 2208
evaluation shall indicate the superintendent's intended 2209
recommendation to the board regarding a contract of employment 2210
for the employee. A written copy of the evaluation shall be 2211
provided to the employee at least five days prior to the board's 2212

acting to renew or not renew the contract. 2213

(3) Termination of an assistant superintendent, principal, 2214
assistant principal, or other administrator's contract shall be 2215
pursuant to section 3319.16 of the Revised Code. Suspension of 2216
any such employee shall be pursuant to section 3319.17 or 2217
3319.171 of the Revised Code. 2218

(4) Before taking action to renew or nonrenew the contract 2219
of an assistant superintendent, principal, assistant principal, 2220
or other administrator under this section and prior to the first 2221
day of June of the year in which such employee's contract 2222
expires, the board shall notify each such employee of the date 2223
that the contract expires and that the employee may request a 2224
meeting with the board. Upon request by such an employee, the 2225
board shall grant the employee a meeting in executive session. 2226
In that meeting, the board shall discuss its reasons for 2227
considering renewal or nonrenewal of the contract. The employee 2228
shall be permitted to have a representative, chosen by the 2229
employee, present at the meeting. 2230

(5) The establishment of an evaluation procedure shall not 2231
create an expectancy of continued employment. Nothing in 2232
division (D) of this section shall prevent a board from making 2233
the final determination regarding the renewal or nonrenewal of 2234
the contract of any assistant superintendent, principal, 2235
assistant principal, or other administrator. However, if a board 2236
fails to provide evaluations pursuant to division (D) (2) (c) (i) 2237
or (ii) of this section, or if the board fails to provide at the 2238
request of the employee a meeting as prescribed in division (D) 2239
(4) of this section, the employee automatically shall be 2240
reemployed at the same salary plus any increments that may be 2241
authorized by the board for a period of one year, except that if 2242

the employee has been employed by the district or service center 2243
as an assistant superintendent, principal, assistant principal, 2244
or other administrator for three years or more, the period of 2245
reemployment shall be for two years. 2246

(E) On nomination of the superintendent of a service 2247
center a governing board may employ supervisors who shall be 2248
employed under written contracts of employment for terms not to 2249
exceed five years each. Such contracts may be terminated by a 2250
governing board pursuant to section 3319.16 of the Revised Code. 2251
Any supervisor employed pursuant to this division may terminate 2252
the contract of employment at the end of any school year after 2253
giving the board at least thirty days' written notice prior to 2254
such termination. On the recommendation of the superintendent 2255
the contract or contracts of any supervisor employed pursuant to 2256
this division may be suspended for the remainder of the term of 2257
any such contract pursuant to section 3319.17 or 3319.171 of the 2258
Revised Code. 2259

(F) A board may establish vacation leave for any 2260
individuals employed under this section. Upon such an 2261
individual's separation from employment, a board that has such 2262
leave may compensate such an individual at the individual's 2263
current rate of pay for all lawfully accrued and unused vacation 2264
leave credited at the time of separation, not to exceed the 2265
amount accrued within three years before the date of separation. 2266
In case of the death of an individual employed under this 2267
section, such unused vacation leave as the board would have paid 2268
to the individual upon separation under this section shall be 2269
paid in accordance with section 2113.04 of the Revised Code, or 2270
to the estate. 2271

(G) The board of education of any school district may 2272

contract with the governing board of the educational service 2273
center from which it otherwise receives services to conduct 2274
searches and recruitment of candidates for assistant 2275
superintendent, principal, assistant principal, and other 2276
administrator positions authorized under this section. 2277

Sec. 3319.114. (A) Beginning with the 2014-2015 school 2278
year, a district or school may choose to use the alternative 2279
framework prescribed by divisions (B) and (C) of this section 2280
when evaluating teachers under section 3319.111 of the Revised 2281
Code. 2282

(B) If a district or school chooses to use the alternative 2283
framework for the 2014-2015 school year, that district or school 2284
shall calculate ratings assigned for teacher evaluations 2285
according to the following: 2286

(1) The teacher performance measure, as defined by the 2287
department of education, shall account for forty-two and one- 2288
half per cent of each rating. 2289

(2) The student academic growth measure, as defined by the 2290
department, shall account for forty-two and one-half per cent of 2291
each rating. 2292

(3) Only one of the following components shall account for 2293
fifteen per cent of each rating: 2294

(a) Student surveys; 2295

(b) Teacher self-evaluations; 2296

(c) Peer review evaluations; 2297

(d) Student portfolios. 2298

(C) If a district or school chooses to use the alternative 2299

framework for the 2015-2016 school year or any school year 2300
thereafter, that district or school shall calculate ratings 2301
assigned for teacher evaluations according to the following: 2302

(1) The teacher performance measure, as defined by the 2303
department, shall account for ~~forty-two and one-half to fifty~~ 2304
per cent of each rating. 2305

