

As Introduced

**124th General Assembly
Regular Session
2001-2002**

S. B. No. 1

SENATORS R. A. Gardner, R. L. Gardner, Harris

A B I L L

To amend sections 307.031, 3301.07, 3301.0710, 1
3301.0711, 3301.0714, 3301.0717, 3301.801, 3301.91, 2
3302.02, 3302.03, 3302.04, 3313.60, 3313.608, 3
3313.6011, 3313.61, 3313.611, 3313.612, 3313.978, 4
3314.03, 3317.012, 3317.029, 3319.19, 3321.38, 5
3324.02, 3324.03, and 3365.15; to amend, for the 6
purpose of adopting new section numbers as 7
indicated in parentheses, sections 3301.079 8
(3301.078) and 3301.0712 (3301.0718); to enact new 9
sections 3301.079, 3301.0712, and 3301.0715 and 10
sections 3301.0713 and 3321.041; to repeal sections 11
3301.0715 and 3301.0716 of the Revised Code and to 12
repeal Section 4 of Am. Sub. S.B. 55 of the 122nd 13
General Assembly to implement recommendations of 14
the Governor's Commission for Student Success, and 15
to amend section 3313.608 of the Revised Code 16
effective July 1, 2003. 17

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

Section 1. That sections 307.031, 3301.07, 3301.0710, 18
3301.0711, 3301.0714, 3301.0717, 3301.801, 3301.91, 3302.02, 19
3302.03, 3302.04, 3313.60, 3313.608, 3313.6011, 3313.61, 3313.611, 20
3313.612, 3313.978, 3314.03, 3317.012, 3317.029, 3319.19, 3321.38, 21

3324.02, 3324.03, and 3365.15 be amended, sections 3301.079 22
(3301.078) and 3301.0712 (3301.0718) be amended for the purpose of 23
adopting new section numbers as indicated in parentheses, and new 24
sections 3301.079, 3301.0712, and 3301.0715 and sections 3301.0713 25
and 3321.041 of the Revised Code be enacted to read as follows: 26

Sec. 307.031. As used in this section, "ADM" means the 27
average daily membership of an educational service center for 28
which a board of county commissioners is required to provide an 29
office under section 3319.19 of the Revised Code, as certified by 30
the superintendent of public instruction to the tax commissioner 31
pursuant to division (C) of that section. 32

(A) There is hereby created in the treasury of each county in 33
which the office of an educational service center is located the 34
educational service center governing board office fund. Any moneys 35
received by a board of county commissioners under division (B) or 36
(C) of this section shall be credited to the educational service 37
center governing board office fund in that county treasury. The 38
board of county commissioners shall utilize and expend moneys from 39
the fund solely to meet or to assist in meeting the requirements 40
of division (A) or (B) of section 3319.19 and division (A)(2) of 41
section ~~3301.0712~~ 3301.0718 of the Revised Code and any rules of 42
the department of education regarding facilities of educational 43
service centers. 44

(B) For the purpose of this division, "licensed employee" 45
shall be defined by the department of education by rule. 46

(1) From moneys appropriated for the purposes of this 47
section, during March of each year the tax commissioner shall 48
determine for and distribute to the board of county commissioners 49
of each county in which an educational service center office is 50
located the amount required under divisions (B)(3) to (5) of this 51
section. If moneys appropriated for the purposes of this section 52

are not sufficient to provide that amount to each board of county
commissioners, the tax commissioner shall reduce the amount
distributed to each board of county commissioners by the
percentage that the amount of the moneys appropriated for the
purposes of this section is less than the total of the amounts
determined under divisions (B)(3) to (5) of this section for all
boards of county commissioners in the state.

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(2) Except as provided in division (C) of this section,
moneys expended from the educational service center governing
board office fund may be used by a board of county commissioners
for the actual costs of meeting the requirements of division (A)
of this section. The board of county commissioners shall calculate
these costs and submit the calculations and the methodology for
the calculation to the educational service center superintendent
at least thirty days prior to expending moneys from the
educational service center governing board office fund. The
educational service center superintendent may question any item or
cost, or the methodology of arriving at the cost of any item.

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(3) Except as provided under division (B)(5) of this section,
if the ratio of the ADM to the number of full-time equivalent
licensed employees of the educational service center governing
board equals or exceeds one hundred to one, the amount distributed
under division (B)(1) of this section to a board of county
commissioners shall be the greater of the following:

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(a) An amount equal to six dollars times the ADM,

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(b) Fifteen thousand dollars.

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(4) Except as provided under division (B)(5) of this section,
if the ratio of the ADM to the number of full-time equivalent
licensed employees of the educational service center governing
board is less than one hundred to one, the amount distributed
under division (B)(1) of this section to a board of county

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commissioners shall be the greater of the following: 84

(a) An amount equal to the total of six dollars times the ADM 85
plus two hundred fifty dollars times the number of full-time 86
equivalent licensed employees of the educational service center 87
governing board; 88

(b) Fifteen thousand dollars. 89

(5) If the amount determined under division (B)(3) or (4) of 90
this section for a board of county commissioners exceeds the 91
actual cost to the board of providing and equipping offices for 92
the use of the educational service center superintendent of 93
schools as required under division (A) or (B) of section 3319.19 94
and division (A)(2) of section ~~3301.0712~~ 3301.0718 of the Revised 95
Code, the amount distributed to the board of county commissioners 96
under division (B)(1) of this section shall equal the actual cost. 97

(C) Any amount appropriated by the general assembly for the 98
purposes of this section in any fiscal year and remaining after 99
the distribution to boards of county commissioners pursuant to 100
division (B) of this section shall be distributed by the tax 101
commissioner in accordance with this division and division (D) of 102
section 3319.19 of the Revised Code. 103

A board of county commissioners, upon receiving the notice 104
from the superintendent of public instruction of the selection of 105
a grant proposal as submitted or modified and the amount of any 106
grant to be distributed to the board pursuant to division (D) of 107
section 3319.19 of the Revised Code, shall adopt a resolution to 108
either accept or reject the selected proposal and grant, and shall 109
submit copies of the resolution to the superintendent of public 110
instruction, the educational service center superintendent, and 111
the tax commissioner. Upon receipt of a resolution accepting a 112
proposal and grant from a board, the tax commissioner shall pay to 113
the board the amount of the grant certified by the superintendent 114

of public instruction. Upon acceptance, the board shall deposit
the moneys in the educational service center governing board
office fund and may expend such moneys as set forth in division
(B)(2) of this section or as specifically provided for in the
grant proposal selected by the superintendent of public
instruction.

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Sec. 3301.07. The state board of education shall exercise
under the acts of the general assembly general supervision of the
system of public education in the state. In addition to the powers
otherwise imposed on the state board under the provisions of law,
the board shall have the following powers:

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(A) Exercise policy forming, planning, and evaluative
functions for the public schools of the state, and for adult
education, except as otherwise provided by law;

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(B) Exercise leadership in the improvement of public
education in this state, and administer the educational policies
of this state relating to public schools, and relating to
instruction and instructional material, building and equipment,
transportation of pupils, administrative responsibilities of
school officials and personnel, and finance and organization of
school districts, educational service centers, and territory.
Consultative and advisory services in such matters shall be
provided by the board to school districts and educational service
centers of this state. The board also shall develop a standard of
financial reporting which shall be used by all school districts
and educational service centers to make their financial
information available to the public in a format understandable by
the average citizen and provide year-to-year comparisons for at
least five years. The format shall show, among other things,
district and educational service center revenue by source;
expenditures for salaries, wages, and benefits of employees,

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showing such amounts separately for classroom teachers, other 146
employees required to hold licenses issued pursuant to sections 147
3319.22 to 3319.31 of the Revised Code, and all other employees; 148
expenditures other than for personnel, by category, including 149
utilities, textbooks and other educational materials, equipment, 150
permanent improvements, pupil transportation, extracurricular 151
athletics, and other extracurricular activities; and per pupil 152
expenditures. 153

(C) Administer and supervise the allocation and distribution 154
of all state and federal funds for public school education under 155
the provisions of law, and may prescribe such systems of 156
accounting as are necessary and proper to this function. It may 157
require county auditors and treasurers, boards of education, 158
educational service center governing boards, treasurers of such 159
boards, teachers, and other school officers and employees, or 160
other public officers or employees, to file with it such reports 161
as it may prescribe relating to such funds, or to the management 162
and condition of such funds. 163

(D) Formulate and prescribe minimum standards to be applied 164
to all elementary and secondary schools in this state for the 165
purpose of requiring a general education of high quality. Such 166
standards shall include the academic standards and aligned 167
curriculum developed in accordance with section 3301.079 of the 168
Revised Code and shall provide adequately for: ~~a curriculum~~ 169
~~sufficient to meet the needs of pupils in every community; locally~~ 170
~~developed competency programs;~~ the licensing of teachers, 171
administrators, and other professional personnel and their 172
assignment according to training and qualifications; efficient and 173
effective instructional materials and equipment, including library 174
facilities; the proper organization, administration, and 175
supervision of each school, including regulations for preparing 176
all necessary records and reports and the preparation of a 177

statement of policies and objectives for each school; buildings, 178
grounds, health and sanitary facilities and services; admission of 179
pupils, and such requirements for their promotion from grade to 180
grade as will assure that they are capable and prepared for the 181
level of study to which they are certified; requirements for 182
graduation; and such other factors as the board finds necessary. 183

In the formulation and administration of such standards for 184
nonpublic schools the board shall also consider the particular 185
needs, methods and objectives of those schools, provided they do 186
not conflict with the provision of a general education of a high 187
quality and provided that regular procedures shall be followed for 188
promotion from grade to grade of pupils who have met the 189
educational requirements prescribed. 190

(E) Formulate and prescribe minimum standards for driver 191
education courses conducted at high schools in the state or by 192
educational service centers or joint vocational school district 193
boards of education. In the formulation of standards for driver 194
education courses, the board shall call upon the director of 195
public safety for advice and assistance. The standards shall 196
require twenty-four hours of classroom instruction, and eight 197
hours of actual behind-the-wheel instruction conducted on public 198
streets and highways of this state, but shall not require any 199
additional hours of observation within a vehicle. The board shall 200
require energy conservation information as part of the driver 201
education curriculum. Such information shall include, but need not 202
be limited to, the identification of inefficient driving 203
techniques and improper maintenance as they relate to decreased 204
gas mileage, information regarding the costs and benefits of 205
different modes of travel, and information concerning relative 206
fuel economy and life-cycle costs of new automobile purchases. The 207
board also shall require financial responsibility information as 208
part of the driver education curriculum. The board also may 209

require as part of the health and driver education curricula 210
information developed under section 2108.15 of the Revised Code 211
promoting the donation of anatomical gifts pursuant to Chapter 212
2108. of the Revised Code and provide the information to high 213
schools, educational service centers, and joint vocational school 214
district boards of education. 215

(F) Prepare and submit annually to the governor and the 216
general assembly a report on the status, needs, and major problems 217
of the public schools of the state, with recommendations for 218
necessary legislative action and a ten-year projection of the 219
state's public and nonpublic school enrollment, by year and by 220
grade level; 221

(G) Prepare and submit to the director of budget and 222
management the biennial budgetary requests of the state board of 223
education, for its agencies and for the public schools of the 224
state; 225

(H) Cooperate with federal, state, and local agencies 226
concerned with the health and welfare of children and youth of the 227
state; 228

(I) Require such reports from school districts and 229
educational service centers, school officers, and employees as are 230
necessary and desirable. The superintendents and treasurers of 231
school districts and educational service centers shall certify as 232
to the accuracy of all reports required by law or state board or 233
state department of education rules to be submitted by the 234
district or educational service center and which contain 235
information necessary for calculation of state funding. Any 236
superintendent who knowingly falsifies such report shall be 237
subject to license revocation pursuant to section 3319.31 of the 238
Revised Code. 239

(J) In accordance with Chapter 119. of the Revised Code, 240

adopt procedures, standards, and guidelines for the education of 241
handicapped children pursuant to Chapter 3323. of the Revised 242
Code, including procedures, standards, and guidelines governing 243
programs and services operated by county boards of mental 244
retardation and developmental disabilities pursuant to section 245
3323.09 of the Revised Code; 246

(K) For the purpose of encouraging the development of special 247
programs of education for academically gifted children, employ 248
competent persons to analyze and publish data, promote research, 249
advise and counsel with boards of education, and encourage the 250
training of teachers in the special instruction of gifted 251
children. The board may provide financial assistance out of any 252
funds appropriated for this purpose to boards of education and 253
educational service center governing boards for developing and 254
conducting programs of education for academically gifted children. 255

(L) Require that all public schools emphasize and encourage, 256
within existing units of study, the teaching of energy and 257
resource conservation, beginning in the primary grades; 258

(M) Formulate and prescribe minimum standards requiring the 259
use of phonics as a technique in the teaching of reading in grades 260
kindergarten through three. In addition, the state board shall 261
provide in-service training programs for teachers on the use of 262
phonics as a technique in the teaching of reading in grades 263
kindergarten through three. 264

(N) Develop and modify as necessary a state plan for 265
technology to encourage and promote the use of technological 266
advancements in educational settings. 267

The board may adopt rules necessary for carrying out any 268
function imposed on it by law, and may provide rules as are 269
necessary for its government and the government of its employees, 270
and may delegate to the superintendent of public instruction the 271

management and administration of any function imposed on it by 272
law. It may provide for the appointment of board members to serve 273
on temporary committees established by the board for such purposes 274
as are necessary. Permanent or standing committees shall not be 275
created. 276

Sec. ~~3301.079~~ 3301.078. The state board of education shall 277
adopt a standard restricting to not more than twenty-five pupils, 278
the size of any class in which instruction is provided to 279
bilingual multicultural pupils by a teacher holding a license to 280
teach bilingual pupils pursuant to section 3319.22 of the Revised 281
Code. 282

Sec. 3301.079. (A) The state board of education shall develop 283
statewide academic standards for each of grades kindergarten 284
through twelve in reading, writing, mathematics, science, and 285
social studies. The standards shall specify the academic content 286
and skills that students are expected to learn and be able to use 287
at each grade level. 288

(B) When academic standards have been completed for any 289
subject area at any grade level, the state board shall inform all 290
school districts of the content of those standards. 291

(C) Not later than one year after the completion of academic 292
standards for any subject area at any grade level, the state board 293
shall develop a model curriculum for instruction in that subject 294
area at that grade level. The model curriculum shall be aligned 295
with the standards to ensure that the academic content and skills 296
specified for each grade level are taught to students. The state 297
board shall consult with Ohio classroom teachers and other Ohio 298
educators with expertise in the appropriate subject area in 299
developing any model curriculum. When any model curriculum has 300
been completed, the state board shall inform all school districts 301

of the content of that model curriculum. 302

School districts may utilize the model curriculum established 303
by the state board, together with other relevant resources, 304
examples, or models to ensure that students have the opportunity 305
to attain the academic standards. Upon request, the department of 306
education shall provide technical assistance to any district in 307
implementing the model curriculum. 308

Nothing in this section requires any school district to 309
utilize all or any part of a model curriculum developed under this 310
division. 311

(D)(1) Not later than one year after the completion of 312
academic standards for any of grades kindergarten through two in 313
reading, writing, and mathematics and grades three through eight 314
in any subject area, the state board shall develop a diagnostic 315
assessment aligned with those standards for that grade level and 316
subject area. The diagnostic assessment shall be designed to 317
measure student comprehension of academic content and mastery of 318
related skills for the subject area and grade level covered by the 319
standards. Any diagnostic assessment shall include questions to 320
identify gifted students under section 3324.03 of the Revised 321
Code. 322

(2) If an achievement test is required by section 3301.0710 323
of the Revised Code for the subject area and grade level covered 324
by the standards, the state board shall develop an achievement 325
test aligned with those standards. 326

(3) The state board shall consult with Ohio classroom 327
teachers and other Ohio educators with expertise in the 328
appropriate subject area in developing any diagnostic assessment 329
or achievement test. 330

(E)(1) When any diagnostic assessment has been completed, the 331
state board shall inform all school districts of its completion 332

and the department of education shall make the diagnostic assessment available to the districts. School districts shall administer the diagnostic assessment beginning the first school year following the development of the assessment. 333
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(2) When any achievement test has been completed, the state board shall inform all school districts of its completion and the department of education shall make the achievement test available to the districts. School districts shall administer the achievement test beginning the second school year following the development of the test. 337
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Sec. 3301.0710. The state board of education shall adopt rules establishing a statewide program to test student proficiency for the purpose of ensuring achievement. The state board shall ensure that all tests administered under the testing program are aligned with the academic standards developed by the state board and are created with input from Ohio classroom teachers and other Ohio educators pursuant to section 3301.079 of the Revised Code. 343
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The testing program shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of proficiency achievement in reading, writing, mathematics, science, and citizenship social studies. In order to determine this proficiency, the minimum standards shall be appropriate for tenth grade proficiency level in each of the specified areas. 350
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(A)(1) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a fourth grade level of proficiency in the measured skill. 357
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~~(2) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and determine and designate the score on each such test that is deemed to demonstrate that any student attaining such score has achieved at least a sixth grade level of proficiency in the measured skill.~~

~~(3) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a twelfth grade level of proficiency in the measured skill. The state board shall prescribe all of the following:~~

(a) A statewide achievement test designed to measure the level of reading skill expected at the end of third grade;

(b) Two statewide achievement tests, one each designed to measure the level of writing and mathematics skill expected at the end of fourth grade;

(c) Two statewide achievement tests, one each designed to measure the level of science and social studies skill expected at the end of fifth grade;

(d) Three statewide achievement tests, one each designed to measure the level of reading, writing, and mathematics skill expected at the end of seventh grade;

(e) Two statewide achievement tests, one each designed to measure the level of science and social studies skill expected at the end of eighth grade.

