

**As Passed by the House**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. Sub. S. B. No. 1**

**SENATORS Robert Gardner, Randy Gardner, Harris, Prentiss, Mumper,**

**Carnes, White, Espy, Spada, Brady, Armbruster**

**REPRESENTATIVES Callender, Clancy, Cates, Hoops**

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**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, 3302.05, 3313.532, 3  
3313.60, 3313.603, 3313.608, 3313.6011, 3313.61, 4  
3313.611, 3313.612, 3313.978, 3314.03, 3314.20, 5  
3317.012, 3317.029, 3319.19, 3324.03, 3325.08, and 6  
3365.15; to amend, for the purpose of adopting new 7  
section numbers as indicated in parentheses, 8  
sections 3301.079 (3301.078) and 3301.0712 9  
(3301.0719); to enact new sections 3301.079, 10  
3301.0712, and 3301.0715 and sections 3301.0713, 11  
3301.0718, 3302.031, 3313.6012, 3313.614, and 12  
3313.615; to repeal sections 3301.0715 and 13  
3301.0716 of the Revised Code and to repeal Section 14  
4 of Am. Sub. S.B. 55 of the 122nd General Assembly 15  
to implement recommendations of the Governor's 16  
Commission for Student Success, and to amend 17  
section 3313.608 of the Revised Code effective July 18  
1, 2003. 19

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

**Section 1.** That sections 307.031, 3301.07, 3301.0710, 20  
3301.0711, 3301.0714, 3301.0717, 3301.801, 3301.91, 3302.02, 21  
3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3313.603, 3313.608, 22  
3313.6011, 3313.61, 3313.611, 3313.612, 3313.978, 3314.03, 23  
3314.20, 3317.012, 3317.029, 3319.19, 3324.03, 3325.08, and 24  
3365.15 be amended, sections 3301.079 (3301.078) and 3301.0712 25  
(3301.0719) be amended for the purpose of adopting new section 26  
numbers as indicated in parentheses, and new sections 3301.079, 27  
3301.0712, and 3301.0715 and sections 3301.0713, 3301.0718, 28  
3302.031, 3313.6012, 3313.614, and 3313.615 of the Revised Code be 29  
enacted to read as follows: 30

**Sec. 307.031.** As used in this section, "ADM" means the 31  
average daily membership of an educational service center for 32  
which a board of county commissioners is required to provide an 33  
office under section 3319.19 of the Revised Code, as certified by 34  
the superintendent of public instruction to the tax commissioner 35  
pursuant to division (C) of that section. 36

(A) There is hereby created in the treasury of each county in 37  
which the office of an educational service center is located the 38  
educational service center governing board office fund. Any moneys 39  
received by a board of county commissioners under division (B) or 40  
(C) of this section shall be credited to the educational service 41  
center governing board office fund in that county treasury. The 42  
board of county commissioners shall utilize and expend moneys from 43  
the fund solely to meet or to assist in meeting the requirements 44  
of division (A) or (B) of section 3319.19 and division (A)(2) of 45  
section ~~3301.0712~~ 3301.0719 of the Revised Code and any rules of 46  
the department of education regarding facilities of educational 47  
service centers. 48

(B) For the purpose of this division, "licensed employee" 49  
shall be defined by the department of education by rule. 50

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

(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.

(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:

(a) An amount equal to six dollars times the ADM<sub>7i</sub>

(b) Fifteen thousand dollars.

(4) Except as provided under division (B)(5) of this section, 83  
if the ratio of the ADM to the number of full-time equivalent 84  
licensed employees of the educational service center governing 85  
board is less than one hundred to one, the amount distributed 86  
under division (B)(1) of this section to a board of county 87  
commissioners shall be the greater of the following: 88

(a) An amount equal to the total of six dollars times the ADM 89  
plus two hundred fifty dollars times the number of full-time 90  
equivalent licensed employees of the educational service center 91  
governing board; 92

(b) Fifteen thousand dollars. 93

(5) If the amount determined under division (B)(3) or (4) of 94  
this section for a board of county commissioners exceeds the 95  
actual cost to the board of providing and equipping offices for 96  
the use of the educational service center superintendent of 97  
schools as required under division (A) or (B) of section 3319.19 98  
and division (A)(2) of section ~~3301.0712~~ 3301.0719 of the Revised 99  
Code, the amount distributed to the board of county commissioners 100  
under division (B)(1) of this section shall equal the actual cost. 101

(C) Any amount appropriated by the general assembly for the 102  
purposes of this section in any fiscal year and remaining after 103  
the distribution to boards of county commissioners pursuant to 104  
division (B) of this section shall be distributed by the tax 105  
commissioner in accordance with this division and division (D) of 106  
section 3319.19 of the Revised Code. 107

A board of county commissioners, upon receiving the notice 108  
from the superintendent of public instruction of the selection of 109  
a grant proposal as submitted or modified and the amount of any 110  
grant to be distributed to the board pursuant to division (D) of 111  
section 3319.19 of the Revised Code, shall adopt a resolution to 112  
either accept or reject the selected proposal and grant, and shall 113

submit copies of the resolution to the superintendent of public 114  
instruction, the educational service center superintendent, and 115  
the tax commissioner. Upon receipt of a resolution accepting a 116  
proposal and grant from a board, the tax commissioner shall pay to 117  
the board the amount of the grant certified by the superintendent 118  
of public instruction. Upon acceptance, the board shall deposit 119  
the moneys in the educational service center governing board 120  
office fund and may expend such moneys as set forth in division 121  
(B)(2) of this section or as specifically provided for in the 122  
grant proposal selected by the superintendent of public 123  
instruction. 124

**Sec. 3301.07.** The state board of education shall exercise 125  
under the acts of the general assembly general supervision of the 126  
system of public education in the state. In addition to the powers 127  
otherwise imposed on the state board under the provisions of law, 128  
the board shall have the following powers: 129

(A) Exercise policy forming, planning, and evaluative 130  
functions for the public schools of the state, and for adult 131  
education, except as otherwise provided by law; 132

(B) Exercise leadership in the improvement of public 133  
education in this state, and administer the educational policies 134  
of this state relating to public schools, and relating to 135  
instruction and instructional material, building and equipment, 136  
transportation of pupils, administrative responsibilities of 137  
school officials and personnel, and finance and organization of 138  
school districts, educational service centers, and territory. 139  
Consultative and advisory services in such matters shall be 140  
provided by the board to school districts and educational service 141  
centers of this state. The board also shall develop a standard of 142  
financial reporting which shall be used by all school districts 143  
and educational service centers to make their financial 144

information available to the public in a format understandable by 145  
the average citizen and provide year-to-year comparisons for at 146  
least five years. The format shall show, among other things, 147  
district and educational service center revenue by source; 148  
expenditures for salaries, wages, and benefits of employees, 149  
showing such amounts separately for classroom teachers, other 150  
employees required to hold licenses issued pursuant to sections 151  
3319.22 to 3319.31 of the Revised Code, and all other employees; 152  
expenditures other than for personnel, by category, including 153  
utilities, textbooks and other educational materials, equipment, 154  
permanent improvements, pupil transportation, extracurricular 155  
athletics, and other extracurricular activities; and per pupil 156  
expenditures. 157

(C) Administer and supervise the allocation and distribution 158  
of all state and federal funds for public school education under 159  
the provisions of law, and may prescribe such systems of 160  
accounting as are necessary and proper to this function. It may 161  
require county auditors and treasurers, boards of education, 162  
educational service center governing boards, treasurers of such 163  
boards, teachers, and other school officers and employees, or 164  
other public officers or employees, to file with it such reports 165  
as it may prescribe relating to such funds, or to the management 166  
and condition of such funds. 167

(D) Formulate and prescribe minimum standards to be applied 168  
to all elementary and secondary schools in this state for the 169  
purpose of requiring a general education of high quality. Such 170  
standards shall provide adequately for: ~~a curriculum sufficient to~~ 171  
~~meet the needs of pupils in every community; locally developed~~ 172  
~~competency programs;~~ the licensing of teachers, administrators, 173  
and other professional personnel and their assignment according to 174  
training and qualifications; efficient and effective instructional 175  
materials and equipment, including library facilities; the proper 176

organization, administration, and supervision of each school, 177  
including regulations for preparing all necessary records and 178  
reports and the preparation of a statement of policies and 179  
objectives for each school; buildings, grounds, health and 180  
sanitary facilities and services; admission of pupils, and such 181  
requirements for their promotion from grade to grade as will 182  
assure that they are capable and prepared for the level of study 183  
to which they are certified; requirements for graduation; and such 184  
other factors as the board finds necessary. 185

In the formulation and administration of such standards for 186  
nonpublic schools the board shall also consider the particular 187  
needs, methods and objectives of those schools, provided they do 188  
not conflict with the provision of a general education of a high 189  
quality and provided that regular procedures shall be followed for 190  
promotion from grade to grade of pupils who have met the 191  
educational requirements prescribed. 192

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

fuel economy and life-cycle costs of new automobile purchases. The 209  
board also shall require financial responsibility information as 210  
part of the driver education curriculum. The board also may 211  
require as part of the health and driver education curricula 212  
information developed under section 2108.15 of the Revised Code 213  
promoting the donation of anatomical gifts pursuant to Chapter 214  
2108. of the Revised Code and provide the information to high 215  
schools, educational service centers, and joint vocational school 216  
district boards of education. 217

(F) Prepare and submit annually to the governor and the 218  
general assembly a report on the status, needs, and major problems 219  
of the public schools of the state, with recommendations for 220  
necessary legislative action and a ten-year projection of the 221  
state's public and nonpublic school enrollment, by year and by 222  
grade level; 223

(G) Prepare and submit to the director of budget and 224  
management the biennial budgetary requests of the state board of 225  
education, for its agencies and for the public schools of the 226  
state; 227

(H) Cooperate with federal, state, and local agencies 228  
concerned with the health and welfare of children and youth of the 229  
state; 230

(I) Require such reports from school districts and 231  
educational service centers, school officers, and employees as are 232  
necessary and desirable. The superintendents and treasurers of 233  
school districts and educational service centers shall certify as 234  
to the accuracy of all reports required by law or state board or 235  
state department of education rules to be submitted by the 236  
district or educational service center and which contain 237  
information necessary for calculation of state funding. Any 238  
superintendent who knowingly falsifies such report shall be 239  
subject to license revocation pursuant to section 3319.31 of the 240



Revised Code.	241
(J) In accordance with Chapter 119. of the Revised Code,	242
adopt procedures, standards, and guidelines for the education of	243
handicapped children pursuant to Chapter 3323. of the Revised	244
Code, including procedures, standards, and guidelines governing	245
programs and services operated by county boards of mental	246
retardation and developmental disabilities pursuant to section	247
3323.09 of the Revised Code;	248
(K) For the purpose of encouraging the development of special	249
programs of education for academically gifted children, employ	250
competent persons to analyze and publish data, promote research,	251
advise and counsel with boards of education, and encourage the	252
training of teachers in the special instruction of gifted	253
children. The board may provide financial assistance out of any	254
funds appropriated for this purpose to boards of education and	255
educational service center governing boards for developing and	256
conducting programs of education for academically gifted children.	257
(L) Require that all public schools emphasize and encourage,	258
within existing units of study, the teaching of energy and	259
resource conservation <u>as recommended to each district board of</u>	260
<u>education by leading business persons involved in energy</u>	261
<u>production and conservation</u> , beginning in the primary grades;	262
(M) Formulate and prescribe minimum standards requiring the	263
use of phonics as a technique in the teaching of reading in grades	264
kindergarten through three. In addition, the state board shall	265
provide in-service training programs for teachers on the use of	266
phonics as a technique in the teaching of reading in grades	267
kindergarten through three.	268
(N) Develop and modify as necessary a state plan for	269
technology to encourage and promote the use of technological	270
advancements in educational settings.	271

The board may adopt rules necessary for carrying out any 272  
function imposed on it by law, and may provide rules as are 273  
necessary for its government and the government of its employees, 274  
and may delegate to the superintendent of public instruction the 275  
management and administration of any function imposed on it by 276  
law. It may provide for the appointment of board members to serve 277  
on temporary committees established by the board for such purposes 278  
as are necessary. Permanent or standing committees shall not be 279  
created. 280

**Sec. ~~3301.079~~ 3301.078.** The state board of education shall 281  
adopt a standard restricting to not more than twenty-five pupils, 282  
the size of any class in which instruction is provided to 283  
bilingual multicultural pupils by a teacher holding a license to 284  
teach bilingual pupils pursuant to section 3319.22 of the Revised 285  
Code. 286

**Sec. 3301.079.** (A)(1) Not later than December 31, 2001, the 287  
state board of education shall adopt statewide academic standards 288  
for each of grades kindergarten through twelve in reading, 289  
writing, and mathematics. Not later than December 31, 2002, the 290  
state board shall adopt statewide academic standards for each of 291  
grades kindergarten through twelve in science and social studies. 292  
The standards shall specify the academic content and skills that 293  
students are expected to know and be able to do at each grade 294  
level. 295

(2) When academic standards have been completed for any 296  
subject area required by this division, the state board shall 297  
inform all school districts of the content of those standards. 298

(B) Not later than eighteen months after the completion of 299  
academic standards for any subject area required by division (A) 300  
of this section, the state board shall adopt a model curriculum 301

for instruction in that subject area for each of grades 302  
kindergarten through twelve that is sufficient to meet the needs 303  
of students in every community. The model curriculum shall be 304  
aligned with the standards to ensure that the academic content and 305  
skills specified for each grade level are taught to students. When 306  
any model curriculum has been completed, the state board shall 307  
inform all school districts of the content of that model 308  
curriculum. 309

All school districts may utilize the state standards and the 310  
model curriculum established by the state board, together with 311  
other relevant resources, examples, or models to ensure that 312  
students have the opportunity to attain the academic standards. 313  
Upon request, the department of education shall provide technical 314  
assistance to any district in implementing the model curriculum. 315

Nothing in this section requires any school district to 316  
utilize all or any part of a model curriculum developed under this 317  
division. 318

(C) The state board shall develop achievement tests aligned 319  
with the academic standards and model curriculum for each of the 320  
subject areas and grade levels required by section 3301.0710 of 321  
the Revised Code. 322

When any achievement test has been completed, the state board 323  
shall inform all school districts of its completion, and the 324  
department of education shall make the achievement test available 325  
to the districts. School districts shall administer the 326  
achievement test beginning in the school year indicated in section 327  
3301.0712 of the Revised Code. 328

(D)(1) Not later than July 1, 2007, and except as provided in 329  
division (D)(3) of this section, the state board shall adopt a 330  
diagnostic assessment aligned with the academic standards and 331  
model curriculum for each of grades kindergarten through two in 332

reading, writing, and mathematics and for each of grades three through eight in reading, writing, mathematics, science, and social studies. The diagnostic assessment shall be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level. Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic tests shall be public records.

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(2) When each diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department of education shall make the diagnostic assessment available to the districts at no cost to the district. School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment.

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(3) The state board shall not adopt a diagnostic assessment for any subject area and grade level for which the state board develops an achievement test under division (C) of this section.

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

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(F) Not later than forty-five days prior to any deadline established under division (A) or (B) of this section for the adoption of academic standards or model curricula, the superintendent of public instruction shall present the relevant

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academic standards or curricula to a joint meeting of the house of  
representatives and senate committees with jurisdiction over  
education legislation.

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(G) The fairness sensitivity review committee, established by  
rule of the state board of education, shall not allow any question  
on any achievement test or diagnostic assessment developed under  
this section or any proficiency test prescribed by former section  
3301.0710 of the Revised Code, as it existed prior to the  
effective date of this section, to include, be written to promote,  
or inquire as to individual moral or social values or beliefs. The  
decision of the committee shall be final. This section does not  
create a private cause of action.

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

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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.