(2) The student academic growth measure, as defined by the 2306
department, shall account for ~~forty-two and one-half to fifty-~~ 2307
thirty-five per cent of each rating. 2308

(3) The remainder shall be one, or any combination, of the 2309
following components: 2310

(a) Student surveys; 2311

(b) Teacher self-evaluations; 2312

(c) Peer review evaluations; 2313

(d) Student portfolios; 2314

(e) Any other component determined appropriate by the 2315
district board or school governing authority. 2316

~~(4) The teacher performance measure and the student-~~ 2317
~~academic growth measure shall account for an equal percentage of-~~ 2318
~~each rating.~~ 2319

(D) The department shall compile a list of approved 2320
instruments ~~for that~~ districts and schools ~~to~~ may use, beginning 2321
with the 2014-2015 school year, when evaluating the components 2322
described under divisions (B) (3) and (C) (3) of this section. 2323
~~Each district or school shall choose one of the approved-~~ 2324
~~instruments to evaluate the applicable component selected by the-~~ 2325
~~district or school under that section.~~ 2326

Sec. 3319.223. (A) Not later than January 1, 2011, the superintendent of public instruction and the chancellor of the Ohio board of regents jointly shall establish the Ohio teacher residency program, which shall be a four-year, entry-level program for classroom teachers. The teacher residency program shall include at least the following components:

(1) Mentoring by teachers who hold a lead professional educator license issued under section 3319.22 of the Revised Code;

(2) Counseling to ensure that program participants receive needed professional development;

(3) Measures of appropriate progression through the program. If the state board of education prescribes an assessment for participants in the third or fourth year of the program, each school district or school may either:

(a) Require each participant to pass the assessment to successfully complete the program;

(b) During the third and fourth years of the program, assess each participant's progression by using the participant's annual evaluation conducted under section 3311.80 or 3319.111 of the Revised Code. Each evaluation shall be conducted by one or more of the persons listed in division (D) of section 3319.111 of the Revised Code.

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

(C) Each person who holds a resident educator license

issued under section 3319.22 or 3319.227 of the Revised Code or 2356
an alternative resident educator license issued under section 2357
3319.26 of the Revised Code shall participate in the teacher 2358
residency program. Successful completion of the program shall be 2359
required to qualify any such person for a professional educator 2360
license issued under section 3319.22 of the Revised Code. 2361

Sec. 3319.26. (A) The state board of education shall adopt 2362
rules establishing the standards and requirements for obtaining 2363
an alternative resident educator license for teaching in grades 2364
kindergarten to twelve, or the equivalent, in a designated 2365
subject area or in the area of intervention specialist, as 2366
defined by rule of the state board. The rules shall also include 2367
the reasons for which an alternative resident educator license 2368
may be renewed under division (D) of this section. 2369

(B) The superintendent of public instruction and the 2370
chancellor of the Ohio board of regents jointly shall develop an 2371
intensive pedagogical training institute to provide instruction 2372
in the principles and practices of teaching for individuals 2373
seeking an alternative resident educator license. The 2374
instruction shall cover such topics as student development and 2375
learning, pupil assessment procedures, curriculum development, 2376
classroom management, and teaching methodology. 2377

(C) The rules adopted under this section shall require 2378
applicants for the alternative resident educator license to 2379
satisfy the following conditions prior to issuance of the 2380
license, but they shall not require applicants to have completed 2381
a major or coursework in the subject area for which application 2382
is being made: 2383

(1) Hold a minimum of a baccalaureate degree; 2384

(2) Successfully complete the pedagogical training 2385
institute described in division (B) of this section or a summer 2386
training institute provided to participants of a teacher 2387
preparation program that is operated by a nonprofit organization 2388
and has been approved by the chancellor. The chancellor shall 2389
approve any such program that requires participants to hold a 2390
bachelor's degree; have a cumulative undergraduate grade point 2391
average of at least 2.5 out of 4.0, or its equivalent; and 2392
successfully complete the program's summer training institute. 2393

(3) Pass an examination in the subject area for which 2394
application is being made. 2395

(D) An alternative resident educator license shall be 2396
valid for four years and shall be renewable for reasons 2397
specified by rules adopted by the state board pursuant to 2398
division (A) of this section. The state board, on a case-by-case 2399
basis, may extend the license's duration as necessary to enable 2400
the license holder to complete the Ohio teacher residency 2401
program established under section 3319.223 of the Revised Code. 2402

(E) The rules shall require the holder of an alternative 2403
resident educator license, as a condition of continuing to hold 2404
the license, to do all of the following: 2405

(1) Participate in the Ohio teacher residency program; 2406

(2) Show satisfactory progress in taking and successfully 2407
completing one of the following: 2408

(a) At least twelve additional semester hours, or the 2409
equivalent, of college coursework in the principles and 2410
practices of teaching in such topics as student development and 2411
learning, pupil assessment procedures, curriculum development, 2412
classroom management, and teaching methodology; 2413