(2) The state board shall determine and designate at least four ranges of scores on each of the achievement tests described in division (A)(1) of this section. Each range of scores shall be

deemed to demonstrate a level of achievement so that any student 395
attaining a score within such range has achieved one of the 396
following: 397

(a) An advanced level of skill; 398

(b) A proficient level of skill; 399

(c) A basic level of skill; 400

(d) A below basic level of skill. 401

(B) The state board shall prescribe five statewide high 402
school ~~proficiency~~ achievement tests, one each designed to measure 403
~~skill in the level of~~ reading, writing, mathematics, science, and 404
~~citizenship~~ social studies skill expected at the end of tenth 405
grade, and shall determine and designate the score on each such 406
test that shall be deemed to demonstrate that any student 407
attaining such score has achieved at least ~~the~~ a proficient level 408
of ~~proficiency in the measured~~ skill appropriate for tenth grade. 409

The state board may enter into a reciprocal agreement with 410
the appropriate body or agency of any other state that has similar 411
statewide ~~proficiency~~ achievement testing requirements for 412
receiving high school diplomas, under which any student who has 413
met ~~a proficiency~~ an achievement testing requirement of one state 414
is recognized as having met the similar ~~proficiency~~ achievement 415
testing requirement of the other state for purposes of receiving a 416
high school diploma. For purposes of this section and sections 417
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 418
any public high school in this state ~~and~~ who has met ~~a proficiency~~ 419
an achievement testing requirement specified in a reciprocal 420
agreement entered into under this division shall be deemed to have 421
attained at least the applicable score designated under this 422
division on each test required by this division that is specified 423
in the agreement. 424

(C) The state board shall annually designate as follows the 425

dates on which the tests prescribed under this section shall be administered:

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(1) For the test prescribed under division (A)(1)~~(a)~~ of this section ~~to measure skill in reading~~, as follows:

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~~(a) For students entering fourth grade in school years that start prior to July 1, 2001, the same dates prescribed under division (C)(2) of this section for the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship;~~

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~~(b) For students entering fourth grade beginning with the school year that starts July 1, 2001:~~

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~~(i) One date prior to the thirty-first day of December each school year;~~

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~~(ii) Any dates prescribed under division (C)(2) of this section for the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship;~~

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~~(iii)(b) At least one date of each school year that is not earlier than Monday of the week containing the fifteenth day of March;~~

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~~(c) One date during the summer for students receiving summer remediation services under ~~division (B)(3)~~ of section 3313.608 of the Revised Code.~~

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(2) For the tests prescribed under ~~division~~ divisions (A)(1)~~(b), (c), (d), and (e)~~ of this section ~~to measure skill in writing, mathematics, science, and citizenship and the tests prescribed under division (A)(2) of this section~~, at least one date of each school year that is not earlier than Monday of the week containing the fifteenth day of March;

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(3) ~~For the tests prescribed under division (A)(3) of this~~

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~~section, at least one date subsequent to the thirty-first day of 456
December but prior to the thirty-first day of March of each school 457
year; 458~~

~~(4) For the tests prescribed under division (B) of this 459
section, at least one date in each school year that is not earlier 460
than Monday of the week containing the fifteenth day of March for 461
all tenth grade students and at least one date prior to the 462
thirty-first day of December and at least one date subsequent to 463
that date but prior to the thirty-first day of March of each 464
school year for eleventh and twelfth grade students. 465~~

~~(D) In prescribing test dates pursuant to division (C)~~(4)~~(3) 466
of this section, the board shall, to the greatest extent 467
practicable, provide options to school districts in the case of 468
tests administered under that division to eleventh and twelfth 469
grade students and in the case of tests administered to students 470
pursuant to division (C)(2) of section 3301.0711 of the Revised 471
Code. Such options shall include at least an opportunity for 472
school districts to give such tests outside of regular school 473
hours. 474~~

~~(E) In prescribing test dates pursuant to this section, the 475
state board of education shall designate the dates in such a way 476
as to allow a reasonable length of time between the administration 477
of tests prescribed under this section and any administration of 478
the National Assessment of Education Progress Test given to 479
students in the same grade level pursuant to section 3301.27 of 480
the Revised Code. 481~~

Sec. 3301.0711. (A) The department of education shall: 482

(1) Annually furnish, grade, and score all tests required by 483
section 3301.0710 of the Revised Code to city, local, and exempted 484
village school districts; 485

(2) Adopt rules for the ethical use of tests and prescribing 486

the manner in which the tests prescribed by section 3301.0710 of
the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J)(2) of this
section, the board of education of each city, local, and exempted
village school district shall, in accordance with rules adopted
under division (A) of this section:

(1) Administer the test prescribed under division (A)(1)(a)
of section 3301.0710 of the Revised Code ~~to measure skill in~~
~~reading as follows:~~

~~(a) For students entering fourth grade in school years that~~
~~start prior to July 1, 2001, at least once annually to all~~
~~students in the fourth grade;~~

~~(b) For students entering fourth grade beginning with the~~
~~school year that starts July 1, 2001, twice annually to all~~
students in the ~~fourth~~ third grade who have not attained the score
designated for that test under division (A)~~(1)(2)(b)~~ of section
3301.0710 of the Revised Code and once each summer to students
receiving summer remediation services under ~~division (B)(3) of~~
section 3313.608 of the Revised Code.

(2) Administer the tests prescribed under division (A)(1)(b)
of section 3301.0710 of the Revised Code ~~to measure skill in~~
~~writing, mathematics, science, and citizenship~~ at least once
annually to all students in the fourth grade.

(3) Administer the tests prescribed under division
(A)~~(2)(1)(c)~~ of section 3301.0710 of the Revised Code at least
once annually to all students in the ~~sixth~~ fifth grade.

(4) Administer ~~any~~ the tests prescribed under division
(A)~~(3)(1)(d)~~ of section 3301.0710 of the Revised Code at least
once annually to ~~any student~~ all students in the ~~twelfth~~ seventh
grade who, ~~on all the tests prescribed under division (B) of that~~
~~section, has attained the applicable scores designated under such~~

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~~division prior to the first day of January of that year.~~ 518

(5) Administer the tests prescribed under division (A)(1)(e) 519
of section 3301.0710 of the Revised Code at least once annually to 520
all students in the eighth grade. 521

(6) Administer any test prescribed under division (B) of 522
section 3301.0710 of the Revised Code as follows: 523

(a) At least once annually to all tenth grade students and at 524
least twice annually to all students in eleventh or twelfth grade 525
who have not yet attained the score on that test designated under 526
that division; 527

(b) To any person who has successfully completed the 528
curriculum in any high school or the individualized education 529
program developed for the person by any high school pursuant to 530
section 3323.08 of the Revised Code but has not received a high 531
school diploma and who requests to take such test, at any time 532
such test is administered in the district. 533

(C)(1) Any student receiving special education services under 534
Chapter 3323. of the Revised Code shall be excused from taking any 535
particular test required to be administered under this section if 536
the individualized education program developed for the student 537
pursuant to section 3323.08 of the Revised Code excuses the 538
student from taking that test. In the case of any student so 539
excused from taking a test, the school district board of education 540
shall not prohibit the student from taking the test. Any student 541
enrolled in a chartered nonpublic school who has been identified, 542
based on an evaluation conducted in accordance with section 543
3323.03 of the Revised Code or section 504 of the "Rehabilitation 544
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a 545
child with a disability shall be excused from taking any 546
particular test required to be administered under this section if 547
a plan developed for the student pursuant to rules adopted by the 548
state board excuses the student from taking that test. In the case 549

of any student so excused from taking a test, the chartered 550
nonpublic school shall not prohibit the student from taking the 551
test. 552

(2) A district board may, for medical reasons or other good 553
cause, excuse a student from taking a test administered under this 554
section on the date scheduled, but any such test shall be 555
administered to such excused student not later than nine days 556
following the scheduled date. The board shall annually report the 557
number of students who have not taken one or more of the tests 558
required by this section to the state board of education not later 559
than the thirtieth day of June. 560

(3) As used in this division, "English-limited student" means 561
a student whose primary language is not English and who has been 562
enrolled in United States schools for less than two full school 563
years. 564

No English-limited student shall be required to take any test 565
administered under this section. However, no district board or 566
governing authority of a chartered nonpublic school shall prohibit 567
an English-limited student from taking a test. 568

(D) In the school year next succeeding the school year in 569
which the tests prescribed by division (A)(1)(a), (b), or (c) of 570
section 3301.0710 of the Revised Code or former division (A)(1) of 571
section 3301.0710 of the Revised Code as it existed prior to the 572
effective date of this amendment are administered to any student, 573
the board of education of any school district in which the student 574
is enrolled in that year shall provide to the student intervention 575
services to the student commensurate with the student's test 576
performance, including any intensive intervention required under 577
section 3313.608 of the Revised Code, in any skill in which the 578
student failed on those tests to demonstrate at least ~~fourth-grade~~ 579
~~levels of literacy and basic competency~~ a score in the proficient 580
range. This division does not apply to any student receiving 581

services pursuant to an individualized education program developed 582
for the student pursuant to section 3323.08 of the Revised Code. 583

(E) Except as provided in section 3313.608 of the Revised 584
Code and division (M) of this section, no school district board of 585
education shall ~~permit~~ utilize any ~~student to be denied promotion~~ 586
~~to a higher grade level solely because of the~~ student's failure to 587
attain a specified score on any test administered under this 588
section as a factor in any decision to deny the student promotion 589
to a higher grade level. However, a district board may choose not 590
to promote to the next grade level any student who does not take 591
any ~~proficiency~~ test administered under this section or make up 592
such test as provided by division (C)(2) of this section and who 593
is not exempted from the requirement to take the test under 594
division (C)(1) or (3) of this section. 595

(F) No person shall be charged a fee for taking any test 596
administered under this section. 597

(G) Not later than sixty days after any administration of any 598
test prescribed by section 3301.0710 of the Revised Code, the 599
department shall send to each school district board a list of the 600
individual test scores of all persons taking the test. 601

(H) Individual test scores on any tests administered under 602
this section shall be released by a district board only in 603
accordance with section 3319.321 of the Revised Code and the rules 604
adopted under division (A) of this section. No district board or 605
its employees shall utilize individual or aggregate test results 606
in any manner that conflicts with rules for the ethical use of 607
tests adopted pursuant to division (A) of this section. 608

(I) Except as provided in division (G) of this section, the 609
department shall not release any individual test scores on any 610
test administered under this section and shall adopt rules to 611
ensure the protection of student confidentiality at all times. 612

(J) Notwithstanding division (D) of section 3311.19 and 613
division (D) of section 3311.52 of the Revised Code, this section 614
does not apply to the board of education of any joint vocational 615
or cooperative education school district except as provided under 616
rules adopted pursuant to this division. 617

(1) In accordance with rules that the state board of 618
education shall adopt, the board of education of any city, 619
exempted village, or local school district with territory in a 620
joint vocational school district or a cooperative education school 621
district established pursuant to divisions (A) to (C) of section 622
3311.52 of the Revised Code may enter into an agreement with the 623
board of education of the joint vocational or cooperative 624
education school district for administering any test prescribed 625
under this section to students of the city, exempted village, or 626
local school district who are attending school in the joint 627
vocational or cooperative education school district. 628

(2) In accordance with rules that the state board of 629
education shall adopt, the board of education of any city, 630
exempted village, or local school district with territory in a 631
cooperative education school district established pursuant to 632
section 3311.521 of the Revised Code shall enter into an agreement 633
with the cooperative district that provides for the administration 634
of any test prescribed under this section to both of the 635
following: 636

(a) Students who are attending school in the cooperative 637
district and who, if the cooperative district were not 638
established, would be entitled to attend school in the city, 639
local, or exempted village school district pursuant to section 640
3313.64 or 3313.65 of the Revised Code; 641

(b) Persons described in division (B)~~(5)~~(6)(b) of this 642
section. 643

Any testing of students pursuant to such an agreement shall 644
be in lieu of any testing of such students or persons pursuant to 645
this section. 646

(K)(1) Any chartered nonpublic school may participate in the 647
testing program by administering any of the tests prescribed by 648
section 3301.0710 of the Revised Code if the chief administrator 649
of the school specifies which tests the school wishes to 650
administer. Such specification shall be made in writing to the 651
superintendent of public instruction prior to the first day of 652
August of any school year in which tests are administered and 653
shall include a pledge that the nonpublic school will administer 654
the specified tests in the same manner as public schools are 655
required to do under this section and rules adopted by the 656
department. 657

(2) The department of education shall furnish the tests 658
prescribed by section 3301.0710 of the Revised Code to any 659
chartered nonpublic school electing to participate under this 660
division. 661

(L)(1) Except as provided in division (L)(3) of this section, 662
the superintendent of the state school for the blind and the 663
superintendent of the state school for the deaf shall administer 664
the tests described by section 3301.0710 of the Revised Code. Each 665
superintendent shall administer the tests in the same manner as 666
district boards are required to do under this section and rules 667
adopted by the department of education. 668

(2) The department of education shall furnish the tests 669
described by section 3301.0710 of the Revised Code to each 670
superintendent. 671

(3) Any student enrolled in the state school for the blind or 672
the state school for the deaf shall be excused from taking any 673
particular test required to be administered under division (L)(1) 674

of this section if the individualized education program developed for the student pursuant to section 3323.08 of the Revised Code excuses the student from taking that test. In the case of any student so excused from taking a test, the superintendent of the school shall not prohibit the student from taking the test.