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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

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~~deemed to demonstrate that any student attaining such score has~~ 396  
~~achieved at least a fourth grade level of proficiency in the~~ 397  
~~measured skill.~~ 398

~~(2) The state board shall prescribe five statewide~~ 399  
~~proficiency tests, one each designed to measure skill in reading,~~ 400  
~~writing, mathematics, science, and citizenship, and determine and~~ 401  
~~designate the score on each such test that is deemed to~~ 402  
~~demonstrate that any student attaining such score has achieved at~~ 403  
~~least a sixth grade level of proficiency in the measured skill.~~ 404

~~(3) The state board shall prescribe five statewide~~ 405  
~~proficiency tests, one each designed to measure skill in reading,~~ 406  
~~writing, mathematics, science, and citizenship, and shall~~ 407  
~~determine and designate the score on each such test that shall be~~ 408  
~~deemed to demonstrate that any student attaining such score has~~ 409  
~~achieved at least a twelfth grade level of proficiency in the~~ 410  
~~measured skill. The state board shall prescribe all of the~~ 411  
~~following:~~ 412

~~(a) A statewide achievement test designed to measure the~~ 413  
~~level of reading skill expected at the end of third grade;~~ 414

~~(b) Two statewide achievement tests, one each designed to~~ 415  
~~measure the level of writing and mathematics skill expected at the~~ 416  
~~end of fourth grade;~~ 417

~~(c) Two statewide achievement tests, one each designed to~~ 418  
~~measure the level of science and social studies skill expected at~~ 419  
~~the end of fifth grade;~~ 420

~~(d) Three statewide achievement tests, one each designed to~~ 421  
~~measure the level of reading, writing, and mathematics skill~~ 422  
~~expected at the end of seventh grade;~~ 423

~~(e) Two statewide achievement tests, one each designed to~~ 424  
~~measure the level of science and social studies skill expected at~~ 425  
~~the end of eighth grade.~~ 426

(2) The state board shall determine and designate at least 427  
four ranges of scores on each of the achievement tests described 428  
in division (A)(1) of this section. Each range of scores shall be 429  
deemed to demonstrate a level of achievement so that any student 430  
attaining a score within such range has achieved one of the 431  
following: 432

(a) An advanced level of skill; 433

(b) A proficient level of skill; 434

(c) A basic level of skill; 435

(d) A below basic level of skill. 436

(B) The tests prescribed under this division shall 437  
collectively be known as the Ohio graduation tests. The state 438  
board shall prescribe five statewide high school ~~proficiency~~ 439  
achievement tests, one each designed to measure ~~skill in the level~~ 440  
of reading, writing, mathematics, science, and citizenship social 441  
studies skill expected at the end of tenth grade, and shall 442  
determine and designate the score on each such test that shall be 443  
deemed to demonstrate that any student attaining such score has 444  
achieved at least the a proficient level of ~~proficiency in the~~ 445  
~~measured~~ skill appropriate for tenth grade. 446

The state board may enter into a reciprocal agreement with 447  
the appropriate body or agency of any other state that has similar 448  
statewide ~~proficiency~~ achievement testing requirements for 449  
receiving high school diplomas, under which any student who has 450  
met ~~a proficiency~~ an achievement testing requirement of one state 451  
is recognized as having met the similar ~~proficiency~~ achievement 452  
testing requirement of the other state for purposes of receiving a 453  
high school diploma. For purposes of this section and sections 454  
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 455  
any public high school in this state ~~and~~ who has met ~~a proficiency~~ 456  
an achievement testing requirement specified in a reciprocal 457

agreement entered into under this division shall be deemed to have 458  
attained at least the applicable score designated under this 459  
division on each test required by this division that is specified 460  
in the agreement. 461

(C) The state board shall annually designate as follows the 462  
dates on which the tests prescribed under this section shall be 463  
administered: 464

(1) For the test prescribed under division (A)(1)(a) of this 465  
section to ~~measure skill in reading~~, as follows: 466

(a) ~~For students entering fourth grade in school years that 467  
start prior to July 1, 2001, the same dates prescribed under 468  
division (C)(2) of this section for the tests prescribed under 469  
division (A)(1) of this section to measure skill in writing, 470  
mathematics, science, and citizenship;~~ 471

~~(b) For students entering fourth grade beginning with the 472  
school year that starts July 1, 2001;~~ 473

~~(i) One date prior to the thirty-first day of December each 474  
school year;~~ 475

~~(ii) Any dates prescribed under division (C)(2) of this 476  
section for the tests prescribed under division (A)(1) of this 477  
section to measure skill in writing, mathematics, science, and 478  
citizenship;~~ 479

~~(iii)(b) At least one date of each school year that is not 480  
earlier than Monday of the week containing the eighth day of 481  
March;~~ 482

(c) One date during the summer for students receiving summer 483  
remediation services under ~~division (B)(3) of section 3313.608 of 484  
the Revised Code.~~ 485

(2) For the tests prescribed under ~~division~~ divisions 486  
(A)(1)(b), (c), (d), and (e) of this section to ~~measure skill in 487~~



~~writing, mathematics, science, and citizenship and the tests~~ 488  
~~prescribed under division (A)(2) of this section, at least one~~ 489  
~~date of each school year that is not earlier than Monday of the~~ 490  
~~week containing the ~~fifteenth~~ eighth day of March;~~ 491

~~(3) For the tests prescribed under division (A)(3) of this~~ 492  
~~section, at least one date subsequent to the thirty-first day of~~ 493  
~~December but prior to the thirty-first day of March of each school~~ 494  
~~year;~~ 495

~~(4)~~ For the tests prescribed under division (B) of this 496  
section, at least one date in each school year that is not earlier 497  
than Monday of the week containing the fifteenth day of March for 498  
all tenth grade students and at least one date prior to the 499  
thirty-first day of December and at least one date subsequent to 500  
that date but prior to the thirty-first day of March of each 501  
school year for eleventh and twelfth grade students. 502

(D) In prescribing test dates pursuant to division (C)~~(4)~~(3) 503  
of this section, the board shall, to the greatest extent 504  
practicable, provide options to school districts in the case of 505  
tests administered under that division to eleventh and twelfth 506  
grade students and in the case of tests administered to students 507  
pursuant to division (C)(2) of section 3301.0711 of the Revised 508  
Code. Such options shall include at least an opportunity for 509  
school districts to give such tests outside of regular school 510  
hours. 511

(E) In prescribing test dates pursuant to this section, the 512  
state board of education shall designate the dates in such a way 513  
as to allow a reasonable length of time between the administration 514  
of tests prescribed under this section and any administration of 515  
the National Assessment of Education Progress Test given to 516  
students in the same grade level pursuant to section 3301.27 of 517  
the Revised Code. 518

Sec. 3301.0711. (A) The department of education shall: 519

(1) Annually furnish to, grade, and score all tests required 520  
by section 3301.0710 of the Revised Code to be administered by 521  
city, local, ~~and~~ exempted village, and joint vocational school 522  
districts. In awarding contracts for grading tests, the 523  
department shall give preference to Ohio-based entities employing 524  
Ohio residents. 525

(2) Adopt rules for the ethical use of tests and prescribing 526  
the manner in which the tests prescribed by section 3301.0710 of 527  
the Revised Code shall be administered to students. 528

(B) Except as provided in divisions (C) and (J)~~(2)~~ of this 529  
section, the board of education of each city, local, and exempted 530  
village school district shall, in accordance with rules adopted 531  
under division (A) of this section: 532

(1) Administer the test prescribed under division (A)(1)~~(a)~~ 533  
of section 3301.0710 of the Revised Code ~~to measure skill in~~ 534  
~~reading as follows:~~ 535

~~(a) For students entering fourth grade in school years that~~ 536  
~~start prior to July 1, 2001, at least once annually to all~~ 537  
~~students in the fourth grade;~~ 538

~~(b) For students entering fourth grade beginning with the~~ 539  
~~school year that starts July 1, 2001, twice annually to all~~ 540  
students in the ~~fourth~~ third grade who have not attained the score 541  
designated for that test under division (A)~~(1)~~(2)~~(b)~~ of section 542  
3301.0710 of the Revised Code and once each summer to students 543  
receiving summer remediation services under ~~division (B)(3) of~~ 544  
section 3313.608 of the Revised Code. 545

(2) Administer the tests prescribed under division (A)(1)~~(b)~~ 546  
of section 3301.0710 of the Revised Code ~~to measure skill in~~ 547  
~~writing, mathematics, science, and citizenship~~ at least once 548

annually to all students in the fourth grade. 549

(3) Administer the tests prescribed under division 550  
(A)~~(2)~~(1)(c) of section 3301.0710 of the Revised Code at least 551  
once annually to all students in the ~~sixth~~ fifth grade. 552

(4) Administer ~~any~~ the tests prescribed under division 553  
(A)~~(3)~~(1)(d) of section 3301.0710 of the Revised Code at least 554  
once annually to ~~any student~~ all students in the ~~twelfth~~ seventh 555  
grade ~~who, on all the tests prescribed under division (B) of that~~ 556  
~~section, has attained the applicable scores designated under such~~ 557  
~~division prior to the first day of January of that year.~~ 558

(5) Administer the tests prescribed under division (A)(1)(e) 559  
of section 3301.0710 of the Revised Code at least once annually to 560  
all students in the eighth grade. 561

(6) Except as provided in division (B)(7) of this sections, 562  
administer any test prescribed under division (B) of section 563  
3301.0710 of the Revised Code as follows: 564

(a) At least once annually to all tenth grade students and at 565  
least twice annually to all students in eleventh or twelfth grade 566  
who have not yet attained the score on that test designated under 567  
that division; 568

(b) To any person who has successfully completed the 569  
curriculum in any high school or the individualized education 570  
program developed for the person by any high school pursuant to 571  
section 3323.08 of the Revised Code but has not received a high 572  
school diploma and who requests to take such test, at any time 573  
such test is administered in the district. 574

(7) In lieu of the board of education of any city, local, or 575  
exempted village school district in which the student is also 576  
enrolled, the board of a joint vocational school district shall 577  
administer any test prescribed under division (B) of section 578  
3301.0710 of the Revised Code at least twice annually to any 579

student enrolled in the joint vocational school district who has 580  
not yet attained the score on that test designated under that 581  
division. A board of a joint vocational school district may also 582  
administer such a test to any student described in division 583  
(B)(6)(b) of this section. 584

(C)(1)(a) Any student receiving special education services 585  
under Chapter 3323. of the Revised Code ~~shall~~ may be excused from 586  
taking any particular test required to be administered under this 587  
section if the individualized education program developed for the 588  
student pursuant to section 3323.08 of the Revised Code excuses 589  
the student from taking that test. ~~In the case of any student so~~ 590  
~~excused from taking a test, the school district board of education~~ 591  
~~shall not prohibit the student from taking the test. Any and~~ 592  
instead specifies an alternate assessment method approved by the 593  
department of education as conforming to requirements of federal 594  
law for receipt of federal funds for disadvantaged pupils. To the 595  
extent possible, the individualized education program shall not 596  
excuse the student from taking a test unless no reasonable 597  
accommodation can be made to enable the student to take the test. 598

(b) Any alternate assessment approved by the department for a 599  
student under this division shall produce measurable results 600  
comparable to those produced by the tests which the alternate 601  
assessments are replacing in order to allow for the student's 602  
assessment results to be included in the data compiled for a 603  
school district under section 3302.03 of the Revised Code. 604

(c) Any student enrolled in a chartered nonpublic school who 605  
has been identified, based on an evaluation conducted in 606  
accordance with section 3323.03 of the Revised Code or section 504 607  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 608  
794, as amended, as a child with a disability shall be excused 609  
from taking any particular test required to be administered under 610  
this section if a plan developed for the student pursuant to rules 611

adopted by the state board excuses the student from taking that 612  
test. In the case of any student so excused from taking a test, 613  
the chartered nonpublic school shall not prohibit the student from 614  
taking the test. 615

(2) A district board may, for medical reasons or other good 616  
cause, excuse a student from taking a test administered under this 617  
section on the date scheduled, but any such test shall be 618  
administered to such excused student not later than nine days 619  
following the scheduled date. The board shall annually report the 620  
number of students who have not taken one or more of the tests 621  
required by this section to the state board of education not later 622  
than the thirtieth day of June. 623

(3) As used in this division, "English-limited student" means 624  
a student whose primary language is not English ~~and~~, who has been 625  
enrolled in United States schools for less than ~~two~~ three full 626  
school years, and who within the school year has been identified, 627  
in accordance with criteria provided by the department of 628  
education, as lacking adequate proficiency in English for a test 629  
under this section to produce valid results with respect to that 630  
student's academic progress. 631

A school district board or governing authority of a nonpublic 632  
school may grant a temporary, one-year exemption from any test 633  
administered under this section to an English-limited student. Not 634  
more than three temporary one-year exemptions may be granted to 635  
any student. During any school year in which a student is excused 636  
from taking one or more tests administered under this section, the 637  
school district shall assess that student's progress in learning 638  
English, in accordance with procedures approved by the department. 639

~~No English-limited student shall be required to take any test~~ 640  
~~administered under this section. However, no district board or~~ 641  
~~governing authority of a chartered nonpublic school shall prohibit~~ 642  
an English-limited student from taking a test under this section. 643

(D) In the school year next succeeding the school year in 644  
which the tests prescribed by division (A)(1) of section 3301.0710 645  
of the Revised Code or former division (A)(1) or (B) of section 646  
3301.0710 of the Revised Code as it existed prior to the effective 647  
date of this amendment are administered to any student, the board 648  
of education of any school district in which the student is 649  
enrolled in that year shall provide to the student intervention 650  
services ~~to the student~~ commensurate with the student's test 651  
performance, including any intensive intervention required under 652  
section 3313.608 of the Revised Code, in any skill in which the 653  
student failed ~~on those tests~~ to demonstrate at least ~~fourth-grade~~ 654  
~~levels of literacy and basic competency~~ a score at the proficient 655  
level on a proficiency test or a score in the basic range on an 656  
achievement test. This division does not apply to any student 657  
receiving services pursuant to an individualized education program 658  
developed for the student pursuant to section 3323.08 of the 659  
Revised Code. 660

(E) Except as provided in section 3313.608 of the Revised 661  
Code and division (M) of this section, no school district board of 662  
education shall ~~permit~~ utilize any ~~student to be denied promotion~~ 663  
~~to a higher grade level solely because of the~~ student's failure to 664  
attain a specified score on any test administered under this 665  
section as a factor in any decision to deny the student promotion 666  
to a higher grade level. However, a district board may choose not 667  
to promote to the next grade level any student who does not take 668  
any ~~proficiency~~ test administered under this section or make up 669  
such test as provided by division (C)(2) of this section and who 670  
is not exempted from the requirement to take the test under 671  
division (C)(1) or (3) of this section. 672

(F) No person shall be charged a fee for taking any test 673  
administered under this section. 674

(G) Not later than sixty days after any administration of any 675

test prescribed by section 3301.0710 of the Revised Code, the  
department shall send to each school district board a list of the  
individual test scores of all persons taking the test. For any  
tests administered under this section by a joint vocational school  
district, the department shall also send to each city, local, or  
exempted village school district a list of the individual test  
scores of any students of such city, local, or exempted village  
school district who are attending school in the joint vocational  
school district.