(b) Professional development provided by a teacher	2414
preparation program that has been approved by the chancellor	2415
under division (C) (2) of this section.	2416
(3) Take an assessment of professional knowledge in the	2417
second year of teaching under the license.	2418
(F) The rules shall provide for the granting of a	2419
professional educator license to a holder of an alternative	2420
resident educator license upon successfully completing all of	2421
the following:	2422
(1) Four years of teaching under the alternative license;	2423
(2) The additional college coursework or professional	2424
development described in division (E) (2) of this section;	2425
(3) The assessment of professional knowledge described in	2426
division (E) (3) of this section. The standards for successfully	2427
completing this assessment and the manner of conducting the	2428
assessment shall be the same as for any other individual who is	2429
required to take the assessment pursuant to rules adopted by the	2430
state board under section 3319.22 of the Revised Code.	2431
(4) The Ohio teacher residency program;	2432
(5) All other requirements for a professional educator	2433
license adopted by the state board under section 3319.22 of the	2434
Revised Code.	2435
(G) A person who is assigned to teach in this state as a	2436
participant in the teach for America program or who has	2437
completed two years of teaching in another state as a	2438
participant in that program shall be eligible for a license only	2439
under section 3319.227 of the Revised Code and shall not be	2440
eligible for a license under this section.	2441

Sec. 3326.11. Each science, technology, engineering, and 2442
mathematics school established under this chapter and its 2443
governing body shall comply with sections 9.90, 9.91, 109.65, 2444
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 2445
3301.0714, 3301.0715, 3301.0728, 3301.948, 3313.14, 3313.15, 2446
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 2447
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 2448
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 2449
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 2450
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 2451
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2452
3313.718, 3313.719, 3313.7112, 3313.80, 3313.801, 3313.814, 2453
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 2454
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 2455
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 2456
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 2457
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 2458
4112., 4123., 4141., and 4167. of the Revised Code as if it were 2459
a school district. 2460

Sec. 3328.24. A college-preparatory boarding school 2461
established under this chapter and its board of trustees shall 2462
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 2463
3301.0714, 3301.0728, 3301.948, 3313.536, 3313.6013, 3313.6411, 2464
3313.7112, 3313.89, 3319.39, and 3319.391 and Chapter 3365. of 2465
the Revised Code as if the school were a school district and the 2466
school's board of trustees were a district board of education. 2467

Section 2. That existing sections 3301.079, 3301.0711, 2468
3301.0715, 3302.02, 3302.03, 3302.034, 3302.13, 3313.46, 2469
3314.03, 3319.02, 3319.114, 3319.223, 3319.26, 3326.11, and 2470
3328.24 of the Revised Code are hereby repealed. 2471

Section 3. Section 3319.02 of the Revised Code, as amended 2472
by this act, shall take effect July 1, 2015. 2473

Section 4. If the State Board of Education prescribes a 2474
framework to be used when conducting evaluations for principals 2475
and assistant principals under section 3319.02 of the Revised 2476
Code, the State Board shall take the necessary steps, not later 2477
than July 1, 2015, to modify the framework to meet the 2478
requirements prescribed by division (D) (1) of section 3319.02 of 2479
the Revised Code, as amended by this act. 2480

Section 5. (A) Not later than December 15, 2015, the Ohio 2481
School Facilities Commission shall develop and submit to the 2482
General Assembly, in accordance with section 101.68 of the 2483
Revised Code, a proposal for legislative provisions under which 2484
school districts that have not yet received assistance under the 2485
Classroom Facilities Assistance Program, upon becoming eligible 2486
for assistance under that program, based on the annual 2487
percentile rankings under section 3318.011 of the Revised Code, 2488
may apply for and receive a portion of the state funds they are 2489
eligible for under that program to use for technology, building 2490
expansion, and physical alterations to improve school safety or 2491
security. 2492

(B) As used in this section, the "Classroom Facilities 2493
Assistance Program" means the program authorized under sections 2494
3318.01 to 3318.20 of the Revised Code. 2495

Section 6. The General Assembly, applying the principle 2496
stated in division (B) of section 1.52 of the Revised Code that 2497
amendments are to be harmonized if reasonably capable of 2498
simultaneous operation, finds that the following sections, 2499
presented in this act as composites of the sections as amended 2500
by the acts indicated, are the resulting versions of the 2501

sections in effect prior to the effective date of the sections	2502
as presented in this act:	2503
Section 3319.02 of the Revised Code as amended by both	2504
Sub. H.B. 525 and Am. Sub. S.B. 316 of the 129th General	2505
Assembly.	2506
Section 3326.11 of the Revised Code as amended by Sub.	2507
H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	2508
General Assembly.	2509
Section 3328.24 of the Revised Code as amended by Sub.	2510
H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	2511
General Assembly.	2512