(M) Notwithstanding division (E) of this section, ~~beginning July 1, 1999, a school district may retain any student for an additional year in such student's current grade level if such student has failed to attain the designated scores on three or more of the five~~ use a student's failure to attain a score in at least the basic range on any of the tests described by division (A)(1) ~~or (2)(b), (c), (d), or (e)~~ of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

~~This division does not supersede the requirements of section 3313.608 of the Revised Code.~~

(N)(1) All ~~proficiency~~ tests required by section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the first day of July following the school year that the test was administered.

(2) The department may field test proposed ~~proficiency~~ test questions with samples of students to determine the validity, reliability, or appropriateness of test questions for possible inclusion in a future year's ~~proficiency~~ test.

Field test questions shall not be considered in computing test scores for individual students. Field test questions may be included as part of the administration of any ~~proficiency~~ test required by section 3301.0710 of the Revised Code.

(3) Any field test question administered under division (N)(2) of this section shall not be a public record. Such field test questions shall be redacted from any ~~proficiency~~ tests which

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are released as a public record pursuant to division (N)(1) of 706
this section. 707

Sec. 3301.0712. Notwithstanding sections 3301.0710 and 708
3301.0711 of the Revised Code, the state board shall continue to 709
prescribe and the department of education and each school district 710
shall continue to administer any proficiency test as required by 711
those former sections until the applicable achievement test, as 712
indicated on the chart below, has been developed and made 713
available in accordance with section 3301.079 of the Revised Code. 714
Thereafter, such achievement test shall be administered to 715
students under sections 3301.0710 and 3301.0711 of the Revised 716
Code. 717

<u>Proficiency Test</u>	<u>Achievement Test</u>	
<u>4th grade reading test</u>	<u>3rd grade reading test</u>	719
<u>4th grade writing test</u>	<u>4th grade writing test</u>	720
<u>4th grade mathematics test</u>	<u>4th grade mathematics test</u>	721
<u>4th grade science test</u>	<u>5th grade science test</u>	722
<u>4th grade citizenship test</u>	<u>5th grade social studies test</u>	723
<u>6th grade reading test</u>	<u>7th grade reading test</u>	724
<u>6th grade writing test</u>	<u>7th grade writing test</u>	725
<u>6th grade mathematics test</u>	<u>7th grade mathematics test</u>	726
<u>6th grade science test</u>	<u>8th grade science test</u>	727
<u>6th grade citizenship test</u>	<u>8th grade social studies test</u>	728
<u>9th grade reading test</u>	<u>10th grade reading test</u>	729
<u>9th grade writing test</u>	<u>10th grade writing test</u>	730
<u>9th grade mathematics test</u>	<u>10th grade mathematics test</u>	731
<u>9th grade science test</u>	<u>10th grade science test</u>	732
<u>9th grade citizenship test</u>	<u>10th grade social studies test</u>	733

Sec. 3301.0713. The state board of education shall recommend 735
a plan to the general assembly for developing and implementing a 736
series of end-of-course examinations aligned with the academic 737

standards described in section 3301.079 of the Revised Code to be administered to high school students upon the completion of specified courses as an alternative to passing the tests required under division (B) of section 3301.0710 of the Revised Code to receive a high school diploma.

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

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

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

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

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

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

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

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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction,

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specialized instruction programs or enrichment instruction that is 768
part of the educational curriculum, instruction for gifted 769
students, instruction for handicapped students, and remedial 770
instruction. The guidelines shall require instructional services 771
under this division to be divided into discrete categories if an 772
instructional service is limited to a specific subject, a specific 773
type of student, or both, such as regular instructional services 774
in mathematics, remedial reading instructional services, 775
instructional services specifically for students gifted in 776
mathematics or some other subject area, or instructional services 777
for students with a specific type of handicap. The categories of 778
instructional services required by the guidelines under this 779
division shall be the same as the categories of instructional 780
services used in determining cost units pursuant to division 781
(C)(3) of this section. 782

(b) The numbers of students receiving support or 783
extracurricular services for each of the support services or 784
extracurricular programs offered by the school district, such as 785
counseling services, health services, and extracurricular sports 786
and fine arts programs. The categories of services required by the 787
guidelines under this division shall be the same as the categories 788
of services used in determining cost units pursuant to division 789
(C)(4)(a) of this section. 790

(c) Average student grades in each subject in grades nine 791
through twelve; 792

~~(d) Academic achievement levels in grades one through eight 793
as assessed by the locally developed competency programs required 794
by division (D) of section 3301.07 of the Revised Code; 795~~

~~(e) Academic achievement levels as assessed by the testing of 796
student proficiency achievement under sections 3301.0710 and 797
3301.0711 of the Revised Code; 798~~

(f) <u>(e)</u> The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	799 800 801
(g) <u>(f)</u> The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	802 803 804
(h) <u>(g)</u> Attendance rates and the average daily attendance for the year;	805 806
(i) <u>(h)</u> Expulsion rates;	807
(j) <u>(i)</u> Suspension rates;	808
(k) <u>(j)</u> The percentage of students receiving corporal punishment;	809 810
(l) <u>(k)</u> Dropout rates;	811
(m) <u>(l)</u> Rates of retention in grade;	812
(n) <u>(m)</u> For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	813 814 815
(o) <u>(n)</u> Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements.	816 817 818 819 820
(2) Personnel and classroom enrollment data for each school district, including:	821 822
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of	823 824 825 826 827

this section. The guidelines adopted under this section shall
require these categories of data to be maintained for the school
district as a whole and, wherever applicable, for each grade in
the school district as a whole, for each school building as a
whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time
equivalent employees providing each category of service used
pursuant to divisions (C)(4)(a) and (b) of this section, and the
total numbers of licensed employees and nonlicensed employees and
the numbers of full-time equivalent licensed employees and
nonlicensed employees providing each category used pursuant to
division (C)(4)(c) of this section. The guidelines adopted under
this section shall require these categories of data to be
maintained for the school district as a whole and, wherever
applicable, for each grade in the school district as a whole, for
each school building as a whole, and for each grade in each school
building.

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

(3)(a) Student demographic data for each school district,
including information regarding the gender ratio of the school
district's pupils, the racial make-up of the school district's
pupils, and an appropriate measure of the number of the school
district's pupils who reside in economically disadvantaged
households. The demographic data shall be collected in a manner to
allow correlation with data collected under division (B)(1) of
this section. Categories for data collected pursuant to division
(B)(3) of this section shall conform, where appropriate, to
standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, 860
whether the student previously participated in a public preschool 861
program, a private preschool program, or a head start program, and 862
the number of years the student participated in each of these 863
programs. 864

(C) The education management information system shall include 865
cost accounting data for each district as a whole and for each 866
school building in each school district. The guidelines adopted 867
under this section shall require the cost data for each school 868
district to be maintained in a system of mutually exclusive cost 869
units and shall require all of the costs of each school district 870
to be divided among the cost units. The guidelines shall require 871
the system of mutually exclusive cost units to include at least 872
the following: 873

(1) Administrative costs for the school district as a whole. 874
The guidelines shall require the cost units under this division 875
(C)(1) to be designed so that each of them may be compiled and 876
reported in terms of average expenditure per pupil in formula ADM 877
in the school district, as determined pursuant to section 3317.03 878
of the Revised Code. 879

(2) Administrative costs for each school building in the 880
school district. The guidelines shall require the cost units under 881
this division (C)(2) to be designed so that each of them may be 882
compiled and reported in terms of average expenditure per 883
full-time equivalent pupil receiving instructional or support 884
services in each building. 885

(3) Instructional services costs for each category of 886
instructional service provided directly to students and required 887
by guidelines adopted pursuant to division (B)(1)(a) of this 888
section. The guidelines shall require the cost units under 889
division (C)(3) of this section to be designed so that each of 890
them may be compiled and reported in terms of average expenditure 891

per pupil receiving the service in the school district as a whole 892
and average expenditure per pupil receiving the service in each 893
building in the school district and in terms of a total cost for 894
each category of service and, as a breakdown of the total cost, a 895
cost for each of the following components: 896

(a) The cost of each instructional services category required 897
by guidelines adopted under division (B)(1)(a) of this section 898
that is provided directly to students by a classroom teacher; 899
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(b) The cost of the instructional support services, such as 901
services provided by a speech-language pathologist, classroom 902
aide, multimedia aide, or librarian, provided directly to students 903
in conjunction with each instructional services category; 904

(c) The cost of the administrative support services related 905
to each instructional services category, such as the cost of 906
personnel that develop the curriculum for the instructional 907
services category and the cost of personnel supervising or 908
coordinating the delivery of the instructional services category. 909

(4) Support or extracurricular services costs for each 910
category of service directly provided to students and required by 911
guidelines adopted pursuant to division (B)(1)(b) of this section. 912
The guidelines shall require the cost units under division (C)(4) 913
of this section to be designed so that each of them may be 914
compiled and reported in terms of average expenditure per pupil 915
receiving the service in the school district as a whole and 916
average expenditure per pupil receiving the service in each 917
building in the school district and in terms of a total cost for 918
each category of service and, as a breakdown of the total cost, a 919
cost for each of the following components: 920

(a) The cost of each support or extracurricular services 921
category required by guidelines adopted under division (B)(1)(b) 922

of this section that is provided directly to students by a 923
licensed employee, such as services provided by a guidance 924
counselor or any services provided by a licensed employee under a 925
supplemental contract; 926

(b) The cost of each such services category provided directly 927
to students by a nonlicensed employee, such as janitorial 928
services, cafeteria services, or services of a sports trainer; 929

(c) The cost of the administrative services related to each 930
services category in division (C)(4)(a) or (b) of this section, 931
such as the cost of any licensed or nonlicensed employees that 932
develop, supervise, coordinate, or otherwise are involved in 933
administering or aiding the delivery of each services category. 934

(D)(1) The guidelines adopted under this section shall 935
require school districts to collect information about individual 936
students, staff members, or both in connection with any data 937
required by division (B) or (C) of this section or other reporting 938
requirements established in the Revised Code. The guidelines may 939
also require school districts to report information about 940
individual staff members in connection with any data required by 941
division (B) or (C) of this section or other reporting 942
requirements established in the Revised Code. The guidelines may 943
authorize school districts to request social security numbers of 944
individual students so that school districts and the data 945
acquisition sites operated under section 3301.075 of the Revised 946
Code can assure accuracy and avoid errors in collecting the data. 947
However, the guidelines shall prohibit the reporting under this 948
section of any personally identifiable information about any 949
student, including a student's social security number, name, or 950
address, to the state board of education or the department of 951
education or to any other person unless such person is employed by 952
the school district or the data acquisition site and is authorized 953
by the district or acquisition site to have access to such 954

information. The guidelines may require school districts to 955
provide the social security numbers of individual staff members. 956

(2) The guidelines shall provide for each school district or 957
community school to assign a data verification code to each 958
student whose initial Ohio enrollment is in that district or 959
school and to report all required individual student data for that 960
student utilizing such code. The guidelines shall also provide for 961
assigning data verification codes to all students enrolled in 962
districts or community schools on the effective date of the 963
guidelines established under this section. 964

Individual student data shall be reported to the department 965
through the data acquisition sites utilizing the code but at no 966
time shall anyone other than an employee of the school district or 967
community school in which the student is enrolled have access to 968
information that would enable any data verification code to be 969
matched to personally identifiable student data. 970

Each school district shall ensure that the data verification 971
code is included in the student's records reported to any 972
subsequent school district or community school in which the 973
student enrolls and shall remove all references to the code in any 974
records retained in the district or school that pertain to any 975
student no longer enrolled. Any such subsequent district or school 976
shall utilize the same identifier in its reporting of data under 977
this section. 978

(E) The guidelines adopted under this section may require 979
school districts to collect and report data, information, or 980
reports other than that described in divisions (A), (B), and (C) 981
of this section for the purpose of complying with other reporting 982
requirements established in the Revised Code. The other data, 983
information, or reports may be maintained in the education 984
management information system but are not required to be compiled 985
as part of the profile formats required under division (G) of this 986

section or the annual statewide report required under division (H) 987
of this section. 988

(F) Beginning with the school year that begins July 1, 1991, 989
the board of education of each school district shall annually 990
collect and report to the state board, in accordance with the 991
guidelines established by the board, the data required pursuant to 992
this section. A school district may collect and report these data 993
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 994

(G) The state board shall, in accordance with the procedures 995
it adopts, annually compile the data reported by each school 996
district pursuant to division (D) of this section. The state board 997
shall design formats for profiling each school district as a whole 998
and each school building within each district and shall compile 999
the data in accordance with these formats. These profile formats 1000
shall: 1001

(1) Include all of the data gathered under this section in a 1002
manner that facilitates comparison among school districts and 1003
among school buildings within each school district; 1004

(2) Present the data on academic achievement levels as 1005
assessed by the testing of student ~~proficiency~~ achievement 1006
maintained pursuant to division (B)(1)(e) of this section so that 1007
the academic achievement levels of students who are excused from 1008
taking any such test pursuant to division (C)(1) of section 1009
3301.0711 of the Revised Code are distinguished from the academic 1010
achievement levels of students who are not so excused. 1011

(H)(1) The state board shall, in accordance with the 1012
procedures it adopts, annually prepare a statewide report for all 1013
school districts and the general public that includes the profile 1014
of each of the school districts developed pursuant to division (G) 1015
of this section. Copies of the report shall be sent to each school 1016
district. 1017

(2) The state board shall, in accordance with the procedures 1018
it adopts, annually prepare an individual report for each school 1019
district and the general public that includes the profiles of each 1020
of the school buildings in that school district developed pursuant 1021
to division (G) of this section. Copies of the report shall be 1022
sent to the superintendent of the district and to each member of 1023
the district board of education. 1024

(3) Copies of the reports received from the state board under 1025
divisions (H)(1) and (2) of this section shall be made available 1026
to the general public at each school district's offices. Each 1027
district board of education shall make copies of each report 1028
available to any person upon request and payment of a reasonable 1029
fee for the cost of reproducing the report. The board shall 1030
annually publish in a newspaper of general circulation in the 1031
school district, at least twice during the two weeks prior to the 1032
week in which the reports will first be available, a notice 1033
containing the address where the reports are available and the 1034
date on which the reports will be available. 1035

(I) Any data that is collected or maintained pursuant to this 1036
section and that identifies an individual pupil is not a public 1037
record for the purposes of section 149.43 of the Revised Code. 1038

(J) As used in this section: 1039

(1) "School district" means any city, local, exempted 1040
village, or joint vocational school district. 1041
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(2) "Cost" means any expenditure for operating expenses made 1043
by a school district excluding any expenditures for debt 1044
retirement except for payments made to any commercial lending 1045
institution for any loan approved pursuant to section 3313.483 of 1046
the Revised Code. 1047

(K) Any person who removes data from the information system 1048

established under this section for the purpose of releasing it to 1049
any person not entitled under law to have access to such 1050
information is subject to section 2913.42 of the Revised Code 1051
prohibiting tampering with data. 1052

(L) Any time the department of education determines that a 1053
school district has taken any of the actions described under 1054
division (L)(1), (2), or (3) of this section, it shall make a 1055
report of the actions of the district, send a copy of the report 1056
to the superintendent of such school district, and maintain a copy 1057
of the report in its files: 1058

(1) The school district fails to meet any deadline 1059
established pursuant to this section for the reporting of any data 1060
to the education management information system; 1061

(2) The school district fails to meet any deadline 1062
established pursuant to this section for the correction of any 1063
data reported to the education management information system; 1064

(3) The school district reports data to the education 1065
management information system in a condition, as determined by the 1066
department, that indicates that the district did not make a good 1067
faith effort in reporting the data to the system. 1068

Any report made under this division shall include 1069
recommendations for corrective action by the school district. 1070