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

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

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

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(1) In accordance with rules that the state board of  
education shall adopt, the board of education of any city,  
exempted village, or local school district with territory in a  
~~joint vocational school district or a~~ cooperative education school  
district established pursuant to divisions (A) to (C) of section  
3311.52 of the Revised Code may enter into an agreement with the  
board of education of the ~~joint vocational or~~ cooperative

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education school district for administering any test prescribed 708  
under this section to students of the city, exempted village, or 709  
local school district who are attending school in the ~~joint~~ 710  
~~vocational or~~ cooperative education school district. 711

(2) In accordance with rules that the state board of 712  
education shall adopt, the board of education of any city, 713  
exempted village, or local school district with territory in a 714  
cooperative education school district established pursuant to 715  
section 3311.521 of the Revised Code shall enter into an agreement 716  
with the cooperative district that provides for the administration 717  
of any test prescribed under this section to both of the 718  
following: 719

(a) Students who are attending school in the cooperative 720  
district and who, if the cooperative district were not 721  
established, would be entitled to attend school in the city, 722  
local, or exempted village school district pursuant to section 723  
3313.64 or 3313.65 of the Revised Code; 724

(b) Persons described in division (B)~~(5)~~(6)(b) of this 725  
section. 726

Any testing of students pursuant to such an agreement shall 727  
be in lieu of any testing of such students or persons pursuant to 728  
this section. 729

(K)(1) Any chartered nonpublic school may participate in the 730  
testing program by administering any of the tests prescribed by 731  
section 3301.0710 of the Revised Code if the chief administrator 732  
of the school specifies which tests the school wishes to 733  
administer. Such specification shall be made in writing to the 734  
superintendent of public instruction prior to the first day of 735  
August of any school year in which tests are administered and 736  
shall include a pledge that the nonpublic school will administer 737  
the specified tests in the same manner as public schools are 738  
required to do under this section and rules adopted by the 739



department. 740

(2) The department of education shall furnish the tests 741  
prescribed by section 3301.0710 of the Revised Code to any 742  
chartered nonpublic school electing to participate under this 743  
division. 744

~~(L)(1) Except as provided in division (L)(3) of this section,~~ 745  
~~the~~ The superintendent of the state school for the blind and the 746  
superintendent of the state school for the deaf shall administer 747  
the tests described by section 3301.0710 of the Revised Code. Each 748  
superintendent shall administer the tests in the same manner as 749  
district boards are required to do under this section and rules 750  
adopted by the department of education and in conformity with 751  
division (C)(1)(a) of this section. 752

(2) The department of education shall furnish the tests 753  
described by section 3301.0710 of the Revised Code to each 754  
superintendent. 755

~~(3) Any student enrolled in the state school for the blind or 756  
the state school for the deaf shall be excused from taking any 757  
particular test required to be administered under division (L)(1) 758  
of this section if the individualized education program developed 759  
for the student pursuant to section 3323.08 of the Revised Code 760  
excuses the student from taking that test. In the case of any 761  
student so excused from taking a test, the superintendent of the 762  
school shall not prohibit the student from taking the test. 763~~

(M) Notwithstanding division (E) of this section, ~~beginning~~ 764  
~~July 1, 1999,~~ a school district may ~~retain any student for an~~ 765  
~~additional year in such student's current grade level if such~~ 766  
~~student has failed to attain the designated scores on three or~~ 767  
~~more of the five~~ use a student's failure to attain a score in at 768  
least the basic range on any of the tests described by division 769  
(A)(1) ~~or (2)(b), (c), (d), or (e)~~ of section 3301.0710 of the 770

Revised Code as a factor in retaining that student in the current 771  
grade level. 772

~~This division does not supersede the requirements of section~~ 773  
~~3313.608 of the Revised Code.~~ 774

(N)(1) All ~~proficiency~~ tests required by section 3301.0710 of 775  
the Revised Code shall become public records pursuant to section 776  
149.43 of the Revised Code on the first day of July following the 777  
school year that the test was administered. 778

(2) The department may field test proposed ~~proficiency~~ test 779  
questions with samples of students to determine the validity, 780  
reliability, or appropriateness of test questions for possible 781  
inclusion in a future year's ~~proficiency~~ test. 782

Field test questions shall not be considered in computing 783  
test scores for individual students. Field test questions may be 784  
included as part of the administration of any ~~proficiency~~ test 785  
required by section 3301.0710 of the Revised Code. 786

(3) Any field test question administered under division 787  
(N)(2) of this section shall not be a public record. Such field 788  
test questions shall be redacted from any ~~proficiency~~ tests which 789  
are released as a public record pursuant to division (N)(1) of 790  
this section. 791

**Sec. 3301.0712.** (A) Notwithstanding sections 3301.0710 and 792  
3301.0711 of the Revised Code, the state board of education shall 793  
continue to prescribe and the department of education and each 794  
school district shall continue to administer any proficiency test 795  
as required by those former sections until the applicable 796  
achievement test, as indicated on the chart below, has been 797  
developed and made available in accordance with section 3301.079 798  
of the Revised Code. Thereafter, such achievement test shall be 799  
administered to students under sections 3301.0710 and 3301.0711 of 800  
the Revised Code. School districts shall continue to provide 801

<u>intervention services as required under former division (D) of</u>			802
<u>section 3301.0711 of the Revised Code to students who fail to</u>			803
<u>attain a score in the proficient range on a fourth grade</u>			804
<u>proficiency test.</u>			805
		<u>First administration</u>	806
<u>Proficiency</u>	<u>Achievement</u>	<u>in school year</u>	807
<u>Test</u>	<u>Test</u>	<u>beginning July 1 of</u>	808
<u>4th grade reading</u>	<u>3rd grade reading</u>		809
<u>test</u>	<u>test</u>	<u>2003</u>	810
<u>4th grade writing</u>	<u>4th grade writing</u>		811
<u>test</u>	<u>test</u>	<u>2004</u>	812
<u>4th grade mathematics</u>	<u>4th grade mathematics</u>		813
<u>test</u>	<u>test</u>	<u>2004</u>	814
<u>4th grade science</u>	<u>5th grade science</u>		815
<u>test</u>	<u>test</u>	<u>2005</u>	816
<u>4th grade citizenship</u>	<u>5th grade social</u>		817
<u>test</u>	<u>studies test</u>	<u>2005</u>	818
<u>6th grade reading</u>	<u>7th grade reading</u>		819
<u>test</u>	<u>test</u>	<u>2006</u>	820
<u>6th grade writing</u>	<u>7th grade writing</u>		821
<u>test</u>	<u>test</u>	<u>2006</u>	822
<u>6th grade mathematics</u>	<u>7th grade mathematics</u>		823
<u>test</u>	<u>test</u>	<u>2006</u>	824
<u>6th grade science</u>	<u>8th grade science</u>		825
<u>test</u>	<u>test</u>	<u>2006</u>	826
<u>6th grade citizenship</u>	<u>8th grade social</u>		827
<u>test</u>	<u>studies test</u>	<u>2006</u>	828
<u>9th grade reading test</u>	<u>Ohio graduation test</u>	<u>2004</u>	829
	<u>in reading</u>		
<u>9th grade writing test</u>	<u>Ohio graduation test</u>	<u>2004</u>	830
	<u>in writing</u>		
<u>9th grade mathematics</u>	<u>Ohio graduation test</u>	<u>2004</u>	831

test in mathematics  
9th grade science test Ohio graduation test 2004 832  
in science  
9th grade citizenship Ohio graduation test 2004 833  
test in social studies

(B) The state board shall continue to prescribe and school 834  
districts and chartered nonpublic schools shall continue to 835  
administer ninth grade proficiency tests in reading, writing, 836  
mathematics, science, and citizenship to students who enter ninth 837  
grade prior to July 1, 2003, for as long as those students remain 838  
eligible under section 3313.614 of the Revised Code to receive 839  
their high school diplomas based on passage of those ninth grade 840  
proficiency tests. No student who enters ninth grade prior to July 841  
1, 2003, is required to take any Ohio graduation test, even if any 842  
are administered to the student's grade level, until the student 843  
is required by section 3313.614 of the Revised Code to pass Ohio 844  
graduation tests to receive a high school diploma. 845

**Sec. 3301.0713.** (A) The state board of education shall 846  
recommend a plan to the general assembly for developing and 847  
implementing a series of end-of-course examinations aligned with 848  
the academic standards described in section 3301.079 of the 849  
Revised Code to be administered to high school students upon the 850  
completion of specified courses as an alternative to passing the 851  
tests required under division (B) of section 3301.0710 of the 852  
Revised Code to receive a high school diploma. 853

(B) The state board shall appoint a committee to develop 854  
recommendations to incorporate end-of-program assessments for 855  
career-technical education programs in a manner similar to the 856  
plan for end-of-course examinations required under division (A) of 857  
this section. The committee shall present its recommendations to 858  
the state board. The committee shall include representatives from 859  
each of the following groups: 860

<u>(1) Business;</u>	861
<u>(2) Labor;</u>	862
<u>(3) Career-technical education workforce development teachers;</u>	863 864
<u>(4) Career-technical education administrators represented by a superintendent of a joint vocational school district;</u>	865 866
<u>(5) Career-technical education administrators represented by a director of a city career-technical education school;</u>	867 868
<u>(6) Parents;</u>	869
<u>(7) Career-technical education student organizations;</u>	870
<u>(8) Alumni of career-technical education workforce development programs.</u>	871 872
<u>In developing its recommendations, the committee shall consider the feasibility of substituting industry, state, or national certification examinations, when available, for end-of-program assessments for career-technical education programs. The committee shall also consider appropriate measures of student performance for career-technical education programs and methods of reporting such data to the public.</u>	873 874 875 876 877 878 879
<u>(C) The department of education shall fund all development costs associated with any career-technical education end-of-program assessment recommendations made pursuant to division (B) of this section. In the event that such assessments are adopted as an alternative for the Ohio graduation tests required under division (B) of section 3301.0710 of the Revised Code, the department shall fund all implementation and administration costs associated with those assessments.</u>	880 881 882 883 884 885 886 887
<b>Sec. 3301.0714.</b> (A) The state board of education shall adopt rules for a statewide education management information system. The	888 889

rules shall require the state board to establish guidelines for 890  
the establishment and maintenance of the system in accordance with 891  
this section and the rules adopted under this section. The 892  
guidelines shall include: 893

(1) Standards identifying and defining the types of data in 894  
the system in accordance with divisions (B) and (C) of this 895  
section; 896

(2) Procedures for annually collecting and reporting the data 897  
to the state board in accordance with division (D) of this 898  
section; 899

(3) Procedures for annually compiling the data in accordance 900  
with division (G) of this section; 901

(4) Procedures for annually reporting the data to the public 902  
in accordance with division (H) of this section. 903

(B) The guidelines adopted under this section shall require 904  
the data maintained in the education management information system 905  
to include at least the following: 906

(1) Student participation and performance data, for each 907  
grade in each school district as a whole and for each grade in 908  
each school building in each school district, that includes: 909

(a) The numbers of students receiving each category of 910  
instructional service offered by the school district, such as 911  
regular education instruction, vocational education instruction, 912  
specialized instruction programs or enrichment instruction that is 913  
part of the educational curriculum, instruction for gifted 914  
students, instruction for handicapped students, and remedial 915  
instruction. The guidelines shall require instructional services 916  
under this division to be divided into discrete categories if an 917  
instructional service is limited to a specific subject, a specific 918  
type of student, or both, such as regular instructional services 919  
in mathematics, remedial reading instructional services, 920

instructional services specifically for students gifted in 921  
mathematics or some other subject area, or instructional services 922  
for students with a specific type of handicap. The categories of 923  
instructional services required by the guidelines under this 924  
division shall be the same as the categories of instructional 925  
services used in determining cost units pursuant to division 926  
(C)(3) of this section. 927

(b) The numbers of students receiving support or 928  
extracurricular services for each of the support services or 929  
extracurricular programs offered by the school district, such as 930  
counseling services, health services, and extracurricular sports 931  
and fine arts programs. The categories of services required by the 932  
guidelines under this division shall be the same as the categories 933  
of services used in determining cost units pursuant to division 934  
(C)(4)(a) of this section. 935

(c) Average student grades in each subject in grades nine 936  
through twelve; 937

~~(d) Academic achievement levels in grades one through eight 938  
as assessed by the locally developed competency programs required 939  
by division (D) of section 3301.07 of the Revised Code; 940~~

~~(e) Academic achievement levels as assessed by the testing of 941  
student proficiency achievement under sections 3301.0710 and 942  
3301.0711 of the Revised Code; 943~~

~~(f)(e) The number of students designated as having a 944  
handicapping condition pursuant to division (C)(1) of section 945  
3301.0711 of the Revised Code; 946~~

~~(g)(f) The numbers of students reported to the state board 947  
pursuant to division (C)(2) of section 3301.0711 of the Revised 948  
Code; 949~~

~~(h)(g) Attendance rates and the average daily attendance for 950  
the year. For purposes of this division, a student shall be 951~~

<u>counted as present for any field trip that is approved by the</u>	952
<u>school administration.</u>	953
<del>(i)</del> <u>(h)</u> Expulsion rates;	954
<del>(j)</del> <u>(i)</u> Suspension rates;	955
<del>(k)</del> <u>(j)</u> The percentage of students receiving corporal punishment;	956 957
<del>(l)</del> <u>(k)</u> Dropout rates;	958
<del>(m)</del> <u>(l)</u> Rates of retention in grade;	959
<del>(n)</del> <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;	960 961 962
<del>(o)</del> <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;	963 964 965 966 967
<u>(o) Results of diagnostic assessments administered to</u> <u>kindergarten students as required under section 3301.0715 of the</u> <u>Revised Code to permit a comparison of the academic readiness of</u> <u>kindergarten students. However, no district shall be required to</u> <u>report to the department the results of any diagnostic assessment</u> <u>administered to a kindergarten student if the parent of that</u> <u>student requests the district not to report those results.</u>	968 969 970 971 972 973 974
(2) Personnel and classroom enrollment data for each school district, including:	975 976
(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	977 978 979 980 981



this section. The guidelines adopted under this section shall 982  
require these categories of data to be maintained for the school 983  
district as a whole and, wherever applicable, for each grade in 984  
the school district as a whole, for each school building as a 985  
whole, and for each grade in each school building. 986

(b) The total number of employees and the number of full-time 987  
equivalent employees providing each category of service used 988  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 989  
total numbers of licensed employees and nonlicensed employees and 990  
the numbers of full-time equivalent licensed employees and 991  
nonlicensed employees providing each category used pursuant to 992  
division (C)(4)(c) of this section. The guidelines adopted under 993  
this section shall require these categories of data to be 994  
maintained for the school district as a whole and, wherever 995  
applicable, for each grade in the school district as a whole, for 996  
each school building as a whole, and for each grade in each school 997  
building. 998

(c) The total number of regular classroom teachers teaching 999  
classes of regular education and the average number of pupils 1000  
enrolled in each such class, in each of grades kindergarten 1001  
through five in the district as a whole and in each school 1002  
building in the school district. 1003

(3)(a) Student demographic data for each school district, 1004  
including information regarding the gender ratio of the school 1005  
district's pupils, the racial make-up of the school district's 1006  
pupils, and an appropriate measure of the number of the school 1007  
district's pupils who reside in economically disadvantaged 1008  
households. The demographic data shall be collected in a manner to 1009  
allow correlation with data collected under division (B)(1) of 1010  
this section. Categories for data collected pursuant to division 1011  
(B)(3) of this section shall conform, where appropriate, to 1012  
standard practices of agencies of the federal government. 1013

(b) With respect to each student entering kindergarten, 1014  
whether the student previously participated in a public preschool 1015  
program, a private preschool program, or a head start program, and 1016  
the number of years the student participated in each of these 1017  
programs. 1018

(C) The education management information system shall include 1019  
cost accounting data for each district as a whole and for each 1020  
school building in each school district. The guidelines adopted 1021  
under this section shall require the cost data for each school 1022  
district to be maintained in a system of mutually exclusive cost 1023  
units and shall require all of the costs of each school district 1024  
to be divided among the cost units. The guidelines shall require 1025  
the system of mutually exclusive cost units to include at least 1026  
the following: 1027

(1) Administrative costs for the school district as a whole. 1028  
The guidelines shall require the cost units under this division 1029  
(C)(1) to be designed so that each of them may be compiled and 1030  
reported in terms of average expenditure per pupil in formula ADM 1031  
in the school district, as determined pursuant to section 3317.03 1032  
of the Revised Code. 1033

(2) Administrative costs for each school building in the 1034  
school district. The guidelines shall require the cost units under 1035  
this division (C)(2) to be designed so that each of them may be 1036  
compiled and reported in terms of average expenditure per 1037  
full-time equivalent pupil receiving instructional or support 1038  
services in each building. 1039

(3) Instructional services costs for each category of 1040  
instructional service provided directly to students and required 1041  
by guidelines adopted pursuant to division (B)(1)(a) of this 1042  
section. The guidelines shall require the cost units under 1043  
division (C)(3) of this section to be designed so that each of 1044  
them may be compiled and reported in terms of average expenditure 1045

per pupil receiving the service in the school district as a whole 1046  
and average expenditure per pupil receiving the service in each 1047  
building in the school district and in terms of a total cost for 1048  
each category of service and, as a breakdown of the total cost, a 1049  
cost for each of the following components: 1050

(a) The cost of each instructional services category required 1051  
by guidelines adopted under division (B)(1)(a) of this section 1052  
that is provided directly to students by a classroom teacher; 1053  
1054

(b) The cost of the instructional support services, such as 1055  
services provided by a speech-language pathologist, classroom 1056  
aide, multimedia aide, or librarian, provided directly to students 1057  
in conjunction with each instructional services category; 1058

(c) The cost of the administrative support services related 1059  
to each instructional services category, such as the cost of 1060  
personnel that develop the curriculum for the instructional 1061  
services category and the cost of personnel supervising or 1062  
coordinating the delivery of the instructional services category. 1063

(4) Support or extracurricular services costs for each 1064  
category of service directly provided to students and required by 1065  
guidelines adopted pursuant to division (B)(1)(b) of this section. 1066  
The guidelines shall require the cost units under division (C)(4) 1067  
of this section to be designed so that each of them may be 1068  
compiled and reported in terms of average expenditure per pupil 1069  
receiving the service in the school district as a whole and 1070  
average expenditure per pupil receiving the service in each 1071  
building in the school district and in terms of a total cost for 1072  
each category of service and, as a breakdown of the total cost, a 1073  
cost for each of the following components: 1074

(a) The cost of each support or extracurricular services 1075  
category required by guidelines adopted under division (B)(1)(b) 1076

of this section that is provided directly to students by a 1077  
licensed employee, such as services provided by a guidance 1078  
counselor or any services provided by a licensed employee under a 1079  
supplemental contract; 1080

(b) The cost of each such services category provided directly 1081  
to students by a nonlicensed employee, such as janitorial 1082  
services, cafeteria services, or services of a sports trainer; 1083