Upon making a report for the first time in a fiscal year, the 1071
department shall withhold ten per cent of the total amount due 1072
during that fiscal year under Chapter 3317. of the Revised Code to 1073
the school district to which the report applies. Upon making a 1074
second report in a fiscal year, the department shall withhold an 1075
additional twenty per cent of such total amount due during that 1076
fiscal year to the school district to which the report applies. 1077
The department shall not release such funds unless it determines 1078
that the district has taken corrective action. However, no such 1079

release of funds shall occur if the district fails to take 1080
corrective action within ninety days of the date upon which the 1081
report was made by the department. 1082

(M) The department of education, after consultation with the 1083
Ohio education computer network, may provide at no cost to school 1084
districts uniform computer software for use in reporting data to 1085
the education management information system, provided that no 1086
school district shall be required to utilize such software to 1087
report data to the education management information system if such 1088
district is so reporting data in an accurate, complete, and timely 1089
manner in a format compatible with that required by the education 1090
management information system. 1091

(N) The state board of education, in accordance with sections 1092
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1093
license as defined under division (A) of section 3319.31 of the 1094
Revised Code that has been issued to any school district employee 1095
found to have willfully reported erroneous, inaccurate, or 1096
incomplete data to the education management information system. 1097

(O) No person shall release or maintain any information about 1098
any student in violation of this section. Whoever violates this 1099
division is guilty of a misdemeanor of the fourth degree. 1100

Sec. 3301.0715. (A) Except as provided in division (E) of 1101
this section, the board of education of each city, local, and 1102
exempted village school district shall administer any diagnostic 1103
assessment developed in accordance with section 3301.079 of the 1104
Revised Code to measure student progress toward the attainment of 1105
academic standards for grades kindergarten through two in reading, 1106
writing, and mathematics and for grades three through eight in any 1107
subject area. 1108

(B) Each district board shall administer any diagnostic 1109
assessment to any student at any time the board deems appropriate. 1110

However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the "value added" of the instruction received by students during that school year. 1111
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(C) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department of education. 1117
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(D) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level. 1121
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(E) Any district designated by the state board of education as a "high-performing" school district may assess student progress using an assessment other than the diagnostic assessment required by division (A) of this section. 1125
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Sec. 3301.0717. In addition to the duties imposed on it by law, the state board of education shall establish and submit to the governor and the general assembly a clear and measurable set of goals with specific timetables for their achievement. The goals shall be established for programs designed to accomplish: 1129
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(A) A reduction in rates of retention in grade; 1134

(B) Reductions in the need for remedial courses; 1135

(C) Reductions in the student dropout rate; 1136

(D) Improvements in scores on standardized tests; 1137

(E) Increases in satisfactory completion of high school proficiency achievement tests; 1138
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(F) Increases in American college test scores;	1140
(G) Increases in the rate of college entry;	1141
(H) Reductions in the need for remedial courses for <u>first-year</u> college <u>freshmen</u> <u>students</u> .	1142 1143
In July of each odd-numbered year, the state board of education shall submit a report on progress made toward these goals to the governor and the general assembly.	1144 1145 1146
Sec. 3301.0712 <u>3301.0718</u>. (A) The state board of education shall adopt minimum standards under which each governing board of an educational service center shall develop a plan of service to school districts within the center's territory. The standards shall require that the plan of service include, but need not be limited to, provisions that ensure:	1147 1148 1149 1150 1151 1152
(1) The maximum involvement of boards of education of local school districts in all aspects of the service plan;	1153 1154
(2) Adequate and well-maintained physical facilities for the offices of the county board;	1155 1156
(3) Fiscal monitoring of the local districts by the educational service center governing board;	1157 1158
(4) The availability of qualified staff in sufficient numbers to implement the service plan;	1159 1160
(5) Supervision and evaluation of classroom activities in the local districts;	1161 1162
(6) The availability of in-service and continuing education programs for all local district and educational service center personnel;	1163 1164 1165
(7) The offering of specified curriculum services to the local districts;	1166 1167

(8) The development of research and development programs;	1168
(9) Regular and continuing communication among the educational service center governing board, local districts, and the community;	1169 1170 1171
(10) Continuing planning for the maximum utilization of existing school buildings and the development of new facilities;	1172 1173
(11) Monitoring and enforcement of the compulsory attendance law;	1174 1175
(12) Accurate recordkeeping in the local district schools;	1176
(13) Assistance to local districts in the provision of special accommodations and classes for handicapped students.	1177 1178
(B) Each educational service center governing board shall, within one hundred eighty days of the effective date of the minimum standards adopted by the state board under division (A) of this section, submit to the state board a plan of service that meets these standards. The state board shall approve any plan of service that meets these standards and, upon approval of any such plan, shall issue a charter to that educational service center.	1179 1180 1181 1182 1183 1184 1185
(C) The state board shall conduct an evaluation every five years of each educational service center governing board and the services it provides. The evaluation shall include recommendations and shall be discussed in a public meeting held by the superintendent of the educational service center within thirty days of receipt of the evaluation report. The educational service center superintendent shall also submit a plan to the state board for correcting any violations specified in the evaluation within ninety days of receipt of the evaluation report. The state board shall approve any such plan that meets the minimum standards adopted by the state board under division (A) of this section.	1186 1187 1188 1189 1190 1191 1192 1193 1194 1195 1196
(D) The state board shall revoke the charter of any	1197

educational service center that fails to comply with the plan of 1198
service approved by the state board under division (B) of this 1199
section or with any plan for correcting violations approved by the 1200
state board under division (C) of this section. 1201

(E) If any educational service center fails to submit a plan 1202
of service in compliance with the provisions of division (B) of 1203
this section or if the charter of any educational service center 1204
is revoked pursuant to division (D) of this section, the state 1205
board may dissolve the educational service center and pursuant to 1206
this division transfer its territory to one or more adjacent 1207
educational service centers. 1208

Prior to dissolving an educational service center pursuant to 1209
this division, the state board shall notify the educational 1210
service center governing board to be dissolved and the governing 1211
boards of all adjacent educational service centers of its 1212
intention to dissolve the educational service center. The 1213
governing boards receiving such a notice may make recommendations 1214
to the state board regarding the proposed dissolution and 1215
subsequent transfer of territory. 1216

No order of the state board to transfer the territory of an 1217
educational service center being dissolved pursuant to this 1218
division shall divide the territory of a local school district 1219
between two or more adjacent educational service centers. An 1220
equitable division of the funds, property, and indebtedness of any 1221
educational service center being dissolved pursuant to this 1222
division shall be made by the state board among the educational 1223
service centers receiving territory. The governing board of an 1224
educational service center receiving territory shall accept such 1225
territory pursuant to the order of the state board. Any transfer 1226
of territory ordered by the state board shall become effective on 1227
the date specified by the state board, but the date shall be at 1228
least thirty days after the date on which the order was issued. 1229

(F) In issuing and revoking charters under this section, the state board shall be governed by the provisions of Chapter 119. of the Revised Code.

Sec. 3301.801. The Ohio SchoolNet commission shall create and maintain a clearinghouse for classroom teachers, including any classroom teachers employed by community schools established under Chapter 3314. of the Revised Code, to easily obtain lesson plans and materials and other practical resources for use in classroom teaching. The commission shall develop a method of obtaining submissions, from classroom teachers and others, of such plans, materials, and other resources that have been used in the classroom and that can be readily used and implemented by classroom teachers in their regular teaching activities. The commission also shall develop methods of informing classroom teachers of both the availability of such plans, materials, and other resources, and of the opportunity to submit such plans, materials, and other resources and other classroom teaching ideas to the clearinghouse.

The department of education shall regularly identify research-based practices concerned with scheduling and allotting instructional time and submit such practices to the commission for inclusion in the clearinghouse.

The commission shall periodically report to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the chairpersons and ranking minority members of the education committees of the senate and the house of representatives regarding the clearinghouse and make recommendations for changes in state law or administrative rules that may facilitate the usefulness of the clearinghouse.

Sec. 3301.91. (A) The OhioReads council's responsibilities

include, but are not limited to, the following:	1260
(1) Advising and consenting to the superintendent of public instruction's appointments to the position of executive director of the OhioReads office;	1261 1262 1263
(2) Evaluating the effectiveness of the OhioReads initiative established by this section and sections 3301.86 and 3301.87 of the Revised Code and conducting annual evaluations beginning in fiscal year 2002;	1264 1265 1266 1267
(3) Developing a strategic plan for identifying, recruiting, training, qualifying, and placing volunteers for the OhioReads initiative;	1268 1269 1270
(4) Establishing standards for the awarding of classroom reading grants under section 3301.86 of the Revised Code and community reading grants under section 3301.87 of the Revised Code, including eligibility criteria, grant amounts, purposes for which grants may be used, and administrative, programmatic, and reporting requirements;	1271 1272 1273 1274 1275 1276
(5) Awarding classroom reading grants and community reading grants to be paid by the OhioReads office under sections 3301.86 and 3301.87 of the Revised Code;	1277 1278 1279
(6) Establishing guidelines for and overseeing the general responsibilities and mission of the executive director of the OhioReads office;	1280 1281 1282
(7) Adopting rules pursuant to Chapter 119. of the Revised Code to establish standards required under sections 3301.86 and 3301.87 of the Revised Code.	1283 1284 1285
(B) In performing its duties, the council shall, to the extent practicable:	1286 1287
(1) Give primary consideration to the safety and well-being of children participating in the OhioReads initiative;	1288 1289

(2) Maximize the use of resources to improve reading outcomes, especially the fourth grade reading proficiency test established under former division (A)(1) of section 3301.0710 of the Revised Code and the third grade reading achievement test established under division (A)(1)(a) of section 3301.0710 of the Revised Code;

(3) Identify and maximize relevant federal and state resources to leverage OhioReads resources and related programs;

(4) Focus on early reading intervention strategies, professional development, and parental involvement;

(5) Give priority to programs recognized as promising educational practices for accelerating student achievement, including, but not limited to, programs primarily using volunteers and programs that may have been reviewed by the education commission of the states.

~~Sec. 3302.02. The following are the expected state performance standards for school districts:~~

~~(A) A ninety per cent graduation rate;~~

~~(B) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;~~

~~(C) At least seventy-five per cent of fourth graders proficient on the reading test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;~~

~~(D) At least seventy-five per cent of fourth graders proficient on the writing test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;~~

~~(E) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed by division (A)(1)~~

of section 3301.0710 of the Revised Code;	1319
(F) At least seventy-five per cent of ninth graders	1320
proficient on the mathematics test prescribed by division (B) of	1321
section 3301.0710 of the Revised Code;	1322
(G) At least seventy-five per cent of ninth graders	1323
proficient on the reading test prescribed by division (B) of	1324
section 3301.0710 of the Revised Code;	1325
(H) At least seventy-five per cent of ninth graders	1326
proficient on the writing test prescribed by division (B) of	1327
section 3301.0710 of the Revised Code;	1328
(I) At least seventy-five per cent of ninth graders	1329
proficient on the citizenship test prescribed by division (B) of	1330
section 3301.0710 of the Revised Code;	1331
(J) At least eighty-five per cent of tenth graders proficient	1332
on the mathematics test prescribed by division (B) of section	1333
3301.0710 of the Revised Code;	1334
(K) At least eighty-five per cent of tenth graders proficient	1335
on the reading test prescribed by division (B) of section	1336
3301.0710 of the Revised Code;	1337
(L) At least eighty-five per cent of tenth graders proficient	1338
on the writing test prescribed by division (B) of section	1339
3301.0710 of the Revised Code;	1340
(M) At least eighty-five per cent of tenth graders proficient	1341
on the citizenship test prescribed by division (B) of section	1342
3301.0710 of the Revised Code;	1343
(N) At least sixty per cent of twelfth graders proficient on	1344
the mathematics test prescribed by division (A)(3) of section	1345
3301.0710 of the Revised Code;	1346
(O) At least sixty per cent of twelfth graders proficient on	1347
the reading test prescribed by division (A)(3) of section	1348

~~3301.0710 of the Revised Code;~~ 1349

~~(P) At least sixty per cent of twelfth graders proficient on~~ 1350
~~the writing test prescribed by division (A)(3) of section~~ 1351
~~3301.0710 of the Revised Code;~~ 1352

~~(Q) At least sixty per cent of twelfth graders proficient on~~ 1353
~~the citizenship test prescribed by division (A)(3) of section~~ 1354
~~3301.0710 of the Revised Code;~~ 1355

~~(R) At least a ninety-three per cent attendance rate.~~ 1356

~~When sufficient data concerning the tests given pursuant to~~ 1357
~~division (A)(2) of section 3301.0710 of the Revised Code and the~~ 1358
~~science tests given pursuant to divisions (A)(1), (3), and (B) of~~ 1359
~~section 3301.0710 of the Revised Code are available for the~~ 1360
~~department of education to establish performance standards for~~ 1361
~~those tests, the department shall recommend a rule adding~~ 1362
~~standards to reflect these additional tests. The department shall~~ 1363
~~also recommend a rule when necessary to allow for the phasing out~~ 1364
~~of the ninth grade proficiency test and its replacement with a~~ 1365
~~high school proficiency test pursuant to section 3301.0710 of the~~ 1366
~~Revised Code as amended by Amended Substitute Senate Bill No. 55~~ 1367
~~of the 122nd general assembly. The rules~~ 1368

The department of education shall annually establish 1369
performance indicators for the report cards required by division 1370
(D) of section 3302.03 of the Revised Code. In establishing these 1371
indicators, the department shall consider inclusion of student 1372
performance on any tests given under section 3301.0710 of the 1373
Revised Code, rates of student improvement on such tests, student 1374
attendance, the breadth of coursework available within the 1375
district, and other indicators of student success. The department 1376
shall notify all school districts of the selected performance 1377
indicators at least one year before they are included in the 1378
report card. 1379

~~The department shall not recommend establish any standard be~~ 1380
~~established performance indicator for passage of the third or~~ 1381
fourth grade reading test that is solely based on the test given 1382
in the fall for the purpose of determining whether students have 1383
met the ~~fourth grade~~ reading guarantee provisions of section 1384
3313.608 of the Revised Code. 1385

~~Rules recommended by the department under this section shall~~ 1386
~~not take effect unless approved by joint resolution of the general~~ 1387
~~assembly.~~ 1388

Sec. 3302.03. (A) ~~Beginning with the fiscal year that starts~~ 1389
~~on July 1, 1999, every three years~~ Annually the department of 1390
education shall ~~calculate and report for each school district its~~ 1391
~~percentages on the extent to which it meets~~ each of the 1392
performance indicators ~~listed in~~ created by the department under 1393
section 3302.02 of the Revised Code and shall specify for each 1394
such district the ~~extent to which the acceptable~~ percentage of 1395
~~performance indicator has~~ indicators that have been achieved and 1396
whether the district is an effective school district, needs 1397
continuous improvement, is under an academic watch, or is in a 1398
state of academic emergency. 1399

The department shall also determine for each school building 1400
in a district the extent to which it meets any of the performance 1401
indicators applicable to the grade levels of the students in that 1402
school building and whether the school building is an effective 1403
school, needs continuous improvement, is under an academic watch, 1404
or is in a state of academic emergency. 1405

(B)(1) A school district or building shall be declared ~~an~~ 1406
effective ~~school district~~ if it meets at least ninety-four per 1407
cent of the applicable state performance ~~standards~~ indicators. 1408

(2) A school district or building shall be declared to be in 1409
need of continuous improvement if it meets more than fifty per 1410

cent but less than ninety-four per cent of the applicable state performance ~~standards~~ indicators. 1411
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(3) A school district or building shall be declared to be under an academic watch if it meets more than thirty-three per cent but not more than fifty per cent of the applicable state performance ~~standards~~ indicators. 1413
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(4) A school district or building shall be declared to be in a state of academic emergency if it does not meet more than thirty-three per cent of the applicable state performance ~~standards~~ indicators. 1417
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(C) Whenever feasible, the department shall utilize three-year averaging of the district's ~~percentages~~ or building's performance on the ~~performance standards specified in~~ indicators created by the department under section 3302.02 of the Revised Code. 1421
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(D)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole ~~based on~~ reflecting performance on the indicators created by the department under section 3202.02 of the Revised Code. The department may include in the report cards any additional education and fiscal performance data it deems valuable. 1426
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(2) The department shall not include in the report card required by this division proficiency test passage data according to any ethnic, racial, or gender classification. 1433
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(E) In calculating ~~the~~ any proficiency or achievement test passage rates used to determine school district performance under this section, the department shall include all students except+ 1436
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~~(1) Those~~ those students exempted from the requirement to take the applicable ~~proficiency~~ test pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, whether or not 1439
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the student chose to take the test voluntarily in spite of the 1442
exemption granted in that division+ 1443

~~(2) Those students to whom the twelfth-grade tests are not 1444
administered, pursuant to division (B)(4) of section 3301.0711 of 1445
the Revised Code. 1446~~

Sec. 3302.04. (A) ~~By March 1, 1998, the~~ The state board of 1447
education shall recommend to the general assembly a rule 1448
establishing both of the following: 1449

(1) A standard unit of improvement that any individual school 1450
within a district or school district would be required to achieve 1451
on a specific performance ~~standard~~ indicator that it failed to 1452
meet in order to be deemed to have made satisfactory improvement 1453
toward meeting that ~~standard~~ indicator. 1454

(2) The percentage of those performance ~~standards~~ indicators 1455
that ~~a~~ an individual school or district did not meet, on which a 1456
district would be required to achieve the standard unit of 1457
improvement in order to be deemed to be making overall progress 1458
toward becoming an effective district. 1459

Upon approval of the general assembly, the rule shall apply 1460
to determinations of school district improvement under division 1461
(B) of this section. 1462

(B) When a school district has been notified by the 1463
department pursuant to division (A) of section 3302.03 of the 1464
Revised Code that the district or a school within the district 1465
needs continuous improvement, is under an academic watch, or is in 1466
a state of academic emergency, the district shall develop a 1467
three-year continuous improvement plan containing an analysis of 1468
the reasons for the district's failure as a whole, or the failure 1469
of any individual schools, to meet any of the ~~standards it does~~ 1470
indicators not ~~meet~~ met and specifying the strategies ~~it the~~ 1471
district will use and the resources it will allocate to address 1472

the problem. Copies of the plan shall be made available to the public. 1473
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No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the ~~territory of the~~ affected school district or school concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district. 1475
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(C) When a school district has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or a school within the district is under an academic watch or in a state of academic emergency, the district shall be subject to any rules establishing intervention in academic watch or emergency school districts that have been recommended to the general assembly by the department of education and approved by joint resolution of the general assembly. ~~The department shall recommend such rules by July 1, 1998.~~ 1482
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(D)(1) Within one hundred twenty days after any school district or school within the district is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department shall initiate a site evaluation of the school or school district. 1491
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(2) If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a school that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan ~~for the school~~ 1496
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~~district~~ under rules established by the state board of education, 1505
the department shall conduct a site evaluation of the school 1506
~~district or applicable schools~~ to determine whether the school 1507
district is in compliance with minimum standards established by 1508
law or rule. 1509

(3) Site evaluations conducted under divisions (D)(1) and (2) 1510
of this section shall include, but not be limited to, the 1511
following: 1512

(a) Determining whether teachers are assigned to subject 1513
areas for which they are licensed or certified; 1514

(b) Determining pupil-teacher ratios; 1515

(c) Examination of compliance with minimum instruction time 1516
requirements for each school day and for each school year; 1517

(d) Determining whether ~~the school district has~~ materials and 1518
equipment necessary to implement the curriculum approved by the 1519
school district board are available. 1520

(E) The state board of education shall recommend to the 1521
general assembly a plan for intervening in and assisting school 1522
districts that continue to decline, or that have any school 1523
buildings that continue to be unsuccessful despite implementation 1524
of a school improvement plan. The plan submitted to the general 1525
assembly by the state board shall include recommendations to 1526
prevent continued lack of success. 1527

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 1528
of the Revised Code, divisions (A) to (E) of this section do not 1529
apply to any cooperative education school district established 1530
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 1531
Code. 1532

~~In adopting minimum standards under section 3301.07 of the 1533~~
~~Revised Code, the state board of education shall not require 1534~~

~~chartered schools to utilize any model curriculum adopted pursuant~~ 1535
~~to section 3301.0716 of the Revised Code.~~ 1536

(A) The board of education of each city and exempted village 1537
school district, the governing board of each educational service 1538
center, and the board of each cooperative education school 1539
district established pursuant to section 3311.521 of the Revised 1540
Code shall prescribe a curriculum for all schools under their 1541
control. Except as provided in division (E) of this section, in 1542
any such curriculum there shall be included the study of the 1543
following subjects: 1544

(1) The language arts, including reading, writing, spelling, 1545
oral and written English, and literature; 1546

(2) Geography, the history of the United States and of Ohio, 1547
and national, state, and local government in the United States, 1548
including a balanced presentation of the relevant contributions to 1549
society of men and women of African, Mexican, Puerto Rican, and 1550
American Indian descent as well as other ethnic and racial groups 1551
in Ohio and the United States; 1552

(3) Mathematics; 1553

(4) Natural science, including instruction in the 1554
conservation of natural resources; 1555

(5) Health education, which shall include instruction in: 1556

(a) The nutritive value of foods, including natural and 1557
organically produced foods, the relation of nutrition to health, 1558
the use and effects of food additives; 1559

(b) The harmful effects of and legal restrictions against the 1560
use of drugs of abuse, alcoholic beverages, and tobacco; 1561

(c) Venereal disease education, except that upon written 1562
request of ~~his~~ the student's parent or guardian, a student shall 1563
be excused from taking instruction in venereal disease education; 1564

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of ~~his~~ the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of ~~his~~ the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history.

(C) Except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitutions of the United States and of Ohio.

(D) Except as provided in division (E) of this section, basic instruction in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

(E) For each cooperative education school district

established pursuant to section 3311.521 of the Revised Code and
each city, exempted village, and local school district that has
territory within such a cooperative district, the curriculum
adopted pursuant to divisions (A) to (D) of this section shall
only include the study of the subjects that apply to the grades
operated by each such school district. The curriculums for such
schools, when combined, shall provide to each student of these
districts all of the subjects required under divisions (A) to (D)
of this section.

(F) The board of education of any cooperative education
school district established pursuant to divisions (A) to (C) of
section 3311.52 of the Revised Code shall prescribe a curriculum
for the subject areas and grade levels offered in any school under
its control.

Sec. 3313.608. ~~(A) This section does not apply to students
who enter the fourth grade after July 1, 2003.~~

(A) For each school year prior to July 1, 2004, for the test
to measure skill in reading prescribed by former division (A)(1)
of section 3301.0710 of the Revised Code, the state board of
education shall establish at least four ranges of scores to
measure the following levels of skill:

(1) An advanced level of skill;

(2) A proficient level of skill;

(3) A basic level of skill;

(4) A below basic level of skill.

~~(B) Beginning with students who enter fourth grade in the
school year that starts July 1, 2001, no city, exempted village,
or local school district shall promote to fifth grade any student
who fails to attain the score designated under division (A)(1) of
section 3301.0710 of the Revised Code on the test prescribed under~~

~~that division to measure skill in reading, unless either of the following applies:~~ 1626
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~~(1) The pupil was excused from taking the test under division (C)(1) of section 3301.0711 of the Revised Code;~~ 1628
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~~(2) The pupil's principal and reading teacher agree that the pupil is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade.~~ 1630
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~~(B) for any student who attains a score in the range designated under division (A)(4) of this section on such reading test, each school district shall do one of the following:~~ 1634
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~~(1) Promote the student to fifth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade;~~ 1637
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~~(2) Promote the student to fifth grade but provide the student with intensive intervention services in fifth grade;~~ 1643
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~~(3) Retain the student in fourth grade.~~ 1645

~~This section does not apply to any student excused from taking such test under division (C)(1) of section 3301.0711 of the Revised Code.~~ 1646
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~~(C)(1) To assist students in meeting this fourth grade guarantee established by this section, each ~~city, exempted village, and local~~ school district shall adopt policies and procedures with which it shall, ~~beginning in the school year that starts July 1, 1998,~~ annually assess the reading skills of each student at the end of first, second, and third grade and identify students who are reading below their grade level. The policy and procedures shall require the students' classroom teachers to be~~ 1649
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involved in the assessment and the identification of students 1657
reading below grade level. The district shall notify the parent or 1658
guardian of each student whose reading skills are below grade 1659
level and, in accordance with division ~~(C)~~(D) of this section, 1660
provide intervention services to each student reading below grade 1661
level. 1662

(2) For each student identified as reading below grade level 1663
at the end of third grade, the district shall offer intense 1664
remediation services during the summer following third grade. 1665

(3) For each student entering fourth grade after July 1, 1666
2001, who does not attain by the end of the fourth grade ~~the at~~ at 1667
~~least a score designated under division (A)(1) of section~~ 1668
~~3301.0710 of the Revised Code on the test prescribed under that~~ 1669
~~division to measure skill in reading in the range designated under~~ 1670
~~division (A)(2) of this section,~~ the district also shall offer 1671
intense remediation services, and another opportunity to take that 1672
test, during the summer following fourth grade. 1673

~~(C)~~(D) For each student required to be offered remediation 1674
services under this section, the district shall involve the 1675
student's parent or guardian and classroom teacher in developing 1676
the intervention strategy, and shall offer to the parent or 1677
guardian the opportunity to be involved in the intervention 1678
services. 1679

~~(D)~~ ~~Beginning in the summer of 1999, in~~ (E) In addition to 1680
the remediation requirements of ~~divisions (B) and~~ division (C) of 1681
this section, every city, exempted village, or local school 1682
district shall offer summer remediation to any student who has 1683
failed to attain the designated scores indicating proficiency on 1684
three or more of the five tests described by former division 1685
(A)(1) or (2) of section 3301.0710 of the Revised Code. 1686

~~(E)~~(F) Any summer remediation services funded in whole or in 1687
part by the state and offered by school districts to students 1688

under this section shall meet the following conditions: 1689

(1) The remediation methods are based on reliable educational 1690
research. 1691

(2) The school districts conduct testing before and after 1692
students participate in the program to facilitate monitoring 1693
results of the remediation services. 1694

(3) The parents of participating students are involved in 1695
programming decisions. 1696

(4) The services are conducted in a school building or 1697
community center and not on an at-home basis. 1698

Sec. 3313.6011. (A) As used in this section, "sexual 1699
activity" has the same meaning as in section 2907.01 of the 1700
Revised Code. 1701

(B) Instruction in venereal disease education pursuant to 1702
division(A)(5)(c) of section 3313.60 of the Revised Code shall 1703
emphasize that abstinence from sexual activity is the only 1704
protection that is one hundred per cent effective against unwanted 1705
pregnancy, sexually transmitted disease, and the sexual 1706
transmission of a virus that causes acquired immunodeficiency 1707
syndrome. 1708

(C) In adopting minimum standards under section 3301.07 of 1709
the Revised Code, the state board of education shall require 1710
course material and instruction in venereal disease education 1711
courses taught pursuant to division (A)(5)(c) of section 3313.60 1712
of the Revised Code to do all of the following: 1713

(1) Stress that students should abstain from sexual activity 1714
until after marriage; 1715

(2) Teach the potential physical, psychological, emotional, 1716
and social side effects of participating in sexual activity 1717
outside of marriage; 1718

(3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;

(4) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;

(5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;

(6) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code.

(D) Any model ~~competency-based~~ education program for health education the state board of education adopts ~~under section 3301.0716 of the Revised Code~~ shall conform to the requirements of this section.

(E) On and after ~~the effective date of this section~~ March 18, 1999, and notwithstanding section 3302.07 of the Revised Code, the superintendent of public instruction shall not approve, pursuant to section 3302.07 of the Revised Code, any waiver of any requirement of this section or of any rule adopted by the state board of education pursuant to this section.

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;

(2) The person has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised

Code on all the tests required by that division unless the person 1749
was excused from taking any such test pursuant to division (C)(1) 1750
of section 3301.0711 or section 3313.532 of the Revised Code or 1751
unless division (H) of this section applies to the person; 1752

(3) The person is not eligible to receive an honors diploma 1753
granted pursuant to division (B) of this section. 1754

Except as provided in divisions (C), (E), and (J) of this 1755
section, no diploma shall be granted under this division to anyone 1756
except as provided under this division. 1757

(B) In lieu of a diploma granted under division (A) of this 1758
section, an honors diploma shall be granted, in accordance with 1759
rules of the state board of education, by any such district board 1760
to anyone who successfully completes the curriculum in any high 1761
school or the individualized education program developed for the 1762
person by any high school pursuant to section 3323.08 of the 1763
Revised Code, who has attained at least the applicable scores 1764
designated under division (B) of section 3301.0710 of the Revised 1765
Code on all the tests required by that division, and who has met 1766
additional criteria established by the state board for the 1767
granting of such a diploma. Except as provided in divisions (C), 1768
(E), and (J) of this section, no honors diploma shall be granted 1769
to anyone failing to comply with this division and no more than 1770
one honors diploma shall be granted to any student under this 1771
division. 1772

The state board shall adopt rules prescribing the granting of 1773
honors diplomas under this division. These rules may prescribe the 1774
granting of honors diplomas that recognize a student's achievement 1775
as a whole or that recognize a student's achievement in one or 1776
more specific subjects or both. In any case, the rules shall 1777
designate two or more criteria for the granting of each type of 1778
honors diploma the board establishes under this division and the 1779
number of such criteria that must be met for the granting of that 1780

type of diploma. The number of such criteria for any type of
honors diploma shall be at least one less than the total number of
criteria designated for that type and no one or more particular
criteria shall be required of all persons who are to be granted
that type of diploma.

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(C) Any such district board administering any of the tests
required by section 3301.0710 of the Revised Code to any person
requesting to take such test pursuant to division (B)~~(5)~~(6)(b) of
section 3301.0711 of the Revised Code shall award a diploma to
such person if the person attains at least the applicable scores
designated under division (B) of section 3301.0710 of the Revised
Code on all the tests administered and if the person has
previously attained the applicable scores on all the other tests
required by division (B) of that section or has been exempted or
excused from any such test pursuant to division (H) of this
section or division (C)(1) of section 3301.0711 or section
3313.532 of the Revised Code.

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(D) Each diploma awarded under this section shall be signed
by the president and treasurer of the issuing board, the
superintendent of schools, and the principal of the high school.
Each diploma shall bear the date of its issue, be in such form as
the district board prescribes, and be paid for out of the
district's general fund.

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(E) A person who is a resident of Ohio and is eligible under
state board of education minimum standards to receive a high
school diploma based in whole or in part on credits earned while
an inmate of a correctional institution operated by the state or
any political subdivision thereof, shall be granted such diploma
by the correctional institution operating the programs in which
such credits were earned, and by the board of education of the
school district in which the inmate resided immediately prior to
the inmate's placement in the institution. The diploma granted by

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the correctional institution shall be signed by the director of
the institution, and by the person serving as principal of the
institution's high school and shall bear the date of issue.