(c) The cost of the administrative services related to each 1084  
services category in division (C)(4)(a) or (b) of this section, 1085  
such as the cost of any licensed or nonlicensed employees that 1086  
develop, supervise, coordinate, or otherwise are involved in 1087  
administering or aiding the delivery of each services category. 1088

(D)(1) The guidelines adopted under this section shall 1089  
require school districts to collect information about individual 1090  
students, staff members, or both in connection with any data 1091  
required by division (B) or (C) of this section or other reporting 1092  
requirements established in the Revised Code. The guidelines may 1093  
also require school districts to report information about 1094  
individual staff members in connection with any data required by 1095  
division (B) or (C) of this section or other reporting 1096  
requirements established in the Revised Code. The guidelines ~~may~~ 1097  
shall not authorize school districts to request social security 1098  
numbers of individual students ~~so that school districts and the~~ 1099  
~~data acquisition sites operated under section 3301.075 of the~~ 1100  
~~Revised Code can assure accuracy and avoid errors in collecting~~ 1101  
~~the data. However, the~~ The guidelines shall prohibit the reporting 1102  
under this section of any personally identifiable information 1103  
about any student, including a student's ~~social security number,~~ 1104  
~~name,~~ or address, to the state board of education or the 1105  
department of education or to any other person unless such person 1106  
is employed by the school district or the data acquisition site 1107  
and is authorized by the district or acquisition site to have 1108

access to such information. The guidelines may require school 1109  
districts to provide the social security numbers of individual 1110  
staff members. 1111

(2) The guidelines shall provide for each school district or 1112  
community school to assign a data verification code to each 1113  
student whose initial Ohio enrollment is in that district or 1114  
school and to report all required individual student data for that 1115  
student utilizing such code. The guidelines shall also provide for 1116  
assigning data verification codes to all students enrolled in 1117  
districts or community schools on the effective date of the 1118  
guidelines established under this section. 1119

Individual student data shall be reported to the department 1120  
through the data acquisition sites utilizing the code but at no 1121  
time shall anyone other than an employee of the school district or 1122  
community school in which the student is enrolled have access to 1123  
information that would enable any data verification code to be 1124  
matched to personally identifiable student data. 1125

Each school district shall ensure that the data verification 1126  
code is included in the student's records reported to any 1127  
subsequent school district or community school in which the 1128  
student enrolls and shall remove all references to the code in any 1129  
records retained in the district or school that pertain to any 1130  
student no longer enrolled. Any such subsequent district or school 1131  
shall utilize the same identifier in its reporting of data under 1132  
this section. 1133

(E) The guidelines adopted under this section may require 1134  
school districts to collect and report data, information, or 1135  
reports other than that described in divisions (A), (B), and (C) 1136  
of this section for the purpose of complying with other reporting 1137  
requirements established in the Revised Code. The other data, 1138  
information, or reports may be maintained in the education 1139  
management information system but are not required to be compiled 1140

as part of the profile formats required under division (G) of this 1141  
section or the annual statewide report required under division (H) 1142  
of this section. 1143

(F) Beginning with the school year that begins July 1, 1991, 1144  
the board of education of each school district shall annually 1145  
collect and report to the state board, in accordance with the 1146  
guidelines established by the board, the data required pursuant to 1147  
this section. A school district may collect and report these data 1148  
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 1149

(G) The state board shall, in accordance with the procedures 1150  
it adopts, annually compile the data reported by each school 1151  
district pursuant to division (D) of this section. The state board 1152  
shall design formats for profiling each school district as a whole 1153  
and each school building within each district and shall compile 1154  
the data in accordance with these formats. These profile formats 1155  
shall: 1156

(1) Include all of the data gathered under this section in a 1157  
manner that facilitates comparison among school districts and 1158  
among school buildings within each school district; 1159

(2) Present the data on academic achievement levels as 1160  
assessed by the testing of student ~~proficiency~~ achievement 1161  
maintained pursuant to division (B)(1)(e) of this section so that 1162  
the academic achievement levels of students who are excused from 1163  
taking any such test pursuant to division (C)(1) of section 1164  
3301.0711 of the Revised Code are distinguished from the academic 1165  
achievement levels of students who are not so excused. 1166

(H)(1) The state board shall, in accordance with the 1167  
procedures it adopts, annually prepare a statewide report for all 1168  
school districts and the general public that includes the profile 1169  
of each of the school districts developed pursuant to division (G) 1170  
of this section. Copies of the report shall be sent to each school 1171

district. 1172

(2) The state board shall, in accordance with the procedures 1173  
it adopts, annually prepare an individual report for each school 1174  
district and the general public that includes the profiles of each 1175  
of the school buildings in that school district developed pursuant 1176  
to division (G) of this section. Copies of the report shall be 1177  
sent to the superintendent of the district and to each member of 1178  
the district board of education. 1179

(3) Copies of the reports received from the state board under 1180  
divisions (H)(1) and (2) of this section shall be made available 1181  
to the general public at each school district's offices. Each 1182  
district board of education shall make copies of each report 1183  
available to any person upon request and payment of a reasonable 1184  
fee for the cost of reproducing the report. The board shall 1185  
annually publish in a newspaper of general circulation in the 1186  
school district, at least twice during the two weeks prior to the 1187  
week in which the reports will first be available, a notice 1188  
containing the address where the reports are available and the 1189  
date on which the reports will be available. 1190

(I) Any data that is collected or maintained pursuant to this 1191  
section and that identifies an individual pupil is not a public 1192  
record for the purposes of section 149.43 of the Revised Code. 1193

(J) As used in this section: 1194 1195

(1) "School district" means any city, local, exempted 1196  
village, or joint vocational school district. 1197

(2) "Cost" means any expenditure for operating expenses made 1198  
by a school district excluding any expenditures for debt 1199  
retirement except for payments made to any commercial lending 1200  
institution for any loan approved pursuant to section 3313.483 of 1201  
the Revised Code. 1202

(K) Any person who removes data from the information system 1203  
established under this section for the purpose of releasing it to 1204  
any person not entitled under law to have access to such 1205  
information is subject to section 2913.42 of the Revised Code 1206  
prohibiting tampering with data. 1207

(L) Any time the department of education determines that a 1208  
school district has taken any of the actions described under 1209  
division (L)(1), (2), or (3) of this section, it shall make a 1210  
report of the actions of the district, send a copy of the report 1211  
to the superintendent of such school district, and maintain a copy 1212  
of the report in its files: 1213

(1) The school district fails to meet any deadline 1214  
established pursuant to this section for the reporting of any data 1215  
to the education management information system; 1216

(2) The school district fails to meet any deadline 1217  
established pursuant to this section for the correction of any 1218  
data reported to the education management information system; 1219

(3) The school district reports data to the education 1220  
management information system in a condition, as determined by the 1221  
department, that indicates that the district did not make a good 1222  
faith effort in reporting the data to the system. 1223

Any report made under this division shall include 1224  
recommendations for corrective action by the school district. 1225

Upon making a report for the first time in a fiscal year, the 1226  
department shall withhold ten per cent of the total amount due 1227  
during that fiscal year under Chapter 3317. of the Revised Code to 1228  
the school district to which the report applies. Upon making a 1229  
second report in a fiscal year, the department shall withhold an 1230  
additional twenty per cent of such total amount due during that 1231  
fiscal year to the school district to which the report applies. 1232  
The department shall not release such funds unless it determines 1233



that the district has taken corrective action. However, no such  
release of funds shall occur if the district fails to take  
corrective action within ninety days of the date upon which the  
report was made by the department.

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

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

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

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

(Q) If the department cannot compile any of the information  
required by division (D)(5) of section 3302.03 of the Revised Code  
based upon the data collected under this section, the department  
shall develop a plan and a reasonable timeline for the collection

of any data necessary to comply with that division.

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Sec. 3301.0715. (A) Except as provided in division (E) of this section, the board of education of each city, local, and exempted village school district shall administer each diagnostic assessment developed and provided to the district in accordance with section 3301.079 of the Revised Code to measure student progress toward the attainment of academic standards for grades kindergarten through two in reading, writing, and mathematics and for grades three through eight in reading, writing, mathematics, science, and social studies.

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(B) Each district board shall administer each diagnostic assessment as the board deems appropriate. 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.

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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. Except as required by division (B)(1)(o) of section 3301.0714 of the Revised Code, neither the state board nor the department shall require school districts to report the results of diagnostic assessments for any students to the department or to make any such results available in any form to the public. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student upon the parent's request.

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(D) Each district board shall provide intervention services

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to students whose diagnostic assessments show that they are 1296  
failing to make satisfactory progress toward attaining the 1297  
academic standards for their grade level. 1298

(E) Any district declared excellent under section 3302.03 of 1299  
the Revised Code may assess student progress using a diagnostic 1300  
assessment other than the diagnostic assessment required by 1301  
division (A) of this section. 1302

(F) Within thirty days after a student transfers into a 1303  
school district or to a different school within the same district, 1304  
the district shall administer each diagnostic assessment required 1305  
under division (A) of this section to the student. 1306

**Sec. 3301.0717.** In addition to the duties imposed on it by 1307  
law, the state board of education shall establish and submit to 1308  
the governor and the general assembly a clear and measurable set 1309  
of goals with specific timetables for their achievement. The goals 1310  
shall be established for programs designed to accomplish: 1311

(A) A reduction in rates of retention in grade; 1312

(B) Reductions in the need for remedial courses; 1313

(C) Reductions in the student dropout rate; 1314

(D) Improvements in scores on standardized tests; 1315

(E) Increases in satisfactory completion of high school 1316  
proficiency achievement tests; 1317

(F) Increases in American college test scores; 1318

(G) Increases in the rate of college entry; 1319

(H) Reductions in the need for remedial courses for 1320  
first-year college freshmen students. 1321

In July of each odd-numbered year, the state board of 1322  
education shall submit a report on progress made toward these 1323  
goals to the governor and the general assembly. 1324

Sec. 3301.0718. (A) After completing the required standards 1325  
specified in section 3301.079 of the Revised Code, the state board 1326  
of education shall adopt standards and model curricula for 1327  
instruction in computer literacy for grades three through twelve 1328  
and in fine arts and foreign language for grades kindergarten 1329  
through twelve. The state board shall not adopt or revise any 1330  
standards or curriculum in the area of health or physical 1331  
education unless, by concurrent resolution, the standards, 1332  
curriculum, or revisions are approved by both houses of the 1333  
general assembly. Before the house of representatives or senate 1334  
votes on a concurrent resolution approving health or physical 1335  
education standards, curriculum, or revisions, its standing 1336  
committee having jurisdiction over education legislation shall 1337  
conduct at least one public hearing on the standards, curriculum, 1338  
or revisions. 1339

(B) The state board shall not adopt a diagnostic assessment 1340  
or achievement test for any grade level or subject area other than 1341  
those specified in section 3301.079 of the Revised Code. 1342

~~Sec. 3301.0712~~ 3301.0719. (A) The state board of education 1343  
shall adopt minimum standards under which each governing board of 1344  
an educational service center shall develop a plan of service to 1345  
school districts within the center's territory. The standards 1346  
shall require that the plan of service include, but need not be 1347  
limited to, provisions that ensure: 1348

(1) The maximum involvement of boards of education of local 1349  
school districts in all aspects of the service plan; 1350

(2) Adequate and well-maintained physical facilities for the 1351  
offices of the county board; 1352

(3) Fiscal monitoring of the local districts by the 1353  
educational service center governing board; 1354

(4) The availability of qualified staff in sufficient numbers to implement the service plan;	1355 1356
(5) Supervision and evaluation of classroom activities in the local districts;	1357 1358
(6) The availability of in-service and continuing education programs for all local district and educational service center personnel;	1359 1360 1361
(7) The offering of specified curriculum services to the local districts;	1362 1363
(8) The development of research and development programs;	1364
(9) Regular and continuing communication among the educational service center governing board, local districts, and the community;	1365 1366 1367
(10) Continuing planning for the maximum utilization of existing school buildings and the development of new facilities;	1368 1369
(11) Monitoring and enforcement of the compulsory attendance law;	1370 1371
(12) Accurate recordkeeping in the local district schools;	1372
(13) Assistance to local districts in the provision of special accommodations and classes for handicapped students.	1373 1374
(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.	1375 1376 1377 1378 1379 1380 1381
(C) The state board shall conduct an evaluation every five years of each educational service center governing board and the	1382 1383

services it provides. The evaluation shall include recommendations 1384  
and shall be discussed in a public meeting held by the 1385  
superintendent of the educational service center within thirty 1386  
days of receipt of the evaluation report. The educational service 1387  
center superintendent shall also submit a plan to the state board 1388  
for correcting any violations specified in the evaluation within 1389  
ninety days of receipt of the evaluation report. The state board 1390  
shall approve any such plan that meets the minimum standards 1391  
adopted by the state board under division (A) of this section. 1392

(D) The state board shall revoke the charter of any 1393  
educational service center that fails to comply with the plan of 1394  
service approved by the state board under division (B) of this 1395  
section or with any plan for correcting violations approved by the 1396  
state board under division (C) of this section. 1397

(E) If any educational service center fails to submit a plan 1398  
of service in compliance with the provisions of division (B) of 1399  
this section or if the charter of any educational service center 1400  
is revoked pursuant to division (D) of this section, the state 1401  
board may dissolve the educational service center and pursuant to 1402  
this division transfer its territory to one or more adjacent 1403  
educational service centers. 1404

Prior to dissolving an educational service center pursuant to 1405  
this division, the state board shall notify the educational 1406  
service center governing board to be dissolved and the governing 1407  
boards of all adjacent educational service centers of its 1408  
intention to dissolve the educational service center. The 1409  
governing boards receiving such a notice may make recommendations 1410  
to the state board regarding the proposed dissolution and 1411  
subsequent transfer of territory. 1412

No order of the state board to transfer the territory of an 1413  
educational service center being dissolved pursuant to this 1414  
division shall divide the territory of a local school district 1415

between two or more adjacent educational service centers. An 1416  
equitable division of the funds, property, and indebtedness of any 1417  
educational service center being dissolved pursuant to this 1418  
division shall be made by the state board among the educational 1419  
service centers receiving territory. The governing board of an 1420  
educational service center receiving territory shall accept such 1421  
territory pursuant to the order of the state board. Any transfer 1422  
of territory ordered by the state board shall become effective on 1423  
the date specified by the state board, but the date shall be at 1424  
least thirty days after the date on which the order was issued. 1425

(F) In issuing and revoking charters under this section, the 1426  
state board shall be governed by the provisions of Chapter 119. of 1427  
the Revised Code. 1428

**Sec. 3301.801. (A)** The Ohio SchoolNet commission shall create 1429  
and maintain a clearinghouse for classroom teachers, including any 1430  
classroom teachers employed by community schools established under 1431  
Chapter 3314. of the Revised Code, to easily obtain lesson plans 1432  
and materials and other practical resources for use in classroom 1433  
teaching. The commission shall develop a method of obtaining 1434  
submissions, from classroom teachers and others, of such plans, 1435  
materials, and other resources that have been used in the 1436  
classroom and that can be readily used and implemented by 1437  
classroom teachers in their regular teaching activities. The 1438  
commission also shall develop methods of informing classroom 1439  
teachers of both the availability of such plans, materials, and 1440  
other resources, and of the opportunity to submit such plans, 1441  
materials, and other resources and other classroom teaching ideas 1442  
to the clearinghouse. 1443

The department of education shall regularly identify 1444  
research-based practices concerned with scheduling and allotting 1445  
instructional time and submit such practices to the commission for 1446

inclusion in the clearinghouse. 1447

The commission shall periodically report to the speaker and 1448  
minority leader of the house of representatives, the president and 1449  
minority leader of the senate, and the chairpersons and ranking 1450  
minority members of the education committees of the senate and the 1451  
house of representatives regarding the clearinghouse and make 1452  
recommendations for changes in state law or administrative rules 1453  
that may facilitate the usefulness of the clearinghouse. 1454

(B) Not later than one year after the effective date of this 1455  
amendment, the department of education shall identify research 1456  
studies on academic intervention and prevention practices that 1457  
have been successful in improving the academic performance of 1458  
students from different ethnic and socioeconomic groups, develop 1459  
an annotated bibliography of such studies, and provide that 1460  
bibliography to the Ohio SchoolNet commission. The commission 1461  
shall promptly make the bibliography available to school districts 1462  
as a part of the clearinghouse established under this section. 1463

**Sec. 3301.91.** (A) The OhioReads council's responsibilities 1464  
include, but are not limited to, the following: 1465

(1) Advising and consenting to the superintendent of public 1466  
instruction's appointments to the position of executive director 1467  
of the OhioReads office; 1468

(2) Evaluating the effectiveness of the OhioReads initiative 1469  
established by this section and sections 3301.86 and 3301.87 of 1470  
the Revised Code and conducting annual evaluations beginning in 1471  
fiscal year 2002; 1472

(3) Developing a strategic plan for identifying, recruiting, 1473  
training, qualifying, and placing volunteers for the OhioReads 1474  
initiative; 1475

(4) Establishing standards for the awarding of classroom 1476



reading grants under section 3301.86 of the Revised Code and	1477
community reading grants under section 3301.87 of the Revised	1478
Code, including eligibility criteria, grant amounts, purposes for	1479
which grants may be used, and administrative, programmatic, and	1480
reporting requirements;	1481
(5) Awarding classroom reading grants and community reading	1482
grants to be paid by the OhioReads office under sections 3301.86	1483
and 3301.87 of the Revised Code;	1484
(6) Establishing guidelines for and overseeing the general	1485
responsibilities and mission of the executive director of the	1486
OhioReads office;	1487
(7) Adopting rules pursuant to Chapter 119. of the Revised	1488
Code to establish standards required under sections 3301.86 and	1489
3301.87 of the Revised Code.	1490
(B) In performing its duties, the council shall, to the	1491
extent practicable:	1492
(1) Give primary consideration to the safety and well-being	1493
of children participating in the OhioReads initiative;	1494
(2) Maximize the use of resources to improve reading	1495
outcomes, especially the fourth grade reading proficiency test	1496
established under <u>former</u> division (A)(1) of section 3301.0710 of	1497
the Revised Code <u>and the third grade reading achievement test</u>	1498
<u>established under division (A)(1)(a) of section 3301.0710 of the</u>	1499
<u>Revised Code</u> ;	1500
(3) Identify and maximize relevant federal and state	1501
resources to leverage OhioReads resources and related programs;	1502
(4) Focus on early reading intervention strategies,	1503
professional development, and parental involvement;	1504
(5) Give priority to programs recognized as promising	1505
educational practices for accelerating student achievement,	1506

including, but not limited to, programs primarily using volunteers 1507  
and programs that may have been reviewed by the education 1508  
commission of the states. 1509

~~Sec. 3302.02. The following are the expected state 1510  
performance standards for school districts: 1511~~

~~(A) A ninety per cent graduation rate; 1512~~

~~(B) At least seventy-five per cent of fourth graders 1513  
proficient on the mathematics test prescribed by division (A)(1) 1514  
of section 3301.0710 of the Revised Code; 1515~~

~~(C) At least seventy-five per cent of fourth graders 1516  
proficient on the reading test prescribed by division (A)(1) of 1517  
section 3301.0710 of the Revised Code; 1518~~

~~(D) At least seventy-five per cent of fourth graders 1519  
proficient on the writing test prescribed by division (A)(1) of 1520  
section 3301.0710 of the Revised Code; 1521~~

~~(E) At least seventy-five per cent of fourth graders 1522  
proficient on the citizenship test prescribed by division (A)(1) 1523  
of section 3301.0710 of the Revised Code; 1524~~

~~(F) At least seventy-five per cent of ninth graders 1525  
proficient on the mathematics test prescribed by division (B) of 1526  
section 3301.0710 of the Revised Code; 1527~~

~~(G) At least seventy-five per cent of ninth graders 1528  
proficient on the reading test prescribed by division (B) of 1529  
section 3301.0710 of the Revised Code; 1530~~

~~(H) At least seventy-five per cent of ninth graders 1531  
proficient on the writing test prescribed by division (B) of 1532  
section 3301.0710 of the Revised Code; 1533~~

~~(I) At least seventy-five per cent of ninth graders 1534  
proficient on the citizenship test prescribed by division (B) of 1535~~

<del>section 3301.0710 of the Revised Code;</del>	1536
<del>(J) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed by division (B) of section 3301.0710 of the Revised Code;</del>	1537
	1538
	1539
<del>(K) At least eighty-five per cent of tenth graders proficient on the reading test prescribed by division (B) of section 3301.0710 of the Revised Code;</del>	1540
	1541
	1542
<del>(L) At least eighty-five per cent of tenth graders proficient on the writing test prescribed by division (B) of section 3301.0710 of the Revised Code;</del>	1543
	1544
	1545
<del>(M) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed by division (B) of section 3301.0710 of the Revised Code;</del>	1546
	1547
	1548
<del>(N) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;</del>	1549
	1550
	1551
<del>(O) At least sixty per cent of twelfth graders proficient on the reading test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;</del>	1552
	1553
	1554
<del>(P) At least sixty per cent of twelfth graders proficient on the writing test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;</del>	1555
	1556
	1557
<del>(Q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;</del>	1558
	1559
	1560
<del>(R) At least a ninety-three per cent attendance rate.</del>	1561
<del>When sufficient data concerning the tests given pursuant to division (A)(2) of section 3301.0710 of the Revised Code and the science tests given pursuant to divisions (A)(1), (3), and (B) of section 3301.0710 of the Revised Code are available for the</del>	1562
	1563
	1564
	1565

~~department of education to establish performance standards for 1566  
those tests, the department shall recommend a rule adding 1567  
standards to reflect these additional tests. The department shall 1568  
also recommend a rule when necessary to allow for the phasing out 1569  
of the ninth grade proficiency test and its replacement with a 1570  
high school proficiency test pursuant to section 3301.0710 of the 1571  
Revised Code as amended by Amended Substitute Senate Bill No. 55 1572  
of the 122nd general assembly. The rules 1573~~

The state board of education annually through 2006, and every 1574  
six years thereafter, shall establish at least seventeen 1575  
performance indicators for the report cards required by division 1576  
(D) of section 3302.03 of the Revised Code. In establishing these 1577  
indicators, the state board shall consider inclusion of student 1578  
performance on any tests given under section 3301.0710 of the 1579  
Revised Code, rates of student improvement on such tests, student 1580  
attendance, the breadth of coursework available within the 1581  
district, and other indicators of student success. The state board 1582  
shall notify all school districts of the selected performance 1583  
indicators at least two years before they are included in the 1584  
report card. 1585

The state board shall not recommend establish any standard be 1586  
established performance indicator for passage of the third or 1587  
fourth grade reading test that is solely based on the test given 1588  
in the fall for the purpose of determining whether students have 1589  
met the fourth-grade reading guarantee provisions of section 1590  
3313.608 of the Revised Code. 1591

~~Rules recommended by the department under this section shall 1592  
not take effect unless approved by joint resolution of the general 1593  
assembly. 1594~~

**Sec. 3302.03.** ~~(A) Beginning with the fiscal year that starts 1595  
on July 1, 1999, every three years Annually the department of 1596~~

education shall ~~calculate and~~ report for each school district ~~its~~ 1597  
~~percentages on the extent to which it meets~~ each of the 1598  
~~performance indicators listed in~~ created by the state board of 1599  
education under section 3302.02 of the Revised Code and shall 1600  
specify for each such district the ~~extent to which the acceptable~~ 1601  
~~number of performance indicator has~~ indicators that have been 1602  
achieved and whether the district is an excellent school district, 1603  
an effective school district, needs continuous improvement, is 1604  
under an academic watch, or is in a state of academic emergency. 1605

When possible, the department shall also determine for each 1606  
school building in a district the extent to which it meets any of 1607  
the performance indicators applicable to the grade levels of the 1608  
students in that school building and whether the school building 1609  
is an excellent school, an effective school, needs continuous 1610  
improvement, is under an academic watch, or is in a state of 1611  
academic emergency. 1612

(B)(1) If the state board establishes seventeen performance 1613  
indicators applicable to a school district or building under 1614  
section 3302.02 of the Revised Code: 1615

(1) A school district or building shall be declared excellent 1616  
if it meets at least sixteen of the applicable state performance 1617  
indicators. 1618

(2) A school district or building shall be declared ~~an~~ 1619  
effective ~~school district~~ if it meets ~~at least ninety-four per~~ 1620  
~~cent~~ thirteen through fifteen of the applicable state performance 1621  
~~standards~~ indicators. 1622

(2)(3) A school district or building shall be declared to be 1623  
in need of continuous improvement if it meets more than ~~fifty per~~ 1624  
~~cent~~ eight but less than ~~ninety-four per cent~~ thirteen of the 1625  
applicable state performance ~~standards~~ indicators. 1626

(3)(4) A school district or building shall be declared to be 1627

under an academic watch if it meets more than ~~thirty-three per~~ 1628  
~~cent~~ five but not more than ~~fifty per cent~~ eight of the applicable 1629  
state performance ~~standards~~ indicators. 1630

~~(4)~~(5) A school district or building shall be declared to be 1631  
in a state of academic emergency if it does not meet more than 1632  
~~thirty-three per cent~~ five of the applicable state performance 1633  
~~standards~~ indicators. 1634

(C) ~~Whenever feasible, the department shall utilize~~ 1635  
~~three-year averaging of the district's percentages on the~~ 1636  
~~performance standards specified in section 3302.02 of the Revised~~ 1637  
~~Code~~ If the state board establishes more than seventeen 1638  
performance indicators under section 3302.02 of the Revised Code, 1639  
or if less than seventeen performance indicators are applicable to 1640  
a school building, the state board shall establish the number of 1641  
indicators that must be met in order for a district or building to 1642  
be designated as excellent, effective, needs continuous 1643  
improvement, is under an academic watch, or is in a state of 1644  
academic emergency. The number established for each such category 1645  
under this division shall bear a similar relationship to the total 1646  
number of indicators as the number of indicators required for the 1647  
respective categories stated in division (B) of this section bears 1648  
to seventeen. 1649

(D)(1) The department shall issue annual report cards for 1650  
each school district, each building within each district, and for 1651  
the state as a whole ~~based on~~ reflecting performance on the 1652  
indicators created by the state board under section 3302.02 of the 1653  
Revised Code. 1654

(2) The department shall include on the report card for each 1655  
district information pertaining to any change from the previous 1656  
year made by the school district or school buildings within the 1657  
district on any performance indicator. 1658

(3) When reporting data on student performance, the 1659

<u>department shall disaggregate that data according to the following</u>	1660
<u>categories:</u>	1661
<u>(a) Performance of students by age group;</u>	1662
<u>(b) Performance of students by race and ethnic group;</u>	1663
<u>(c) Performance of students by gender;</u>	1664
<u>(d) Performance of students grouped by those who have been</u>	1665
<u>enrolled in a district or school for three or more years;</u>	1666
<u>(e) Performance of students grouped by those who have been</u>	1667
<u>enrolled in a district or school for more than one year and less</u>	1668
<u>than three years;</u>	1669
<u>(f) Performance of students grouped by those who have been</u>	1670
<u>enrolled in a district or school for one year or less;</u>	1671
<u>(g) Performance of students grouped by those who are</u>	1672
<u>classified as vocational education students pursuant to guidelines</u>	1673
<u>adopted by the department for purposes of this division;</u>	1674
<u>(h) Performance of students grouped by those who are</u>	1675
<u>economically disadvantaged, to the extent that such data is</u>	1676
<u>available from the education management information system</u>	1677
<u>established under section 3301.0714 of the Revised Code.</u>	1678
<u>The department may disaggregate data on student performance</u>	1679
<u>according to other categories that the department determines are</u>	1680
<u>appropriate.</u>	1681
<u>In reporting data pursuant to division (D)(3) of this</u>	1682
<u>section, the department shall not include in the report cards any</u>	1683
<u>data statistical in nature that is statistically unreliable or</u>	1684
<u>that could result in the identification of individual students.</u>	1685
<u>(4) The department may include with the report cards any</u>	1686
<u>additional education and fiscal performance data it deems</u>	1687
<u>valuable.</u>	1688

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

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

~~(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.~~

(E) In calculating the reading, writing, mathematics, social studies, or science proficiency or achievement test passage rates used to determine school district performance under this section, the department shall include all students except:

~~(1) Those students exempted from the requirement to take the applicable proficiency test taking a test with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, but shall not include any student excused from taking a test pursuant to division (C)(3) of that section, whether or not the student chose to take the test voluntarily in spite of the exemption granted in that division.~~

~~(2) Those students to whom the twelfth grade tests are not administered, pursuant to division (B)(4) of section 3301.0711 of~~



~~the Revised Code.~~

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Sec. 3302.031. In addition to the report cards required under section 3302.03 of the Revised Code, the department of education shall annually prepare the following reports for each school district and make a copy of each report available to the superintendent of each district:

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(A) A funding and expenditure accountability report which shall consist of the amount of state aid payments the school district will receive during the fiscal year under Chapter 3317. of the Revised Code and any other fiscal data the department determines is necessary to inform the public about the financial status of the district;

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(B) A school safety and discipline report which shall consist of statistical information regarding student safety and discipline in each school building, including the number of suspensions and expulsions disaggregated according to race and gender;

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(C) A student equity report which shall consist of at least a description of the status of teacher qualifications, library and media resources, textbooks, classroom materials and supplies, and technology resources for each district. To the extent possible, the information included in the report required under this division shall be disaggregated according to grade level, race, gender, disability, and scores attained on tests required under section 3301.0710 of the Revised Code.

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(D) A school enrollment report which shall consist of information about the composition of classes within each district by grade and subject disaggregated according to race, gender, and scores attained on tests required under section 3301.0710 of the Revised Code;

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(E) A student retention report which shall consist of the

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number of students retained in their respective grade levels in 1751  
the district disaggregated by grade level, subject area, race, 1752  
gender, and disability. 1753

**Sec. 3302.04.** (A) ~~By March 1, 1998, the~~ The state board of 1754  
education shall ~~recommend to the general assembly~~ adopt a rule 1755  
establishing both of the following: 1756

(1) A standard unit of improvement that any building within a 1757  
district or school district would be required to achieve on a 1758  
specific performance ~~standard~~ indicator that it failed to meet in 1759  
order to be deemed to have made satisfactory improvement toward 1760  
meeting that ~~standard~~ indicator. 1761

(2) The percentage of those performance ~~standards~~ indicators 1762  
that a building within a district or a district did not meet, on 1763  
which a building or district would be required to achieve the 1764  
standard unit of improvement in order to be deemed to be making 1765  
overall progress toward becoming an ~~effective~~ excellent building 1766  
or district. 1767

~~Upon approval of the general assembly, the~~ The rule shall 1768  
apply to determinations of school district improvement under 1769  
division (B) of this section. 1770

(B) When a school district has been notified by the 1771  
department pursuant to division (A) of section 3302.03 of the 1772  
Revised Code that the district or a building within the district 1773  
needs continuous improvement, is under an academic watch, or is in 1774  
a state of academic emergency, the district shall develop a 1775  
three-year continuous improvement plan containing an analysis of 1776  
the reasons for the district's failure as a whole, or the failure 1777  
of any buildings, to meet any of the ~~standards it does~~ indicators 1778  
not ~~meet~~ met and specifying the strategies ~~it~~ the district will 1779  
use and the resources it will allocate to address the problem. 1780  
Copies of the plan shall be made available to the public. 1781

No three-year continuous improvement plan shall be developed 1782  
or adopted pursuant to this division unless at least one public 1783  
hearing is held within the ~~territory of the~~ affected school 1784  
district or building concerning the final draft of the plan. 1785  
Notice of the hearing shall be given two weeks prior to the 1786  
hearing by publication in one newspaper of general circulation 1787  
within the territory of the affected school district. 1788

(C) When a school district has been notified by the 1789  
department pursuant to division (A) of section 3302.03 of the 1790  
Revised Code that the district or a building within the district 1791  
is under an academic watch or in a state of academic emergency, 1792  
the district shall be subject to any rules establishing 1793  
intervention in academic watch or emergency school districts that 1794  
have been recommended to the general assembly by the department of 1795  
education and approved by joint resolution of the general 1796  
assembly. ~~The department shall recommend such rules by July 1,~~ 1797  
~~1998.~~ 1798

(D)(1) Within one hundred twenty days after any school 1799  
district or building within the district is declared to be in a 1800  
state of academic emergency under section 3302.03 of the Revised 1801  
Code, the department shall initiate a site evaluation of the 1802  
building or school district. 1803

(2) If any school district that is declared to be in a state 1804  
of academic emergency or in a state of academic watch under 1805  
section 3302.03 of the Revised Code or encompasses a building that 1806  
is declared to be in a state of academic emergency or in a state 1807  
of academic watch fails to demonstrate to the department 1808  
satisfactory improvement of the district or applicable buildings 1809  
or fails to submit to the department any information required 1810  
under rules established by the state board of education, prior to 1811  
approving a three-year continuous improvement plan ~~for the school~~ 1812  
~~district~~ under rules established by the state board of education, 1813

the department shall conduct a site evaluation of the school 1814  
district or applicable buildings to determine whether the school 1815  
district is in compliance with minimum standards established by 1816  
law or rule. 1817