(F) Persons who are not residents of Ohio but who are inmates
of correctional institutions operated by the state or any
political subdivision thereof, and who are eligible under state
board of education minimum standards to receive a high school
diploma based in whole or in part on credits earned while an
inmate of the correctional institution, shall be granted a diploma
by the correctional institution offering the program in which the
credits were earned. The diploma granted by the correctional
institution shall be signed by the director of the institution and
by the person serving as principal of the institution's high
school and shall bear the date of issue.

(G) The state board of education shall provide by rule for
the administration of the tests required by section 3301.0710 of
the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be
exempted from attaining the applicable score on the test in social
studies designated under division (B) of section 3301.0710 of the
Revised Code or the test in citizenship designated under former
division (B) of section 3301.0710 of the Revised Code as it
existed prior to the effective date of this amendment:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United
States;

(3) The person indicates no intention to reside in the United
States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and
division (D) of section 3311.52 of the Revised Code, this section
and section 3311.611 of the Revised Code do not apply to the board

of education of any joint vocational school district or any 1844
cooperative education school district established pursuant to 1845
divisions (A) to (C) of section 3311.52 of the Revised Code. 1846

(J) Upon receipt of a notice under division (D) of section 1847
3325.08 of the Revised Code that a student has received a diploma 1848
under that section, the board of education receiving the notice 1849
may grant a high school diploma under this section to the student, 1850
except that such board shall grant the student a diploma if the 1851
student meets the graduation requirements that the student would 1852
otherwise have had to meet to receive a diploma from the district. 1853
The diploma granted under this section shall be of the same type 1854
the notice indicates the student received under section 3325.08 of 1855
the Revised Code. 1856

(K) As used in this division, "English-limited student" has 1857
the same meaning as in division (C)(3) of section 3301.0711 of the 1858
Revised Code. 1859

Notwithstanding the exemption for English-limited students 1860
provided in division (C)(3) of section 3301.0711 of the Revised 1861
Code, no English-limited student who has not attained the 1862
applicable scores designated under division (B) of section 1863
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 1864
required by that division shall be awarded a diploma under this 1865
section. 1866

Sec. 3313.611. (A) The state board of education shall adopt, 1867
by rule, standards for awarding high school credit equivalent to 1868
credit for completion of high school academic and vocational 1869
education courses to applicants for diplomas under this section. 1870
The standards may permit high school credit to be granted to an 1871
applicant for any of the following: 1872

(1) Work experiences or experiences as a volunteer; 1873

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) The applicant has attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all of the tests required by that division or was excused or exempted from any such test pursuant to division (C)(1) of section 3301.0711, section 3313.532, or division (H) of section 3313.61 of the Revised Code;

(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation.

(C) If a district board determines that an applicant is not

eligible for a diploma under division (B) of this section, it shall inform the applicant of the reason the applicant is ineligible and shall provide a list of any courses required for the diploma for which the applicant has not received credit. An applicant may reapply for a diploma under this section at any time.

(D) If a district board awards an adult education diploma under this section, the president and treasurer of the board and the superintendent of schools shall sign it. Each diploma shall bear the date of its issuance, be in such form as the district board prescribes, and be paid for from the district's general fund, except that the state board may by rule prescribe standard language to be included on each diploma.

(E) As used in this division, "English-limited student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding the exemption for English-limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English-limited student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all ~~five proficiency~~ the tests required by that division shall be awarded a diploma under this section.

Sec. 3313.612. ~~On and after September 15, 1998, no~~ No nonpublic school chartered by the state board of education shall grant any high school diploma to any person unless the person has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division except as follows:

(A) This prohibition does not apply to any person with regard to any test from which the person was excused pursuant to division

(C)(1) of section 3301.0711 of the Revised Code; 1935

(B) This prohibition does not apply to any person with regard 1936
to the citizenship social studies test or the citizenship test 1937
under former division (B) of section 3301.0710 of the Revised Code 1938
as it existed prior to the effective date of this amendment if all 1939
of the following apply: 1940

(1) The person is not a citizen of the United States; 1941

(2) The person is not a permanent resident of the United 1942
States; 1943

(3) The person indicates no intention to reside in the United 1944
States after completion of high school. 1945

(C) As used in this division, "English-limited student" has 1946
the same meaning as in division (C)(3) of section 3301.0711 of the 1947
Revised Code. 1948

Notwithstanding the exemption for English-limited students 1949
provided in division (C)(3) of section 3301.0711 of the Revised 1950
Code, no English-limited student who has not attained the 1951
applicable scores designated under division (B) of section 1952
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 1953
required by that division shall be awarded a diploma under this 1954
section. 1955

Sec. 3313.978. (A) Annually by the first day of November, the 1956
superintendent of public instruction shall notify the pilot 1957
project school district of the number of initial scholarships that 1958
the state superintendent will be awarding in each of grades 1959
kindergarten through third. 1960

The state superintendent shall provide information about the 1961
scholarship program to all students residing in the district, 1962
shall accept applications from any such students until such date 1963
as shall be established by the state superintendent as a deadline 1964

for applications, and shall establish criteria for the selection
of students to receive scholarships from among all those applying
prior to the deadline, which criteria shall give preference to
students from low-income families. For each student selected, the
state superintendent shall also determine whether the student
qualifies for seventy-five or ninety per cent of the scholarship
amount. Students whose family income is at or above two hundred
per cent of the maximum income level established by the state
superintendent for low-income families shall qualify for
seventy-five per cent of the scholarship amount and students whose
family income is below two hundred per cent of that maximum income
level shall qualify for ninety per cent of the scholarship amount.
The state superintendent shall notify students of their selection
prior to the fifteenth day of January and whether they qualify for
seventy-five or ninety per cent of the scholarship amount.

(1) A student receiving a pilot project scholarship may
utilize it at an alternative public school by notifying the
district superintendent, at any time before the beginning of the
school year, of the name of the public school in an adjacent
school district to which the student has been accepted pursuant to
section 3327.06 of the Revised Code.

(2) A student may decide to utilize a pilot project
scholarship at a registered private school in the district if all
of the following conditions are met:

(a) By the fifteenth day of February of the preceding school
year, or at any time prior to the start of the school year, the
parent makes an application on behalf of the student to a
registered private school.

(b) The registered private school notifies the parent and the
state superintendent as follows that the student has been
admitted:

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A) of section 3313.977 of the Revised Code;

(ii) Within one week of the decision to admit the student if the student is admitted pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish. For each student awarded a grant, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the grant amount and so notify the student. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the grant amount and students whose family income is below two hundred

per cent of that maximum income level shall qualify for ninety per cent of the grant amount. 2028
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(C)(1) In the case of basic scholarships, the scholarship amount shall not exceed the lesser of the tuition charges of the alternative school the scholarship recipient attends or an amount established by the state superintendent not in excess of twenty-five hundred dollars. 2030
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(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed handicapped student and shall further increase such amount in the case of any separately educated handicapped child. Such increases shall take into account the instruction, related services, and transportation costs of educating such students. 2035
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(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount. 2041
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(4) No scholarship or tutorial assistance grant shall be awarded unless the state superintendent determines that twenty-five or ten per cent, as applicable, of the amount specified for such scholarship or grant pursuant to division (C)(1), (2), or (3) of this section will be furnished by a political subdivision, a private nonprofit or for profit entity, or another person. Only seventy-five or ninety per cent of such amounts, as applicable, shall be paid from state funds pursuant to section 3313.979 of the Revised Code. 2047
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(D)(1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent 2056
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shall make this estimate available to the general public at the 2059
offices of the district board of education together with the forms 2060
required by division (D)(2) of this section. 2061

(2) Annually by the fifteenth day of January, the chief 2062
administrator of each registered private school located in the 2063
pilot project district and the principal of each public school in 2064
such district shall complete a parental information form and 2065
forward it to the president of the board of education. The 2066
parental information form shall be prescribed by the department of 2067
education and shall provide information about the grade levels 2068
offered, the numbers of students, tuition amounts, ~~proficiency~~ 2069
~~examination~~ achievement test results, and any sectarian or other 2070
organizational affiliations. 2071

Sec. 3314.03. (A) Each contract entered into under section 2072
3314.02 of the Revised Code between a sponsor and the governing 2073
authority of a community school shall specify the following: 2074

(1) That the school shall be established as a nonprofit 2075
corporation established under Chapter 1702. of the Revised Code; 2076

(2) The education program of the school, including the 2077
school's mission, the characteristics of the students the school 2078
is expected to attract, the ages and grades of students, and the 2079
focus of the curriculum; 2080

(3) The academic goals to be achieved and the method of 2081
measurement that will be used to determine progress toward those 2082
goals, which shall include the statewide ~~proficiency~~ achievement 2083
tests; 2084

(4) Performance standards by which the success of the school 2085
will be evaluated by the sponsor; 2086

(5) The admission standards of section 3314.06 of the Revised 2087
Code; 2088

(6) Dismissal procedures;	2089
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2090 2091
(8) Requirements and procedures for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	2092 2093 2094 2095 2096 2097
(9) The facilities to be used and their locations;	2098
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	2099 2100 2101 2102 2103 2104
(11) That the school will comply with the following requirements:	2105 2106
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	2107 2108 2109
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	2110 2111 2112
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	2113 2114 2115 2116
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711,	2117 2118

3301.0714, 3313.50, 3313.643, 3313.66, 3313.661, 3313.662,
3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80,
3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, and 4113.52
and Chapters 117., 1347., 2744., 3365., 4112., 4123., 4141., and
4167. of the Revised Code as if it were a school district;

(e) The school shall comply with Chapter 102. of the Revised
Code except that nothing in that chapter shall prohibit a member
of the school's governing board from also being an employee of the
school and nothing in that chapter or section 2921.42 of the
Revised Code shall prohibit a member of the school's governing
board from having an interest in a contract into which the
governing board enters;

(f) The school will comply with sections 3313.61 and 3313.611
of the Revised Code, except that the requirement in those sections
that a person must successfully complete the curriculum in any
high school prior to receiving a high school diploma may be met by
completing the curriculum adopted by the governing authority of
the community school rather than the curriculum specified in Title
XXXIII of the Revised Code or any rules of the state board of
education;

(g) The school governing authority will submit an annual
report of its activities and progress in meeting the goals and
standards of divisions (A)(3) and (4) of this section and its
financial status to the sponsor, the parents of all students
enrolled in the school, and the legislative office of education
oversight. The school will collect and provide any data that the
legislative office of education oversight requests in furtherance
of any study or research that the general assembly requires the
office to conduct, including the studies required under Section
50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and
Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general
assembly, as amended.

- (12) Arrangements for providing health and other benefits to employees; 2151
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- (13) The length of the contract, which shall begin at the beginning of an academic year and shall not exceed five years; 2153
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- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 2155
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- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of disadvantaged pupil impact aid calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code. 2157
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 2169
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- (17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 2172
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2180
- (18) Provisions establishing procedures for resolving 2181

disputes or differences of opinion between the sponsor and the governing authority of the community school;	2182 2183
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in section 3314.06 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	2184 2185 2186 2187 2188 2189
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	2190 2191
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	2192 2193
(c) Permit the enrollment of students who reside in any other district in the state.	2194 2195
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	2196 2197 2198
(1) The process by which the governing authority of the school will be selected in the future;	2199 2200
(2) The management and administration of the school;	2201
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	2202 2203 2204 2205
(4) The instructional program and educational philosophy of the school;	2206 2207
(5) Internal financial controls.	2208
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a	2209 2210

community school may provide for the community school governing 2211
authority to make payments to the sponsor, which is hereby 2212
authorized to receive such payments as set forth in the contract 2213
between the governing authority and the sponsor. 2214

Sec. 3317.012. (A) The general assembly, having analyzed 2215
school district expenditure and cost data for fiscal year 1996, 2216
performed the calculation described in division (B) of this 2217
section, and adjusted the results for inflation, hereby determines 2218
that the base cost of an adequate education per pupil for the 2219
fiscal year beginning July 1, 1998, is \$4,063. For the five 2220
following fiscal years, the base cost per pupil for each of those 2221
years, reflecting an annual rate of inflation of two and 2222
eight-tenths per cent, is \$4,177 for fiscal year 2000, \$4,294 for 2223
fiscal year 2001, \$4,414 for fiscal year 2002, \$4,538 for fiscal 2224
year 2003, and \$4,665 for fiscal year 2004. 2225

(B) In determining the base cost stated in division (A) of 2226
this section, capital and debt costs, costs paid for by federal 2227
funds, and costs covered by funds provided pursuant to sections 2228
3317.023 and 3317.024 of the Revised Code as they existed prior to 2229
July 1, 1998, for disadvantaged pupil impact aid and 2230
transportation were excluded, as were the effects on the 2231
districts' state funds of the application of the 2232
cost-of-doing-business factors, assuming an eighteen per cent 2233
variance. 2234

The base cost for fiscal year 1996 was calculated as the 2235
unweighted average cost per student, on a school district basis, 2236
of educating students who were not receiving vocational education 2237
or services pursuant to Chapter 3323. of the Revised Code and who 2238
were enrolled in a city, exempted village, or local school 2239
district that in fiscal year 1994 met all of the following 2240
criteria: 2241

(1) The district met at least all but one of the following performance standards <u>indicators</u> :	2242
	2243
(a) A three per cent or lower dropout rate;	2244
(b) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2245
	2246
	2247
(c) At least seventy-five per cent of fourth graders proficient on the reading test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2248
	2249
	2250
(d) At least seventy-five per cent of fourth graders proficient on the writing test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2251
	2252
	2253
(e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2254
	2255
	2256
(f) At least seventy-five per cent of ninth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2257
	2258
	2259
(g) At least seventy-five per cent of ninth graders proficient on the reading test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2260
	2261
	2262
(h) At least seventy-five per cent of ninth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2263
	2264
	2265
(i) At least seventy-five per cent of ninth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2266
	2267
	2268
(j) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2269
	2270
	2271

(k) At least eighty-five per cent of tenth graders proficient on the reading test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2272 2273 2274
(l) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2275 2276 2277
(m) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2278 2279 2280
(n) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2281 2282 2283
(o) At least sixty per cent of twelfth graders proficient on the reading test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2284 2285 2286
(p) At least sixty per cent of twelfth graders proficient on the writing test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2287 2288 2289
(q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2290 2291 2292
(r) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.	2293 2294
(2) The district was not among the ten per cent of all districts with the highest income factors, as defined in section 3317.02 of the Revised Code, nor among the ten per cent of all districts with the lowest income factors.	2295 2296 2297 2298
(3) The district was not among the five per cent of all districts with the highest valuation per pupil in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it	2299 2300 2301

existed prior to July 1, 1998, nor among the five per cent of all districts with the lowest valuation per pupil.

(C) In July of 2000, and in July of every six years thereafter, the speaker of the house of representatives and the president of the senate shall each appoint three members to a committee to reexamine the cost of an adequate education. No more than two members from any political party shall represent each house. The director of budget and management and the superintendent of public instruction shall serve as nonvoting ex officio members of the committee.

The committee shall select a rational methodology for calculating the costs of an adequate education system for the ensuing six-year period, and shall report the methodology and the resulting costs to the general assembly. In performing its function, the committee is not bound by any method used by previous general assemblies to examine and calculate costs and instead may utilize any rational method it deems suitable and reasonable given the educational needs and requirements of the state at that time.

The methodology for determining the cost of an adequate education system shall take into account the basic educational costs that all districts incur in educating regular students, the unique needs of special categories of students, and significant special conditions encountered by certain classifications of school districts.

Any committee appointed pursuant to this section shall make its report to the office of budget and management and the general assembly within six months of its appointment so that the information is available for use by the office and the general assembly in preparing the next biennial appropriations act.

Sec. 3317.029. (A) As used in this section:

(1) "DPIA percentage" means the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving family assistance, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.