(3) Site evaluations conducted under divisions (D)(1) and (2) 1818  
of this section shall include, but not be limited to, the 1819  
following: 1820

(a) Determining whether teachers are assigned to subject 1821  
areas for which they are licensed or certified; 1822

(b) Determining pupil-teacher ratios; 1823

(c) Examination of compliance with minimum instruction time 1824  
requirements for each school day and for each school year; 1825

(d) Determining whether ~~the school district has~~ materials and 1826  
equipment necessary to implement the curriculum approved by the 1827  
school district board are available. 1828

(E)(1) If, after three years under a continuous improvement 1829  
plan developed pursuant to division (B) of this section, any 1830  
school district that is declared to be in a state of academic 1831  
emergency under section 3302.03 of the Revised Code has any 1832  
building within the district that is declared to be in a state of 1833  
academic emergency under that section and that fails to improve on 1834  
the performance indicators that the building did not meet under 1835  
that section to make progress toward becoming an excellent 1836  
building, the district shall implement at least one of the 1837  
following options with respect to that building: 1838

(a) Replace the building principal; 1839

(b) Examine the factors impeding student success and redesign 1840  
the building to address those factors, including transferring or 1841  
reassigning personnel; 1842

(C) Institute a new schoolwide curriculum or educational 1843

model that is consistent with the statewide academic standards 1844  
adopted pursuant to division (A) of section 3301.079 of the 1845  
Revised Code and alter the structure of the school day or year; 1846

(d) Contract with departments of education at public and 1847  
private colleges in Ohio, educational service centers, or the 1848  
state department of education to operate the building, including 1849  
the provision of personnel, supplies, and equipment; 1850

(e) Grant priority over all other applicants to students from 1851  
the building who apply to attend another building within the 1852  
district under the intradistrict open enrollment policy adopted by 1853  
the district pursuant to section 3313.97 of the Revised Code; 1854

(f) Close the building and reassign its students to other 1855  
buildings within the district; 1856

(g) Develop and implement a comprehensive alternative plan, 1857  
subject to approval by the department of education, to improve the 1858  
overall performance of the building. 1859

Any action taken under division (E)(1)(f) of this section may 1860  
include the establishment of a state intervention team to evaluate 1861  
all aspects of the building, including management, curriculum, 1862  
instructional methods, resource allocation, and scheduling. Any 1863  
such intervention team shall be appointed by the department and 1864  
shall include teachers and administrators recognized as 1865  
outstanding in their fields. The intervention team shall make 1866  
recommendations to the district regarding methods for improving 1867  
the performance of the building. The department shall not approve 1868  
a district's request for an intervention team if the department 1869  
cannot adequately fund the work of the team, unless the district 1870  
agrees to pay for the expenses of the team. 1871

(2) If any building subject to this division fails to improve 1872  
on the performance indicators that the building did not meet under 1873  
section 3302.03 of the Revised Code to make progress toward 1874

becoming an excellent building within two years following any 1875  
action taken by the district under this division, the district 1876  
shall select another option described by this division and 1877  
implement such option with respect to the building. 1878

**Sec. 3302.05.** ~~By March 1, 1998, the~~ The department of 1879  
education shall recommend rules to the general assembly freeing 1880  
school districts declared to be ~~effective~~ excellent under division 1881  
(B)(1) or ~~in need of continuous improvement~~ effective under 1882  
division (B)(2) of section 3302.03 of the Revised Code from 1883  
specified state mandates. Any mandates included in the recommended 1884  
rules shall be only those statutes or rules pertaining to state 1885  
education requirements. The rules shall take effect upon their 1886  
approval through passage of a joint resolution by the general 1887  
assembly. 1888

**Sec. 3313.532.** (A) Any person twenty-two or more years of age 1889  
and enrolled in an adult high school continuation program 1890  
established pursuant to section 3313.531 of the Revised Code may 1891  
request the board of education operating the program to conduct an 1892  
evaluation in accordance with division (C) of this section. 1893

(B) Any applicant to a board of education for a diploma of 1894  
adult education under division (B) of section 3313.611 of the 1895  
Revised Code may request the board to conduct an evaluation in 1896  
accordance with division (C) of this section. 1897

(C) Upon the request of any person pursuant to division (A) 1898  
or (B) of this section, the board of education to which the 1899  
request is made shall evaluate the person to determine whether the 1900  
person is handicapped, in accordance with rules adopted by the 1901  
state board of education. If the evaluation indicates that the 1902  
person is handicapped, the board shall determine whether to excuse 1903  
the person from taking any of the tests required by division (B) 1904

of section 3301.0710 of the Revised Code as a requirement for 1905  
receiving a diploma under section 3313.611 of the Revised Code. 1906  
The determination of whether to excuse the person from any such 1907  
test shall be made in the same manner as it would be for students 1908  
enrolled in the district who are receiving special education under 1909  
Chapter 3323. of the Revised Code. 1910

**Sec. 3313.60.** Notwithstanding division (D) of section 3311.52 1911  
of the Revised Code, divisions (A) to (E) of this section do not 1912  
apply to any cooperative education school district established 1913  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 1914  
Code. 1915

~~In adopting minimum standards under section 3301.07 of the~~ 1916  
~~Revised Code, the state board of education shall not require~~ 1917  
~~chartered schools to utilize any model curriculum adopted pursuant~~ 1918  
~~to section 3301.0716 of the Revised Code.~~ 1919

(A) The board of education of each city and exempted village 1920  
school district, the governing board of each educational service 1921  
center, and the board of each cooperative education school 1922  
district established pursuant to section 3311.521 of the Revised 1923  
Code shall prescribe a curriculum for all schools under their 1924  
control. Except as provided in division (E) of this section, in 1925  
any such curriculum there shall be included the study of the 1926  
following subjects: 1927

(1) The language arts, including reading, writing, spelling, 1928  
oral and written English, and literature; 1929

(2) Geography, the history of the United States and of Ohio, 1930  
and national, state, and local government in the United States, 1931  
including a balanced presentation of the relevant contributions to 1932  
society of men and women of African, Mexican, Puerto Rican, and 1933  
American Indian descent as well as other ethnic and racial groups 1934  
in Ohio and the United States; 1935

(3) Mathematics;	1936
(4) Natural science, including instruction in the conservation of natural resources;	1937 1938
(5) Health education, which shall include instruction in:	1939
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;	1940 1941 1942
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	1943 1944
(c) Venereal disease education, except that upon written request of <del>his</del> <u>the student's</u> parent or guardian, a student shall be excused from taking instruction in venereal disease education;	1945 1946 1947
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of <del>his</del> <u>the student's</u> parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.	1948 1949 1950 1951 1952
(6) Physical education;	1953
(7) The fine arts, including music;	1954
(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of <del>his</del> <u>the student's</u> parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.	1955 1956 1957 1958 1959
(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.	1960 1961 1962 1963
(C) Except as provided in division (E) of this section, every	1964



high school shall include in the requirements for graduation from 1965  
any curriculum one unit of American history and government, 1966  
including a study of the constitutions of the United States and of 1967  
Ohio. 1968

(D) Except as provided in division (E) of this section, basic 1969  
instruction in geography, United States history, the government of 1970  
the United States, the government of the state of Ohio, local 1971  
government in Ohio, the Declaration of Independence, the United 1972  
States Constitution, and the Constitution of the state of Ohio 1973  
shall be required before pupils may participate in courses 1974  
involving the study of social problems, economics, foreign 1975  
affairs, United Nations, world government, socialism and 1976  
communism. 1977

(E) For each cooperative education school district 1978  
established pursuant to section 3311.521 of the Revised Code and 1979  
each city, exempted village, and local school district that has 1980  
territory within such a cooperative district, the curriculum 1981  
adopted pursuant to divisions (A) to (D) of this section shall 1982  
only include the study of the subjects that apply to the grades 1983  
operated by each such school district. The curriculums for such 1984  
schools, when combined, shall provide to each student of these 1985  
districts all of the subjects required under divisions (A) to (D) 1986  
of this section. 1987

(F) The board of education of any cooperative education 1988  
school district established pursuant to divisions (A) to (C) of 1989  
section 3311.52 of the Revised Code shall prescribe a curriculum 1990  
for the subject areas and grade levels offered in any school under 1991  
its control. 1992

(G) Upon the request of any parent or legal guardian of a 1993  
student, the board of education of any school district shall 1994  
permit the parent or guardian to promptly examine, with respect to 1995  
the parent's or guardian's own child: 1996

<u>(1) Any survey or questionnaire, prior to its administration to the child;</u>	1997 1998
<u>(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;</u>	1999 2000 2001
<u>(3) Any completed and graded test taken or survey or questionnaire filled out by the child;</u>	2002 2003
<u>(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.</u>	2004 2005 2006 2007
<b>Sec. 3313.603.</b> (A) As used in this section:	2008
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	2009 2010 2011 2012
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	2013 2014 2015 2016
(B) Beginning September 15, 2001, <u>except as required in division (C) of section 3313.614 of the Revised Code,</u> the requirements for graduation from every high school shall include twenty-one units earned in grades nine through twelve and shall be distributed as follows:	2017 2018 2019 2020 2021
(1) English language arts, four units;	2022
(2) Health, one-half unit;	2023
(3) Mathematics, three units;	2024
(4) Physical education, one-half unit;	2025

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 2026  
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(a) Biological sciences, one unit; 2029

(b) Physical sciences, one unit. 2030

(6) Social studies, three units, which shall include both of the following: 2031  
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(a) American history, one-half unit; 2033

(b) American government, one-half unit. 2034

(7) Elective units, eight units until September 15, 2003, and seven units thereafter. 2035  
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Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language. 2037  
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(C) Every high school may permit students below the ninth grade to take advanced work for credit. A high school shall count such advanced work toward the graduation requirements of division (B) of this section if the advanced work was both: 2040  
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(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school; 2044  
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(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements. 2047  
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(D) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and technical instruction are eligible to meet the 2052  
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graduation requirements of division (B) of this section. 2055

Sec. 3313.608. (A) This section does not apply to students 2056  
who enter the fourth grade after July 1, 2003. 2057

(A) For each school year prior to July 1, 2004, for the test 2058  
to measure skill in reading prescribed by former division (A)(1) 2059  
of section 3301.0710 of the Revised Code, the state board of 2060  
education shall establish at least four ranges of scores to 2061  
measure the following levels of skill: 2062

(1) An advanced level of skill; 2063

(2) A proficient level of skill; 2064

(3) A basic level of skill; 2065

(4) A below basic level of skill. 2066

(B) Beginning with students who enter fourth grade in the 2067  
school year that starts July 1, 2001, no city, exempted village, 2068  
or local school district shall promote to fifth grade any student 2069  
who fails to attain the score designated under division (A)(1) of 2070  
section 3301.0710 of the Revised Code on the test prescribed under 2071  
that division to measure skill in reading, unless either of the 2072  
following applies: 2073

(1) The pupil was excused from taking the test under division 2074  
(C)(1) of section 3301.0711 of the Revised Code; 2075

(2) The pupil's principal and reading teacher agree that the 2076  
pupil is academically prepared, as determined pursuant to the 2077  
district policy adopted under section 3313.609 of the Revised 2078  
Code, to be promoted to fifth grade. 2079

(B) for any student who attains a score in the range 2080  
designated under division (A)(4) of this section on such reading 2081  
test, each school district shall do one of the following: 2082

(1) Promote the student to fifth grade if the student's 2083

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;

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

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(3) Retain the student in fourth grade.

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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.

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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 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 ~~(C)~~(D) of this section, provide intervention services to each student reading below grade level. Such intervention services shall include instruction in intensive, systematic phonetics pursuant to rules adopted by the state board of education.

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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.

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(3) For each student entering fourth grade after July 1,

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2001, who does not attain by the end of the fourth grade ~~the at~~ 2115  
~~least a score designated under division (A)(1) of section~~ 2116  
~~3301.0710 of the Revised Code on the test prescribed under that~~ 2117  
~~division to measure skill in reading in the range designated under~~ 2118  
~~division (A)(2) of this section,~~ the district also shall offer 2119  
intense remediation services, and another opportunity to take that 2120  
test, during the summer following fourth grade. 2121

~~(C)~~(D) For each student required to be offered ~~remediation~~ 2122  
~~intervention~~ services under this section, the district shall 2123  
involve the student's parent or guardian and classroom teacher in 2124  
developing the intervention strategy, and shall offer to the 2125  
parent or guardian the opportunity to be involved in the 2126  
intervention services. 2127

~~(D) Beginning in the summer of 1999, in~~ (E) In addition to 2128  
the remediation requirements of ~~divisions (B) and~~ division (C) of 2129  
this section, every city, exempted village, or local school 2130  
district shall offer summer remediation to any student who has 2131  
failed to attain the designated scores indicating proficiency on 2132  
three or more of the five tests described by former division 2133  
(A)(1) or (2) of section 3301.0710 of the Revised Code. 2134

~~(E)~~(F) Any summer remediation services funded in whole or in 2135  
part by the state and offered by school districts to students 2136  
under this section shall meet the following conditions: 2137

(1) The remediation methods are based on reliable educational 2138  
research. 2139

(2) The school districts conduct testing before and after 2140  
students participate in the program to facilitate monitoring 2141  
results of the remediation services. 2142

(3) The parents of participating students are involved in 2143  
programming decisions. 2144

(4) The services are conducted in a school building or 2145

community center and not on an at-home basis. 2146

(G) This section does not create a new cause of action or a 2147  
substantive legal right for any person. 2148

**Sec. 3313.6011.** (A) As used in this section, "sexual 2149  
activity" has the same meaning as in section 2907.01 of the 2150  
Revised Code. 2151

(B) Instruction in venereal disease education pursuant to 2152  
division(A)(5)(c) of section 3313.60 of the Revised Code shall 2153  
emphasize that abstinence from sexual activity is the only 2154  
protection that is one hundred per cent effective against unwanted 2155  
pregnancy, sexually transmitted disease, and the sexual 2156  
transmission of a virus that causes acquired immunodeficiency 2157  
syndrome. 2158

(C) In adopting minimum standards under section 3301.07 of 2159  
the Revised Code, the state board of education shall require 2160  
course material and instruction in venereal disease education 2161  
courses taught pursuant to division (A)(5)(c) of section 3313.60 2162  
of the Revised Code to do all of the following: 2163

(1) Stress that students should abstain from sexual activity 2164  
until after marriage; 2165

(2) Teach the potential physical, psychological, emotional, 2166  
and social side effects of participating in sexual activity 2167  
outside of marriage; 2168

(3) Teach that conceiving children out of wedlock is likely 2169  
to have harmful consequences for the child, the child's parents, 2170  
and society; 2171

(4) Stress that sexually transmitted diseases are serious 2172  
possible hazards of sexual activity; 2173

(5) Advise students of the laws pertaining to financial 2174

responsibility of parents to children born in and out of wedlock;	2175
(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.	2176 2177 2178
(D) Any model <del>competency-based</del> education program for health education the state board of education adopts <del>under section 3301.0716 of the Revised Code</del> shall conform to the requirements of this section.	2179 2180 2181 2182
(E) On and after <del>the effective date of this section March 18, 1999,</del> 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.	2183 2184 2185 2186 2187 2188
<u>Sec. 3313.6012.</u> (A) <u>The board of education of each city, exempted village, and local school district shall adopt a policy governing the conduct of academic prevention/intervention services for all grades and all schools throughout the district. The board shall update the policy annually. The policy shall include, but not be limited to, all of the following:</u>	2189 2190 2191 2192 2193 2194
<u>(1) Procedures for using diagnostic assessments to measure student progress toward the attainment of academic standards and to identify students who may not attain the academic standards;</u>	2195 2196 2197
<u>(2) A plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments;</u>	2198 2199 2200
<u>(3) Procedures for the regular collection of student performance data;</u>	2201 2202
<u>(4) Procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to</u>	2203 2204



modify such services.

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The policy shall include any prevention/intervention services required under sections 3301.0711, 3301.0715, and 3313.608 of the Revised Code.

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(B) In accordance with the policy adopted under division (A) of this section, each school district shall provide prevention/intervention services in pertinent subject areas to students who score below the proficient level on a reading, writing, mathematics, social studies, or science proficiency test administered in the fourth, sixth, or ninth grade or below the basic level on any achievement test or who do not demonstrate academic performance at their grade level based on the results of a diagnostic assessment.