(2) "Family assistance" means assistance received under the Ohio works first program or, for the purpose of determining the five-year average number of recipients of family assistance in fiscal years 1999 through 2002, assistance received under an antecedent program known as TANF or ADC.

(3) "Statewide DPIA percentage" means the five-year average of the total number of children ages five to seventeen years residing in the state and receiving family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state.

(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage.

(5) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten.

(6) "Kindergarten through third grade ADM" means the amount calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;

(b) Add the number of students in grades one through three;

(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.

(7) "Statewide average teacher salary" means forty thousand 2363
one hundred eighty-seven dollars in fiscal year 2000, and 2364
forty-one thousand three hundred twelve dollars in fiscal year 2365
2001, which includes an amount for the value of fringe benefits. 2366

(8) "All-day kindergarten" means a kindergarten class that is 2367
in session five days per week for not less than the same number of 2368
clock hours each day as for pupils in grades one through six. 2369

(9) "All-day kindergarten percentage" means the percentage of 2370
a district's actual total number of students enrolled in 2371
kindergarten who are enrolled in all-day kindergarten. 2372

(10) "Buildings with the highest concentration of need" means 2373
the school buildings in a district with percentages of students 2374
receiving family assistance in grades kindergarten through three 2375
at least as high as the district-wide percentage of students 2376
receiving family assistance. If, however, the information provided 2377
by the department of job and family services under section 3317.10 2378
of the Revised Code is insufficient to determine the family 2379
assistance percentage in each building, "buildings with the 2380
highest concentration of need" has the meaning given in rules that 2381
the department of education shall adopt. The rules shall base the 2382
definition of "buildings with the highest concentration of need" 2383
on family income of students in grades kindergarten through three 2384
in a manner that, to the extent possible with available data, 2385
approximates the intent of this division and division (G) of this 2386
section to designate buildings where the family assistance 2387
percentage in those grades equals or exceeds the district-wide 2388
family assistance percentage. 2389

(B) In addition to the amounts required to be paid to a 2390
school district under section 3317.022 of the Revised Code, a 2391
school district shall receive the greater of the amount the 2392
district received in fiscal year 1998 pursuant to division (B) of 2393
section 3317.023 of the Revised Code as it existed at that time or 2394

the sum of the computations made under divisions (C) to (E) of 2395
this section. 2396

(C) A supplemental payment that may be utilized for measures 2397
related to safety and security and for remediation or similar 2398
programs, calculated as follows: 2399

(1) If the DPIA index of the school district is greater than 2400
or equal to thirty-five-hundredths, but less than one, an amount 2401
obtained by multiplying the five-year average number of pupils in 2402
a district receiving family assistance by two hundred thirty 2403
dollars; 2404

(2) If the DPIA index of the school district is greater than 2405
or equal to one, an amount obtained by multiplying the DPIA index 2406
by two hundred thirty dollars and multiplying that product by the 2407
five-year average number of pupils in a district receiving family 2408
assistance. 2409

(D) A payment for all-day kindergarten if the DPIA index of 2410
the school district is greater than or equal to one or if the 2411
district's three-year average formula ADM exceeded seventeen 2412
thousand five hundred, calculated by multiplying the all-day 2413
kindergarten percentage by the kindergarten ADM and multiplying 2414
that product by the formula amount. 2415

(E) A class-size reduction payment based on calculating the 2416
number of new teachers necessary to achieve a lower 2417
student-teacher ratio, as follows: 2418

(1) Determine or calculate a formula number of teachers per 2419
one thousand students based on the DPIA index of the school 2420
district as follows: 2421

(a) If the DPIA index of the school district is less than 2422
six-tenths, the formula number of teachers is 43.478, which is the 2423
number of teachers per one thousand students at a student-teacher 2424
ratio of twenty-three to one; 2425

(b) If the DPIA index of the school district is greater than 2426
or equal to six-tenths, but less than two and one-half, the 2427
formula number of teachers is calculated as follows: 2428

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 2429$$

Where 43.478 is the number of teachers per one thousand 2430
students at a student-teacher ratio of twenty-three to one; 1.9 is 2431
the interval from a DPIA index of six-tenths to a DPIA index of 2432
two and one-half; and 23.188 is the difference in the number of 2433
teachers per one thousand students at a student-teacher ratio of 2434
fifteen to one and the number of teachers per one thousand 2435
students at a student-teacher ratio of twenty-three to one. 2436

(c) If the DPIA index of the school district is greater than 2437
or equal to two and one-half, the formula number of teachers is 2438
66.667, which is the number of teachers per one thousand students 2439
at a student-teacher ratio of fifteen to one. 2440

(2) Multiply the formula number of teachers determined or 2441
calculated in division (E)(1) of this section by the kindergarten 2442
through third grade ADM for the district and divide that product 2443
by one thousand; 2444

(3) Calculate the number of new teachers as follows: 2445

(a) Multiply the kindergarten through third grade ADM by 2446
43.478, which is the number of teachers per one thousand students 2447
at a student-teacher ratio of twenty-three to one, and divide that 2448
product by one thousand; 2449

(b) Subtract the quotient obtained in division (E)(3)(a) of 2450
this section from the product in division (E)(2) of this section. 2451

(4) Multiply the greater of the difference obtained under 2452
division (E)(3) of this section or zero by the statewide average 2453
teachers salary. 2454

(F) This division applies only to school districts whose DPIA 2455

index is one or greater. 2456

(1) Each school district subject to this division shall first 2457
utilize funds received under this section so that, when combined 2458
with other funds of the district, sufficient funds exist to 2459
provide all-day kindergarten to at least the number of children in 2460
the district's all-day kindergarten percentage. 2461

(2) Up to an amount equal to the district's DPIA index 2462
multiplied by the five-year average number of pupils in a district 2463
receiving family assistance multiplied by two hundred thirty 2464
dollars of the money distributed under this section may be 2465
utilized for one or both of the following: 2466

(a) Programs designed to ensure that schools are free of 2467
drugs and violence and have a disciplined environment conducive to 2468
learning; 2469

(b) Remediation for students who have failed or are in danger 2470
of failing any of the ~~proficiency~~ tests administered pursuant to 2471
section 3301.0710 of the Revised Code. 2472

(3) Except as otherwise required by division (G) or permitted 2473
under division (K) of this section, all other funds distributed 2474
under this section to districts subject to this division shall be 2475
utilized for the purpose of the third grade guarantee. The third 2476
grade guarantee consists of increasing the amount of instructional 2477
attention received per pupil in kindergarten through third grade, 2478
either by reducing the ratio of students to instructional 2479
personnel or by increasing the amount of instruction and 2480
curriculum-related activities by extending the length of the 2481
school day or the school year. 2482

School districts may implement a reduction of the ratio of 2483
students to instructional personnel through any or all of the 2484
following methods: 2485

(a) Reducing the number of students in a classroom taught by 2486

a single teacher;	2487
(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;	2488 2489 2490
(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.	2491 2492
Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.	2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507
Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.	2508 2509 2510
(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require	2511 2512 2513 2514 2515 2516 2517

that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (F)(3) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(H)(1) By the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its all-day kindergarten percentage. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 of the Revised Code and after consultation with the legislative office of education oversight, shall determine for each school district subject to division (F) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all-day kindergarten, given the funds the district has received under this section and that class-size reduction funds are being used in school buildings with the highest concentration of need as required by division (G) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required

by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education.

(I) Any school district with a DPIA index less than one and a three-year average formula ADM exceeding seventeen thousand five hundred shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. Such a district shall expend at least seventy per cent of the remaining funds received under this section, and any other district with a DPIA index less than one shall expend at least seventy per cent of all funds received under this section, for any of the following purposes:

- (1) The purchase of technology for instructional purposes;
- (2) All-day kindergarten;
- (3) Reduction of class sizes;
- (4) Summer school remediation;
- (5) Dropout prevention programs;
- (6) Guaranteeing that all third graders are ready to progress to more advanced work;
- (7) Summer education and work programs;
- (8) Adolescent pregnancy programs;
- (9) Head start or preschool programs;
- (10) Reading improvement programs described by the department of education;
- (11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to

learning; 2579

(12) Furnishing, free of charge, materials used in courses of 2580
instruction, except for the necessary textbooks or electronic 2581
textbooks required to be furnished without charge pursuant to 2582
section 3329.06 of the Revised Code, to pupils living in families 2583
participating in Ohio works first in accordance with section 2584
3313.642 of the Revised Code; 2585

(13) School breakfasts provided pursuant to section 3313.813 2586
of the Revised Code. 2587

Each district shall submit to the department, in such format 2588
and at such time as the department shall specify, a report on the 2589
programs for which it expended funds under this division. 2590

(J) If at any time the superintendent of public instruction 2591
determines that a school district receiving funds under division 2592
(D) of this section has enrolled less than the all-day 2593
kindergarten percentage reported for that fiscal year, the 2594
superintendent shall withhold from the funds otherwise due the 2595
district under this section a proportional amount as determined by 2596
the difference in the certified all-day kindergarten percentage 2597
and the percentage actually enrolled in all-day kindergarten. 2598

The superintendent shall also withhold an appropriate amount 2599
of funds otherwise due a district for any other misuse of funds 2600
not in accordance with this section. 2601

(K)(1) A district may use a portion of the funds calculated 2602
for it under division (D) of this section to modify or purchase 2603
classroom space to provide all-day kindergarten, if both of the 2604
following conditions are met: 2605

(a) The district certifies to the department, in a manner 2606
acceptable to the department, that it has a shortage of space for 2607
providing all-day kindergarten. 2608

(b) The district provides all-day kindergarten to the number 2609
of children in the all-day kindergarten percentage it certified 2610
under this section. 2611

(2) A district may use a portion of the funds described in 2612
division (F)(3) of this section to modify or purchase classroom 2613
space to enable it to further reduce class size in grades 2614
kindergarten through two with a goal of attaining class sizes of 2615
fifteen students per licensed teacher. To do so, the district must 2616
certify its need for additional space to the department, in a 2617
manner satisfactory to the department. 2618

Sec. 3319.19. (A) Upon request, the board of county 2619
commissioners shall provide and equip offices in the county for 2620
the use of the superintendent of an educational service center, 2621
and shall provide heat, light, water, and janitorial services for 2622
such offices. Such offices shall be the permanent headquarters of 2623
the superintendent and shall be used by the governing board of the 2624
service center when it is in session. Except as provided in 2625
division (B) of this section, such offices shall be located in the 2626
county seat or, upon the approval of the governing board, may be 2627
located outside of the county seat. 2628

(B) In the case of a service center formed under section 2629
3311.053 of the Revised Code, the governing board shall designate 2630
the site of its offices. The board of county commissioners of the 2631
county in which the designated site is located shall provide and 2632
equip the offices as under division (A) of this section, but the 2633
costs of such offices and equipment not covered by funds received 2634
under section 307.031 of the Revised Code shall be apportioned 2635
among the boards of county commissioners of all counties having 2636
any territory in the area under the control of the governing 2637
board, according to the proportion of pupils under the supervision 2638
of such board residing in the respective counties. Where there is 2639

a dispute as to the amount any board of county commissioners is 2640
required to pay, the probate judge of the county in which the 2641
greatest number of pupils under the supervision of the governing 2642
board reside shall apportion such costs among the boards of county 2643
commissioners and notify each such board of its share of the 2644
costs. 2645

(C) By the first day of March of each year, the 2646
superintendent of public instruction shall certify to the tax 2647
commissioner the ADM and the number of full-time licensed 2648
employees of each educational service center for the purposes of 2649
the distribution of funds to boards of county commissioners 2650
required under division (B) of section 307.031 of the Revised 2651
Code. As used in this section, "ADM" means the formula ADMs of all 2652
the local districts having territory in the service center, as 2653
certified in October of the previous year by the service center 2654
superintendent to the state board of education under section 2655
3317.03 of the Revised Code. As used in this division, "licensed 2656
employee" has the same meaning as in section 307.031 of the 2657
Revised Code. 2658

(D) The superintendent of a service center may annually 2659
submit a proposal approved by the board of county commissioners to 2660
the state superintendent of public instruction, in such manner and 2661
by such date as specified by the state board of education, for a 2662
grant for the board of county commissioners to do one of the 2663
following: 2664

(1) To improve or enhance the offices and equipment provided 2665
under division (A) or (B) of this section or section ~~3301.0712~~ 2666
3301.0718 of the Revised Code; 2667

(2) If funds received under division (B) of section 307.031 2668
of the Revised Code are insufficient to provide for the actual 2669
cost of meeting the requirements of division (A) or (B) of this 2670
section ~~3319.19~~ and division (A)(2) of section ~~3301.0712~~ 3301.0718 2671

of the Revised Code, to provide funds to meet such costs. 2672

Any service center superintendent intending to submit a 2673
proposal shall submit it to the board of county commissioners that 2674
provides and equips the office of the superintendent for approval 2675
at least twenty days before the date of submission to the 2676
superintendent of public instruction. The superintendent of public 2677
instruction shall evaluate the proposals and select those that 2678
will most benefit the local districts supervised by the governing 2679
boards under standards adopted by the state board. For each 2680
proposal selected for a grant, the superintendent of public 2681
instruction shall determine the grant amount and, with the 2682
approval of the superintendent and the board of county 2683
commissioners, may modify a grant proposal to reflect the amount 2684
of money available for the grant. The superintendent of public 2685
instruction shall notify the board of county commissioners and the 2686
tax commissioner of the selection of the proposal as submitted or 2687
modified and the amount of the grant. If, pursuant to division (C) 2688
of section 307.031 of the Revised Code, the board of county 2689
commissioners accepts the proposal and grant, it shall expend the 2690
funds as specified in the grant proposal. If the board of county 2691
commissioners rejects the proposal and grant, the superintendent 2692
of public instruction may select another proposal from among the 2693
district proposals that initially failed to be selected for a 2694
grant. 2695

The state board of education shall adopt rules to implement 2696
the requirements of this section. 2697

Sec. 3321.041. If any school district requires as part of its 2698
educational program that specified students attend school at times 2699
beyond the normal school day, school week, or school year for the 2700
purpose of providing those students with intervention services 2701
under section 3301.0711, 3301.0715, or 3313.608 of the Revised 2702
Code, the parent of any student who is of compulsory school age 2703

and who under the district's specifications is required to attend 2704
school at such times for intervention services shall send the 2705
student to school at those times. The additional times that the 2706
district requires the student to attend school for intervention 2707
services shall be considered part of the student's and the 2708
student's parent's respective obligations under this chapter. 2709

Sec. 3321.38. (A) No parent, guardian, or other person having 2710
care of a child of compulsory school age shall violate any 2711
provision of section 3321.01, 3321.03, 3321.04, 3321.041, 3321.07, 2712
3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The 2713
juvenile court, which has exclusive original jurisdiction over any 2714
violation of this section pursuant to section 2151.23 of the 2715
Revised Code, may require a person convicted of violating this 2716
division to give bond in a sum of not more than five hundred 2717
dollars with sureties to the approval of the court, conditioned 2718
that the person will cause the child under the person's charge to 2719
attend upon instruction as provided by law, and remain as a pupil 2720
in the school or class during the term prescribed by law. If the 2721
juvenile court adjudicates the child as an unruly or delinquent 2722
child for being an habitual or chronic truant pursuant to section 2723
2151.35 of the Revised Code, the court shall warn the parent, 2724
guardian, or other person having care of the child that any 2725
subsequent adjudication of that nature involving the child may 2726
result in a criminal charge against the parent, guardian, or other 2727
person having care of the child for a violation of division (C) of 2728
section 2919.21 or section 2919.24 of the Revised Code. 2729

(B) This section does not relieve from prosecution and 2730
conviction any parent, guardian, or other person upon further 2731
violation of any provision in any of the sections specified in 2732
division (A) of this section, any provision of section 2919.222 or 2733
2919.24 of the Revised Code, or division (C) of section 2919.21 of 2734
the Revised Code. A forfeiture of the bond shall not relieve that 2735

parent, guardian, or other person from prosecution and conviction 2736
upon further violation of any provision in any of those sections 2737
or that division. 2738

(C) Section 4109.13 of the Revised Code applies to this 2739
section. 2740

Sec. 3324.02. (A) The department of education shall construct 2741
lists of existing assessment instruments it approves for use by 2742
school districts, including any diagnostic assessment developed in 2743
accordance with section 3301.079 of the Revised Code, and may 2744
include on the lists and make available to school districts 2745
additional assessment instruments developed by the department. 2746
Wherever possible, the department shall approve assessment 2747
instruments that utilize nationally recognized standards for 2748
scoring or are nationally normed. The lists of instruments shall 2749
include: 2750

(1) Initial screening instruments for use in selecting 2751
potentially gifted students for further assessment; 2752

(2) Instruments for identifying gifted students under section 2753
3324.03 of the Revised Code. 2754

(B) The department, under Chapter 119. of the Revised Code, 2755
shall also adopt rules for the administration of any tests or 2756
assessment instruments it approves on the list required by 2757
division (A) of this section and for establishing the scores or 2758
performance levels required under section 3324.03 of the Revised 2759
Code. 2760

(C) The department shall ensure that the approved list of 2761
assessment instruments under this section includes instruments 2762
that allow for appropriate screening and identification of gifted 2763
minority and disadvantaged students, children with disabilities, 2764
and students for whom English is a second language. 2765

(D) Districts shall select screening and identification instruments from the approved lists for inclusion in their district policies. Districts may use any diagnostic assessment developed by the department under section 3301.079 of the Revised Code to identify gifted students in accordance with directions for such use provided by the department.