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**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:

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(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;

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(2) The Subject to section 3313.614 of the Revised Code, the person has either:

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(a) 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 was excused from taking any such test pursuant to ~~division (C)(1) of section 3301.0711~~ or section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

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(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 2234  
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(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section. 2236  
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Except as provided in divisions (C), (E), ~~and (J)~~, and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division. 2238  
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(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board of education, by any such district board to anyone who successfully completes 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, who has attained subject to section 3313.614 of the Revised Code 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, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code, and who has met additional criteria established by the state board for the granting of such a diploma. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division. 2241  
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The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that 2258  
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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 or 3301.0712 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) or (L) 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 2298  
the institution, and by the person serving as principal of the 2299  
institution's high school and shall bear the date of issue. 2300

(F) Persons who are not residents of Ohio but who are inmates 2301  
of correctional institutions operated by the state or any 2302  
political subdivision thereof, and who are eligible under state 2303  
board of education minimum standards to receive a high school 2304  
diploma based in whole or in part on credits earned while an 2305  
inmate of the correctional institution, shall be granted a diploma 2306  
by the correctional institution offering the program in which the 2307  
credits were earned. The diploma granted by the correctional 2308  
institution shall be signed by the director of the institution and 2309  
by the person serving as principal of the institution's high 2310  
school and shall bear the date of issue. 2311

(G) The state board of education shall provide by rule for 2312  
the administration of the tests required by section 3301.0710 of 2313  
the Revised Code to inmates of correctional institutions. 2314

(H) Any person to whom all of the following apply shall be 2315  
exempted from attaining the applicable score on the test in social 2316  
studies designated under division (B) of section 3301.0710 of the 2317  
Revised Code or the test in citizenship designated under former 2318  
division (B) of section 3301.0710 of the Revised Code as it 2319  
existed prior to the effective date of this amendment: 2320

(1) The person is not a citizen of the United States; 2321

(2) The person is not a permanent resident of the United 2322  
States; 2323

(3) The person indicates no intention to reside in the United 2324  
States after the completion of high school. 2325

(I) Notwithstanding division (D) of section 3311.19 and 2326  
division (D) of section 3311.52 of the Revised Code, this section 2327  
and section 3311.611 of the Revised Code do not apply to the board 2328

of education of any joint vocational school district or any 2329  
cooperative education school district established pursuant to 2330  
divisions (A) to (C) of section 3311.52 of the Revised Code. 2331

(J) Upon receipt of a notice under division (D) of section 2332  
3325.08 of the Revised Code that a student has received a diploma 2333  
under that section, the board of education receiving the notice 2334  
may grant a high school diploma under this section to the student, 2335  
except that such board shall grant the student a diploma if the 2336  
student meets the graduation requirements that the student would 2337  
otherwise have had to meet to receive a diploma from the district. 2338  
The diploma granted under this section shall be of the same type 2339  
the notice indicates the student received under section 3325.08 of 2340  
the Revised Code. 2341

(K) As used in this division, "English-limited student" has 2342  
the same meaning as in division (C)(3) of section 3301.0711 of the 2343  
Revised Code. 2344

Notwithstanding the exemption for English-limited students 2345  
provided in division (C)(3) of section 3301.0711 of the Revised 2346  
Code, no English-limited student who has not attained the 2347  
applicable scores designated under division (B) of section 2348  
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2349  
required by that division shall be awarded a diploma under this 2350  
section. 2351

(L) Any student described by division (A)(1) of this section 2352  
may be awarded a diploma without attaining the applicable scores 2353  
designated on the tests prescribed under division (B) of section 2354  
3301.0710 of the Revised Code provided an individualized education 2355  
program specifically exempts the student from attaining such 2356  
scores. This division does not negate the requirement for such a 2357  
student to take all such tests or alternate assessments required 2358  
by division (C)(1) of section 3301.0711 of the Revised Code for 2359  
the purpose of assessing student progress as required by federal 2360

law.

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

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(1) Work experiences or experiences as a volunteer;

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(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;

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(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;

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

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(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:

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

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(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;

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(3) ~~The~~ Subject to section 3313.614 of the Revised Code, the  
applicant ~~has~~ either:

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(a) Has attained the applicable scores designated under  
division (B) of section 3301.0710 of the Revised Code on all of

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the tests required by that division or was excused or exempted 2390  
from any such test pursuant to ~~division (C)(1) of section~~ 2391  
~~3301.0711,~~ section 3313.532~~,~~ or division (H) or (L) of section 2392  
3313.61 of the Revised Code; 2393

(b) Has satisfied the alternative conditions prescribed in 2394  
section 3313.615 of the Revised Code. 2395

(4) The district board determines, in accordance with the 2396  
standards adopted under division (A) of this section, that the 2397  
applicant has attained sufficient high school credits, including 2398  
equivalent credits awarded under such standards, to qualify as 2399  
having successfully completed the curriculum required by the 2400  
district for graduation. 2401

(C) If a district board determines that an applicant is not 2402  
eligible for a diploma under division (B) of this section, it 2403  
shall inform the applicant of the reason the applicant is 2404  
ineligible and shall provide a list of any courses required for 2405  
the diploma for which the applicant has not received credit. An 2406  
applicant may reapply for a diploma under this section at any 2407  
time. 2408

(D) If a district board awards an adult education diploma 2409  
under this section, the president and treasurer of the board and 2410  
the superintendent of schools shall sign it. Each diploma shall 2411  
bear the date of its issuance, be in such form as the district 2412  
board prescribes, and be paid for from the district's general 2413  
fund, except that the state board may by rule prescribe standard 2414  
language to be included on each diploma. 2415

(E) As used in this division, "English-limited student" has 2416  
the same meaning as in division (C)(3) of section 3301.0711 of the 2417  
Revised Code. 2418

Notwithstanding the exemption for English-limited students 2419  
provided in division (C)(3) of section 3301.0711 of the Revised 2420

Code, no English-limited student who has not attained the 2421  
applicable scores designated under division (B) of section 2422  
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2423  
required by that division shall be awarded a diploma under this 2424  
section. 2425

**Sec. 3313.612.** ~~On and after September 15, 1998, no~~ (A) No 2426  
nonpublic school chartered by the state board of education shall 2427  
grant any high school diploma to any person unless the person has 2428  
attained, subject to section 3313.614 of the Revised Code at least 2429  
the applicable scores designated under division (B) of section 2430  
3301.0710 of the Revised Code on all the tests required by that 2431  
division ~~except as follows~~, or has satisfied the alternative 2432  
conditions prescribed in section 3313.615 of the Revised Code. 2433

~~(A)~~(B) This ~~prohibition~~ section does not apply to ~~any~~ either 2434  
of the following: 2435

(1) Any person with regard to any test from which the person 2436  
was excused pursuant to division (C)(1)(c) of section 3301.0711 of 2437  
the Revised Code; 2438

~~(B)~~ This ~~prohibition~~ ~~does not apply to any~~ (2) Any person 2439  
with regard to the ~~citizenship~~ social studies test ~~or the~~ 2440  
citizenship test under former division (B) of section 3301.0710 of 2441  
the Revised Code as it existed prior to the effective date of this 2442  
amendment if all of the following apply: 2443

~~(1)~~(a) The person is not a citizen of the United States; 2444

~~(2)~~(b) The person is not a permanent resident of the United 2445  
States; 2446

~~(3)~~(c) The person indicates no intention to reside in the 2447  
United States after completion of high school. 2448

(C) As used in this division, "English-limited student" has 2449  
the same meaning as in division (C)(3) of section 3301.0711 of the 2450



Revised Code. 2451

Notwithstanding the exemption for English-limited students 2452  
provided in division (C)(3) of section 3301.0711 of the Revised 2453  
Code, no English-limited student who has not attained the 2454  
applicable scores designated under division (B) of section 2455  
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2456  
required by that division shall be awarded a diploma under this 2457  
section. 2458

Sec. 3313.614. (A) As used in this section, a person 2459  
"fulfills the curriculum requirement for a diploma" at the time 2460  
one of the following conditions is satisfied: 2461

(1) The person successfully completes the high school 2462  
curriculum of a school district, a community school, a chartered 2463  
nonpublic school, or a correctional institution. 2464

(2) The person successfully completes the individualized 2465  
education program developed for the person under section 3323.08 2466  
of the Revised Code. 2467

(3) A board of education issues its determination under 2468  
section 3313.611 of the Revised Code that the person qualifies as 2469  
having successfully completed the curriculum required by the 2470  
district. 2471

(B) This division specifies the testing requirements that 2472  
must be fulfilled as a condition toward granting high school 2473  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 2474  
of the Revised Code. 2475

(1) A person who fulfills the curriculum requirement for a 2476  
diploma before September 15, 2000, is not required to pass any 2477  
proficiency test or achievement test in science as a condition to 2478  
receiving a diploma. 2479

(2) Except as provided in division (B)(3) of this section, a 2480

person who fulfills the curriculum requirement for a diploma prior 2481  
to September 15, 2006, is not required to pass the Ohio graduation 2482  
test in any subject as a condition to receiving a diploma once the 2483  
person has passed the ninth grade proficiency test in the same 2484  
subject, so long as the person passed the ninth grade proficiency 2485  
test prior to September 15, 2008. For this purpose, the ninth 2486  
grade proficiency test in citizenship substitutes for the Ohio 2487  
graduation test in social studies. If a person fulfills the 2488  
curriculum requirement for a diploma prior to September 15, 2006, 2489  
but does not pass a ninth grade proficiency test in a particular 2490  
subject before September 15, 2008, and passage of a test in that 2491  
subject is a condition for the person to receive a diploma, the 2492  
person must pass the Ohio graduation test in that subject to 2493  
receive a diploma. 2494

(3) A person who begins tenth grade after July 1, 2004, in a 2495  
school district, community school, or chartered nonpublic school 2496  
is not eligible to receive a diploma based on passage of ninth 2497  
grade proficiency tests. Each such person must pass Ohio 2498  
graduation tests to meet the testing requirements applicable to 2499  
that person as a condition to receiving a diploma. 2500

(C) Once a person fulfills the curriculum requirement for a 2501  
diploma, the person is never required, as a condition of receiving 2502  
a diploma, to meet any different curriculum requirements that take 2503  
effect pending the person's passage of proficiency or achievement 2504  
tests, including changes mandated by section 3313.603 of the 2505  
Revised Code, the state board, a school district board of 2506  
education, or a governing authority of a community school or 2507  
chartered nonpublic school. 2508

Sec. 3313.615. This section shall apply to diplomas awarded 2509  
after September 15, 2006, to students who are required to take the 2510  
five Ohio graduation tests prescribed by division (B) of section 2511

3301.0710 of the Revised Code. 2512

(A) As an alternative to the requirement that a person attain the scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required under that division in order to be eligible for a high school diploma or an honors diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code or for a diploma of adult education under section 3313.611 of the Revised Code, a person who has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all but one of the tests required by that division and from which the person was not excused or exempted, pursuant to division (H) or (L) of section 3313.61, division (B) of section 3313.612, or section 3313.532 of the Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions: 2513  
2514  
2515  
2516  
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2524  
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2526

(1) On the one test required under division (B) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less; 2527  
2528  
2529  
2530

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences; 2531  
2532  
2533

(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years; 2534  
2535

(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education in the subject area of the test required under division (B) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score; 2536  
2537  
2538  
2539  
2540

(5) Has completed the high school curriculum requirements 2541

prescribed in section 3313.603 of the Revised Code in the subject 2542  
area described in division (A)(4) of this section; 2543

(6) Has taken advantage of any intervention programs provided 2544  
by the school district or school in the subject area described in 2545  
division (A)(4) of this section and has a ninety-seven per cent 2546  
attendance rate, excluding any excused absences, in any of those 2547  
programs that are provided at times beyond the normal school day, 2548  
school week, or school year or has received comparable 2549  
intervention services from a source other than the school district 2550  
or school; 2551

(7) Holds a letter recommending graduation from each of the 2552  
person's high school teachers in the subject area described in 2553  
division (A)(4) of this section and from the person's high school 2554  
principal. 2555

(B) The state board of education shall establish rules 2556  
designating grade point averages equivalent to the average 2557  
specified in division (A)(4) of this section for use by school 2558  
districts and schools with different grading systems. 2559

**Sec. 3313.978.** (A) Annually by the first day of November, the 2560  
superintendent of public instruction shall notify the pilot 2561  
project school district of the number of initial scholarships that 2562  
the state superintendent will be awarding in each of grades 2563  
kindergarten through third. 2564

The state superintendent shall provide information about the 2565  
scholarship program to all students residing in the district, 2566  
shall accept applications from any such students until such date 2567  
as shall be established by the state superintendent as a deadline 2568  
for applications, and shall establish criteria for the selection 2569  
of students to receive scholarships from among all those applying 2570  
prior to the deadline, which criteria shall give preference to 2571  
students from low-income families. For each student selected, the 2572

state superintendent shall also determine whether the student 2573  
qualifies for seventy-five or ninety per cent of the scholarship 2574  
amount. Students whose family income is at or above two hundred 2575  
per cent of the maximum income level established by the state 2576  
superintendent for low-income families shall qualify for 2577  
seventy-five per cent of the scholarship amount and students whose 2578  
family income is below two hundred per cent of that maximum income 2579  
level shall qualify for ninety per cent of the scholarship amount. 2580  
The state superintendent shall notify students of their selection 2581  
prior to the fifteenth day of January and whether they qualify for 2582  
seventy-five or ninety per cent of the scholarship amount. 2583

(1) A student receiving a pilot project scholarship may 2584  
utilize it at an alternative public school by notifying the 2585  
district superintendent, at any time before the beginning of the 2586  
school year, of the name of the public school in an adjacent 2587  
school district to which the student has been accepted pursuant to 2588  
section 3327.06 of the Revised Code. 2589

(2) A student may decide to utilize a pilot project 2590  
scholarship at a registered private school in the district if all 2591  
of the following conditions are met: 2592

(a) By the fifteenth day of February of the preceding school 2593  
year, or at any time prior to the start of the school year, the 2594  
parent makes an application on behalf of the student to a 2595  
registered private school. 2596

(b) The registered private school notifies the parent and the 2597  
state superintendent as follows that the student has been 2598  
admitted: 2599

(i) By the fifteenth day of March of the preceding school 2600  
year if the student filed an application by the fifteenth day of 2601  
February and was admitted by the school pursuant to division (A) 2602  
of section 3313.977 of the Revised Code; 2603

(ii) Within one week of the decision to admit the student if 2604  
the student is admitted pursuant to division (C) of section 2605  
3313.977 of the Revised Code. 2606

(c) The student actually enrolls in the registered private 2607  
school to which the student was first admitted or in another 2608  
registered private school in the district or in a public school in 2609  
an adjacent school district. 2610

(B) The state superintendent shall also award in any school 2611  
year tutorial assistance grants to a number of students equal to 2612  
the number of students who receive scholarships under division (A) 2613  
of this section. Tutorial assistance grants shall be awarded 2614  
solely to students who are enrolled in the public schools of the 2615  
district in a grade level covered by the pilot project. Tutorial 2616  
assistance grants may be used solely to obtain tutorial assistance 2617  
from a provider approved pursuant to division (D) of section 2618  
3313.976 of the Revised Code. 2619

All students wishing to obtain tutorial assistance grants 2620  
shall make application to the state superintendent by the first 2621  
day of the school year in which the assistance will be used. The 2622  
state superintendent shall award assistance grants in accordance 2623  
with criteria the superintendent shall establish. For each student 2624  
awarded a grant, the state superintendent shall also determine 2625  
whether the student qualifies for seventy-five or ninety per cent 2626  
of the grant amount and so notify the student. Students whose 2627  
family income is at or above two hundred per cent of the maximum 2628  
income level established by the state superintendent for 2629  
low-income families shall qualify for seventy-five per cent of the 2630  
grant amount and students whose family income is below two hundred 2631  
per cent of that maximum income level shall qualify for ninety per 2632  
cent of the grant amount. 2633

(C)(1) In the case of basic scholarships, the scholarship 2634  
amount shall not exceed the lesser of the tuition charges of the 2635

alternative school the scholarship recipient attends or an amount 2636  
established by the state superintendent not in excess of 2637  
twenty-five hundred dollars. 2638

(2) The state superintendent shall provide for an increase in 2639  
the basic scholarship amount in the case of any student who is a 2640  
mainstreamed handicapped student and shall further increase such 2641  
amount in the case of any separately educated handicapped child. 2642  
Such increases shall take into account the instruction, related 2643  
services, and transportation costs of educating such students. 2644

(3) In the case of tutorial assistance grants, the grant 2645  
amount shall not exceed the lesser of the provider's actual 2646  
charges for such assistance or a percentage established by the 2647  
state superintendent, not to exceed twenty per cent, of the amount 2648  
of the pilot project school district's average basic scholarship 2649  
amount. 2650

(4) No scholarship or tutorial assistance grant shall be 2651  
awarded unless the state superintendent determines that 2652  
twenty-five or ten per cent, as applicable, of the amount 2653  
specified for such scholarship or grant pursuant to division 2654  
(C)(1), (2), or (3) of this section will be furnished by a 2655  
political subdivision, a private nonprofit or for profit entity, 2656  
or another person. Only seventy-five or ninety per cent of such 2657  
amounts, as applicable, shall be paid from state funds pursuant to 2658  
section 3313.979 of the Revised Code. 2659

(D)(1) Annually by the first day of November, the state 2660  
superintendent shall estimate the maximum per-pupil scholarship 2661  
amounts for the ensuing school year. The state superintendent 2662  
shall make this estimate available to the general public at the 2663  
offices of the district board of education together with the forms 2664  
required by division (D)(2) of this section. 2665

(2) Annually by the fifteenth day of January, the chief 2666

administrator of each registered private school located in the 2667  
pilot project district and the principal of each public school in 2668  
such district shall complete a parental information form and 2669  
forward it to the president of the board of education. The 2670  
parental information form shall be prescribed by the department of 2671  
education and shall provide information about the grade levels 2672  
offered, the numbers of students, tuition amounts, ~~proficiency~~ 2673  
~~examination~~ achievement test results, and any sectarian or other 2674  
organizational affiliations. 2675

**Sec. 3314.03.** (A) Each contract entered into under section 2676  
3314.02 of the Revised Code between a sponsor and the governing 2677  
authority of a community school shall specify the following: 2678

(1) That the school shall be established as a nonprofit 2679  
corporation established under Chapter 1702. of the Revised Code; 2680

(2) The education program of the school, including the 2681  
school's mission, the characteristics of the students the school 2682  
is expected to attract, the ages and grades of students, and the 2683  
focus of the curriculum; 2684

(3) The academic goals to be achieved and the method of 2685  
measurement that will be used to determine progress toward those 2686  
goals, which shall include the statewide ~~proficiency~~ achievement 2687  
tests; 2688

(4) Performance standards by which the success of the school 2689  
will be evaluated by the sponsor; 2690

(5) The admission standards of section 3314.06 of the Revised 2691  
Code; 2692

(6) Dismissal procedures; 2693

(7) The ways by which the school will achieve racial and 2694  
ethnic balance reflective of the community it serves; 2695



(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.