(E) The department shall make initial lists of approved assessment instruments and the rules for the administration of the instruments available by September 1, 1999.

Sec. 3324.03. The board of education of each school district shall identify gifted students in grades kindergarten through twelve as follows:

(A) A student shall be identified as exhibiting "superior cognitive ability" if the student did either of the following within the preceding twenty-four months:

(1) Scored two standard deviations above the mean, minus the standard error of measurement, on an approved individual standardized intelligence test administered by a licensed psychologist;

(2) Accomplished any one of the following:

(a) Scored at least two standard deviations above the mean, minus the standard error of measurement, on an approved standardized group intelligence test;

(b) Performed at or above the ninety-fifth percentile on an approved individual or group standardized basic or composite battery of a nationally normed achievement test;

(c) Attained an approved score on one or more above-grade level standardized, nationally normed approved tests;

(d) Attained the appropriate results established by the

department of education on the applicable group of diagnostic 2795
assessments in accordance with rules adopted under section 2796
3301.0715 of the Revised Code. 2797

(B) A student shall be identified as exhibiting "specific 2798
academic ability" superior to that of children of similar age in a 2799
specific academic ability field if the student did either of the 2800
following within the preceding twenty-four months ~~the student~~ 2801
~~performs:~~ 2802

(1) Performed at or above the ninety-fifth percentile at the 2803
national level on an approved individual or group standardized 2804
achievement test of specific academic ability in that field; 2805

(2) Attained the appropriate results established by the 2806
department on any of the applicable diagnostic assessments 2807
established under section 3301.0715 of the Revised Code. A 2808

A student may be identified as gifted in more than one 2809
specific academic ability field. 2810

(C) A student shall be identified as exhibiting "creative 2811
thinking ability" superior to children of a similar age, if within 2812
the previous twenty-four months, the student scored one standard 2813
deviation above the mean, minus the standard error of measurement, 2814
on an approved individual or group intelligence test and also did 2815
either of the following: 2816

(1) Attained a sufficient score, as established by the 2817
department of education, on an approved individual or group test 2818
of creative ability; 2819

(2) Exhibited sufficient performance, as established by the 2820
department of education, on an approved checklist of creative 2821
behaviors. 2822

(D) A student shall be identified as exhibiting "visual or 2823
performing arts ability" superior to that of children of similar 2824

age if the student has done both of the following: 2825

(1) Demonstrated through a display of work, an audition, or 2826
other performance or exhibition, superior ability in a visual or 2827
performing arts area; 2828

(2) Exhibited sufficient performance, as established by the 2829
department of education, on an approved checklist of behaviors 2830
related to a specific arts area. 2831

Sec. 3365.15. ~~No~~ This section does not apply to students 2832
enrolled in twelfth grade after July 1, 2001. 2833

No later than July 1, 1999, the board of regents shall adopt 2834
rules under which it shall award at least a five-hundred dollar 2835
scholarship to each student who both: 2836

(A) After July 1, 1998, and while the student attends twelfth 2837
grade, attains on all five tests at least the ~~applicable~~ scores 2838
designated under former division (A)(3) of section 3301.0710 of 2839
the Revised Code ~~on all five tests prescribed under that division;~~ 2840
2841

(B) Submits to the board of regents, in the form and manner 2842
and by any deadline prescribed by the rules, evidence of having 2843
enrolled in a state-assisted college or university, a nonprofit 2844
institution holding a certificate of authorization pursuant to 2845
Chapter 1713. of the Revised Code, or an institution registered by 2846
the state board of proprietary school registration that has 2847
program authorization to award an associate or bachelor's degree. 2848

The board of regents shall pay each scholarship awarded under 2849
this section to the student. It may be used to defray any 2850
educational expenses. 2851

Section 2. That existing sections 307.031, 3301.07, 3301.079, 2852
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0717, 3301.801, 2853

3301.91, 3302.02, 3302.03, 3302.04, 3313.60, 3313.608, 3313.6011, 2854
3313.61, 3313.611, 3313.612, 3313.978, 3314.03, 3317.012, 2855
3317.029, 3319.19, 3321.38, 3324.02, 3324.03, and 3365.15 and 2856
sections 3301.0715 and 3301.0716 of the Revised Code are hereby 2857
repealed. 2858

Section 3. That section 3313.608 of the Revised Code be 2859
amended to read as follows: 2860

Sec. 3313.608. ~~This section does not apply to students who 2861
enter the fourth grade after July 1, 2003. 2862~~

~~(A) For each school year prior to July 1, 2004, for the test 2863
to measure skill in reading prescribed by former division (A)(1) 2864
of section 3301.0710 of the Revised Code, the state board of 2865
education shall establish at least four ranges of scores to 2866
measure the following levels of skill: 2867~~

~~(1) An advanced level of skill; 2868~~

~~(2) A proficient level of skill; 2869~~

~~(3) A basic level of skill; 2870~~

~~(4) A below basic level of skill. 2871~~

~~(B) Beginning with students who enter fourth third grade in 2872
the school year that starts July 1, ~~2001~~ 2003, for any student who 2873
attains a score in the range designated under division 2874
(A)~~(4)~~(2)~~(d)~~ of this section 3301.0710 of the Revised Code on such 2875
reading the test prescribed under that section to measure skill in 2876
reading expected at the end of third grade, each school district, 2877
in accordance with the policy adopted under section 3313.609 of 2878
the Revised Code, shall do one of the following: 2879~~

~~(1) Promote the student to fifth fourth grade if the 2880
student's principal and reading teacher agree that other 2881
evaluations of the student's skill in reading demonstrate that the 2882~~

student is academically prepared to be promoted to ~~fifth~~ fourth grade; 2883
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(2) Promote the student to ~~fifth~~ fourth grade but provide the student with intensive intervention services in ~~fifth~~ fourth grade; 2885
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(3) Retain the student in ~~fourth~~ third grade. 2888

This section does not apply to any student excused from taking such test under division (C)(1) of section 3301.0711 of the Revised Code. 2889
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~~(C)~~(B)(1) To assist students in meeting this ~~fourth~~ third grade guarantee established by this section, each school district shall adopt policies and procedures with which it shall annually assess the reading skills of each student at the end of first, and ~~second, and third~~ grade and identify students who are reading below their grade level. If the diagnostic assessment to measure reading ability for the appropriate grade level has been developed in accordance with division (D)(1) of section 3301.079 of the Revised Code, each school district shall use such diagnostic assessment to identify such students, except that any district declared a "high-performing district" under division (E) of section 3301.0715 of the Revised Code may use another assessment to identify such students. The ~~policy~~ policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student whose reading skills are below grade level and, in accordance with division ~~(D)~~(C) of this section, provide intervention services to each student reading below grade level. 2892
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~~(2) For each student identified as reading below grade level at the end of third grade, the district shall offer intense remediation services during the summer following third grade.~~ 2911
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~~(3)~~ For each student entering ~~fourth~~ third grade after July 1, ~~2001~~ 2003, who does not attain by the end of the ~~fourth~~ third grade at least a score in the range designated under division (A)(2)(b) of ~~this~~ section 3301.0710 of the Revised Code on the test prescribed under that section to measure skill in reading expected at the end of third grade, the district also shall offer intense remediation services, and another opportunity to take that test, during the summer following ~~fourth~~ third grade.

~~(D)~~(C) For each student required to be offered remediation services under this section, the district shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

~~(E)~~ ~~In addition to the remediation requirements of division (C) of this section, every city, exempted village, or local school district shall offer summer remediation to any student who has failed to attain the designated scores indicating proficiency on three or more of the five tests described by former division (A)(1) or (2) of section 3301.0710 of the Revised Code.~~

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

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

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

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

(4) The services are conducted in a school building or

community center and not on an at-home basis. 2945

(E) In addition to the dates designated under division (C)(1) 2946
of section 3301.0710 of the Revised Code for the administration of 2947
the test prescribed under that section to measure skill in reading 2948
expected at the end of third grade, the state board of education 2949
shall annually designate dates on which such test shall be 2950
administered to students in the fourth and fifth grades who have 2951
not attained at least a score in the range designated under 2952
division (A)(2)(b) of section 3301.0710 of the Revised Code as 2953
follows: 2954

(1) One date prior to the thirty-first day of December each 2955
school year for fourth grade students; 2956

(2) One date that is not earlier than Monday of the week 2957
containing the fifteenth day of March each school year for fourth 2958
and fifth grade students; 2959

(3) One date during the summer for fourth grade students. 2960

(F) If any fourth grade student attains a score in the range 2961
designated under division (A)(2)(d) of section 3301.0710 of the 2962
Revised Code, on the test administered under division (E)(3) of 2963
this section, the school district, in accordance with the district 2964
policy adopted under section 3313.609 of the Revised Code, shall 2965
do one of the following: 2966

(1) Promote the student to fifth grade if the student's 2967
principal and reading teacher agree that other evaluations of the 2968
student's skill in reading demonstrate that the student is 2969
academically prepared to be promoted to fifth grade; 2970

(2) Promote the student to fifth grade but provide the 2971
student with intensive intervention services in fifth grade; 2972

(3) Retain the student in fourth grade. 2973

Section 4. That existing section 3313.608 of the Revised Code 2974
is hereby repealed. 2975

Section 5. Sections 3 and 4 of this act shall take effect 2976
July 1, 2003. 2977

Section 6. That Section 4 of Am. Sub. S.B. 55 of the 122nd 2978
General Assembly is hereby repealed. 2979

Section 7. Not later than July 1, 2001, pursuant to section 2980
3301.079 of the Revised Code, as enacted by this act, the State 2981
Board of Education shall develop statewide academic standards for 2982
grade three in reading and for grade ten in reading, writing, and 2983
mathematics. 2984

Section 8. Notwithstanding division (E)(2) of section 2985
3301.079 of the Revised Code, as enacted by this act, in the 2986
school year beginning July 1, 2002, the high school achievement 2987
tests in reading, writing, and mathematics required under division 2988
(B) of section 3301.0710 of the Revised Code, as amended by this 2989
act, shall replace, for students enrolled in tenth grade after 2990
that date, the high school proficiency tests in reading, writing, 2991
and mathematics required under former division (B) of section 2992
3301.0710 of the Revised Code, as it existed prior to the 2993
effective date of this act. 2994

Section 9. (A) Notwithstanding sections 3301.0710 and 2995
3301.0711 of the Revised Code, as amended by Am. Sub. S.B. 55 of 2996
the 122nd General Assembly and as further amended by this act, the 2997
State Board of Education shall continue to prescribe and school 2998
districts shall continue to administer, through the school year 2999
that begins July 1, 2003, ninth grade proficiency tests as they 3000
were required by those sections prior to the effective date of Am. 3001

Sub. S.B. 55 of the 122nd General Assembly to all students who 3002
entered the ninth grade prior to July 1, 2001. 3003

Any student subject to the phase-in provisions of this 3004
division is exempt from the requirement to take any tenth grade 3005
achievement test if any are administered to the student's grade 3006
level. Any such student, and any former student, who passes all 3007
parts of the ninth grade proficiency tests prior to September 15, 3008
2004, may receive a diploma based on the passage of such ninth 3009
grade tests. Thereafter, except as provided in division (B) of 3010
this section, any such student must pass the tenth grade 3011
achievement tests to receive a diploma. 3012

(B) In addition, ninth grade proficiency tests in science and 3013
citizenship shall continue to be prescribed and administered to 3014
all students who enter the tenth grade prior to the second year 3015
following the year of completion of the model curriculum for tenth 3016
grade science and social studies as required by section 3301.079 3017
of the Revised Code, as enacted by this act, and shall continue to 3018
be administered to those students through the fourth year 3019
following the year of completion of such model curriculum. 3020

Any such student, and any former student, who passes the 3021
ninth grade proficiency test in science or citizenship prior to 3022
the fifth year after the year of completion of the model 3023
curriculum for tenth grade science and social studies may receive 3024
a diploma based upon passage of such applicable ninth grade tests 3025
and the concurrently required tenth grade tests in reading, 3026
writing, and mathematics. Thereafter, any such student must pass 3027
the tenth grade tests in science and social studies to receive a 3028
diploma. 3029

Section 10. Notwithstanding section 3301.0712 of the Revised 3030
Code, as enacted by this act, in the school year beginning July 1, 3031
2003, the Department of Education and each school district shall 3032

administer the test to measure skill in reading required under 3033
former division (A)(1) of section 3301.0710 of the Revised Code, 3034
as it existed prior to the effective date of this act, to all 3035
students enrolled in the fourth grade. The Department and each 3036
school district shall also administer the test to measure skill in 3037
reading required under division (A)(1)(a) of section 3301.0710 of 3038
the Revised Code, as amended by this act, to all students enrolled 3039
in the third grade. 3040

Any fourth grade student subject to this section shall also 3041
be subject to the version of section 3313.608 of the Revised Code 3042
in effect prior to July 1, 2003. 3043

Section 11. Until such time as the state board of education 3044
adopts a new rule holding school districts responsible for 3045
individual school buildings within the district pursuant to 3046
section 3302.04 of the Revised Code, as amended by this act, the 3047
rules adopted under that section in effect on the effective date 3048
of this act shall be deemed to apply to school districts with 3049
respect to their individual buildings as well as to the school 3050
districts as entire entities. 3051

Section 12. The amendment of section 3301.91 of the Revised 3052
Code is not intended to supersede the earlier repeal, with delayed 3053
effective date, of that section. 3054

Section 13. Section 3314.03 of the Revised Code is presented 3055
in this act as a composite of the section as amended by both Am. 3056
Sub. H.B. 121 and Am. Sub. H.B. 282 of the 123rd General Assembly. 3057
This is in recognition of the principle stated in division (B) of 3058
section 1.52 of the Revised Code that such amendments are to be 3059
harmonized where not substantively irreconcilable and constitutes 3060
a legislative finding that such is the resulting version in effect 3061
prior to the effective date of this act. 3062