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

(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;

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

(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;

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;

(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;

(d) The school will comply with divisions (A), (B), and (C) of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 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., 2727  
4141., and 4167. of the Revised Code as if it were a school 2728  
district; 2729

(e) The school shall comply with Chapter 102. of the Revised 2730  
Code except that nothing in that chapter shall prohibit a member 2731  
of the school's governing board from also being an employee of the 2732  
school and nothing in that chapter or section 2921.42 of the 2733  
Revised Code shall prohibit a member of the school's governing 2734  
board from having an interest in a contract into which the 2735  
governing board enters; 2736

(f) The school will comply with sections 3313.61 ~~and,~~ 2737  
3313.611, and 3313.614 of the Revised Code, except that the 2738  
requirement in ~~those~~ sections 3313.61 and 3313.611 of the Revised 2739  
Code that a person must successfully complete the curriculum in 2740  
any high school prior to receiving a high school diploma may be 2741  
met by completing the curriculum adopted by the governing 2742  
authority of the community school rather than the curriculum 2743  
specified in Title XXXVIII of the Revised Code or any rules of the 2744  
state board of education; 2745

(g) The school governing authority will submit an annual 2746  
report of its activities and progress in meeting the goals and 2747  
standards of divisions (A)(3) and (4) of this section and its 2748  
financial status to the sponsor, the parents of all students 2749  
enrolled in the school, and the legislative office of education 2750  
oversight. The school will collect and provide any data that the 2751  
legislative office of education oversight requests in furtherance 2752  
of any study or research that the general assembly requires the 2753  
office to conduct, including the studies required under Section 2754  
50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and 2755  
Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general 2756  
assembly, as amended. 2757

(12) Arrangements for providing health and other benefits to 2758

employees; 2759

(13) The length of the contract, which shall begin at the 2760  
beginning of an academic year and shall not exceed five years; 2761

(14) The governing authority of the school, which shall be 2762  
responsible for carrying out the provisions of the contract; 2763

(15) A financial plan detailing an estimated school budget 2764  
for each year of the period of the contract and specifying the 2765  
total estimated per pupil expenditure amount for each such year. 2766  
The plan shall specify for each year the base formula amount that 2767  
will be used for purposes of funding calculations under section 2768  
3314.08 of the Revised Code. This base formula amount for any year 2769  
shall not exceed the formula amount defined under section 3317.02 2770  
of the Revised Code. The plan may also specify for any year a 2771  
percentage figure to be used for reducing the per pupil amount of 2772  
disadvantaged pupil impact aid calculated pursuant to section 2773  
3317.029 of the Revised Code the school is to receive that year 2774  
under section 3314.08 of the Revised Code. 2775

(16) Requirements and procedures regarding the disposition of 2776  
employees of the school in the event the contract is terminated or 2777  
not renewed pursuant to section 3314.07 of the Revised Code; 2778

(17) Whether the school is to be created by converting all or 2779  
part of an existing public school or is to be a new start-up 2780  
school, and if it is a converted public school, specification of 2781  
any duties or responsibilities of an employer that the board of 2782  
education that operated the school before conversion is delegating 2783  
to the governing board of the community school with respect to all 2784  
or any specified group of employees provided the delegation is not 2785  
prohibited by a collective bargaining agreement applicable to such 2786  
employees; 2787

(18) Provisions establishing procedures for resolving 2788  
disputes or differences of opinion between the sponsor and the 2789

governing authority of the community school; 2790

(19) A provision requiring the governing authority to adopt a 2791  
policy regarding the admission of students who reside outside the 2792  
district in which the school is located. That policy shall comply 2793  
with the admissions procedures specified in section 3314.06 of the 2794  
Revised Code and, at the sole discretion of the authority, shall 2795  
do one of the following: 2796

(a) Prohibit the enrollment of students who reside outside 2797  
the district in which the school is located; 2798

(b) Permit the enrollment of students who reside in districts 2799  
adjacent to the district in which the school is located; 2800

(c) Permit the enrollment of students who reside in any other 2801  
district in the state. 2802

(B) The community school shall also submit to the sponsor a 2803  
comprehensive plan for the school. The plan shall specify the 2804  
following: 2805

(1) The process by which the governing authority of the 2806  
school will be selected in the future; 2807

(2) The management and administration of the school; 2808

(3) If the community school is a currently existing public 2809  
school, alternative arrangements for current public school 2810  
students who choose not to attend the school and teachers who 2811  
choose not to teach in the school after conversion; 2812

(4) The instructional program and educational philosophy of 2813  
the school; 2814

(5) Internal financial controls. 2815

(C) A contract entered into under section 3314.02 of the 2816  
Revised Code between a sponsor and the governing authority of a 2817  
community school may provide for the community school governing 2818

authority to make payments to the sponsor, which is hereby 2819  
authorized to receive such payments as set forth in the contract 2820  
between the governing authority and the sponsor. 2821

**Sec. 3314.20.** This section does not apply to any school 2822  
district declared to be excellent or effective pursuant to 2823  
division (B)(1) or (2) of section 3302.03 of the Revised Code. 2824

(A) The department of education shall recommend rules to the 2825  
general assembly requiring school districts with a total student 2826  
count of over five thousand, as determined pursuant to section 2827  
3317.03 of the Revised Code, to designate one school building to 2828  
be operated by a site-based management council. The rules shall 2829  
specify the composition of the council and the manner in which 2830  
members of the council are to be selected and removed. 2831

(B) The rules adopted under division (A) of this section 2832  
shall specify those powers, duties, functions, and 2833  
responsibilities that shall be vested in the management council 2834  
and that would otherwise be exercised by the district board of 2835  
education. The rules shall also establish a mechanism for 2836  
resolving any differences between the council and the district 2837  
board if there is disagreement as to their respective powers, 2838  
duties, functions, and responsibilities. 2839

(C) The board of education of any school district described 2840  
by division (A) of this section may, in lieu of complying with the 2841  
rules adopted under this section, file with the department of 2842  
education an alternative structure for a district site-based 2843  
management program in at least one of its school buildings. The 2844  
proposal shall specify the composition of the council, which shall 2845  
include an equal number of parents and teachers and the building 2846  
principal, and the method of selection and removal of the council 2847  
members. The proposal shall also clearly delineate the respective 2848  
powers, duties, functions, and responsibilities of the district 2849

board and the council. The district's proposal shall comply 2850  
substantially with the rules approved by the general assembly. 2851

(D) The rules recommended under this section shall take 2852  
effect upon approval of the general assembly through the passage 2853  
of a joint resolution. 2854

**Sec. 3317.012.** (A) The general assembly, having analyzed 2855  
school district expenditure and cost data for fiscal year 1996, 2856  
performed the calculation described in division (B) of this 2857  
section, and adjusted the results for inflation, hereby determines 2858  
that the base cost of an adequate education per pupil for the 2859  
fiscal year beginning July 1, 1998, is \$4,063. For the five 2860  
following fiscal years, the base cost per pupil for each of those 2861  
years, reflecting an annual rate of inflation of two and 2862  
eight-tenths per cent, is \$4,177 for fiscal year 2000, \$4,294 for 2863  
fiscal year 2001, \$4,414 for fiscal year 2002, \$4,538 for fiscal 2864  
year 2003, and \$4,665 for fiscal year 2004. 2865

(B) In determining the base cost stated in division (A) of 2866  
this section, capital and debt costs, costs paid for by federal 2867  
funds, and costs covered by funds provided pursuant to sections 2868  
3317.023 and 3317.024 of the Revised Code as they existed prior to 2869  
July 1, 1998, for disadvantaged pupil impact aid and 2870  
transportation were excluded, as were the effects on the 2871  
districts' state funds of the application of the 2872  
cost-of-doing-business factors, assuming an eighteen per cent 2873  
variance. 2874

The base cost for fiscal year 1996 was calculated as the 2875  
unweighted average cost per student, on a school district basis, 2876  
of educating students who were not receiving vocational education 2877  
or services pursuant to Chapter 3323. of the Revised Code and who 2878  
were enrolled in a city, exempted village, or local school 2879  
district that in fiscal year 1994 met all of the following 2880

criteria:	2881
(1) The district met at least all but one of the following	2882
performance <del>standards</del> <u>indicators</u> :	2883
(a) A three per cent or lower dropout rate;	2884
(b) At least seventy-five per cent of fourth graders	2885
proficient on the mathematics test prescribed under <u>former</u>	2886
division (A)(1) of section 3301.0710 of the Revised Code;	2887
(c) At least seventy-five per cent of fourth graders	2888
proficient on the reading test prescribed under <u>former</u> division	2889
(A)(1) of section 3301.0710 of the Revised Code;	2890
(d) At least seventy-five per cent of fourth graders	2891
proficient on the writing test prescribed under <u>former</u> division	2892
(A)(1) of section 3301.0710 of the Revised Code;	2893
(e) At least seventy-five per cent of fourth graders	2894
proficient on the citizenship test prescribed under <u>former</u>	2895
division (A)(1) of section 3301.0710 of the Revised Code;	2896
(f) At least seventy-five per cent of ninth graders	2897
proficient on the mathematics test prescribed under former	2898
division (B) of section 3301.0710 of the Revised Code;	2899
(g) At least seventy-five per cent of ninth graders	2900
proficient on the reading test prescribed under former division	2901
(B) of section 3301.0710 of the Revised Code;	2902
(h) At least seventy-five per cent of ninth graders	2903
proficient on the writing test prescribed under former division	2904
(B) of section 3301.0710 of the Revised Code;	2905
(i) At least seventy-five per cent of ninth graders	2906
proficient on the citizenship test prescribed under former	2907
division (B) of section 3301.0710 of the Revised Code;	2908
(j) At least eighty-five per cent of tenth graders proficient	2909

on the mathematics test prescribed under former division (B) of	2910
section 3301.0710 of the Revised Code;	2911
(k) At least eighty-five per cent of tenth graders proficient	2912
on the reading test prescribed under former division (B) of	2913
section 3301.0710 of the Revised Code;	2914
(l) At least eighty-five per cent of tenth graders proficient	2915
on the writing test prescribed under former division (B) of	2916
section 3301.0710 of the Revised Code;	2917
(m) At least eighty-five per cent of tenth graders proficient	2918
on the citizenship test prescribed under former division (B) of	2919
section 3301.0710 of the Revised Code;	2920
(n) At least sixty per cent of twelfth graders proficient on	2921
the mathematics test prescribed under <u>former</u> division (A)(3) of	2922
section 3301.0710 of the Revised Code;	2923
(o) At least sixty per cent of twelfth graders proficient on	2924
the reading test prescribed under <u>former</u> division (A)(3) of	2925
section 3301.0710 of the Revised Code;	2926
(p) At least sixty per cent of twelfth graders proficient on	2927
the writing test prescribed under <u>former</u> division (A)(3) of	2928
section 3301.0710 of the Revised Code;	2929
(q) At least sixty per cent of twelfth graders proficient on	2930
the citizenship test prescribed under <u>former</u> division (A)(3) of	2931
section 3301.0710 of the Revised Code;	2932
(r) An attendance rate for the year of at least ninety-three	2933
per cent as defined in section 3302.01 of the Revised Code.	2934
(2) The district was not among the ten per cent of all	2935
districts with the highest income factors, as defined in section	2936
3317.02 of the Revised Code, nor among the ten per cent of all	2937
districts with the lowest income factors.	2938
(3) The district was not among the five per cent of all	2939



districts with the highest valuation per pupil in ADM, as reported 2940  
under division (A) of section 3317.03 of the Revised Code as it 2941  
existed prior to July 1, 1998, nor among the five per cent of all 2942  
districts with the lowest valuation per pupil. 2943

(C) In July of 2000, and in July of every six years 2944  
thereafter, the speaker of the house of representatives and the 2945  
president of the senate shall each appoint three members to a 2946  
committee to reexamine the cost of an adequate education. No more 2947  
than two members from any political party shall represent each 2948  
house. The director of budget and management and the 2949  
superintendent of public instruction shall serve as nonvoting ex 2950  
officio members of the committee. 2951

The committee shall select a rational methodology for 2952  
calculating the costs of an adequate education system for the 2953  
ensuing six-year period, and shall report the methodology and the 2954  
resulting costs to the general assembly. In performing its 2955  
function, the committee is not bound by any method used by 2956  
previous general assemblies to examine and calculate costs and 2957  
instead may utilize any rational method it deems suitable and 2958  
reasonable given the educational needs and requirements of the 2959  
state at that time. 2960

The methodology for determining the cost of an adequate 2961  
education system shall take into account the basic educational 2962  
costs that all districts incur in educating regular students, the 2963  
unique needs of special categories of students, and significant 2964  
special conditions encountered by certain classifications of 2965  
school districts. 2966

Any committee appointed pursuant to this section shall make 2967  
its report to the office of budget and management and the general 2968  
assembly within six months of its appointment so that the 2969  
information is available for use by the office and the general 2970  
assembly in preparing the next biennial appropriations act. 2971

Sec. 3317.029. (A) As used in this section: 2972

(1) "DPIA percentage" means the quotient obtained by dividing 2973  
the five-year average number of children ages five to seventeen 2974  
residing in the school district and living in a family receiving 2975  
family assistance, as certified or adjusted under section 3317.10 2976  
of the Revised Code, by the district's three-year average formula 2977  
ADM. 2978

(2) "Family assistance" means assistance received under the 2979  
Ohio works first program or, for the purpose of determining the 2980  
five-year average number of recipients of family assistance in 2981  
fiscal years 1999 through 2002, assistance received under an 2982  
antecedent program known as TANF or ADC. 2983

(3) "Statewide DPIA percentage" means the five-year average 2984  
of the total number of children ages five to seventeen years 2985  
residing in the state and receiving family assistance, divided by 2986  
the sum of the three-year average formula ADMs for all school 2987  
districts in the state. 2988

(4) "DPIA index" means the quotient obtained by dividing the 2989  
school district's DPIA percentage by the statewide DPIA 2990  
percentage. 2991

(5) "Kindergarten ADM" means the number of students reported 2992  
under section 3317.03 of the Revised Code as enrolled in 2993  
kindergarten. 2994

(6) "Kindergarten through third grade ADM" means the amount 2995  
calculated as follows: 2996

(a) Multiply the kindergarten ADM by the sum of one plus the 2997  
all-day kindergarten percentage; 2998

(b) Add the number of students in grades one through three; 2999

(c) Subtract from the sum calculated under division (A)(6)(b) 3000

of this section the number of special education students in grades 3001  
kindergarten through three. 3002

(7) "Statewide average teacher salary" means forty thousand 3003  
one hundred eighty-seven dollars in fiscal year 2000, and 3004  
forty-one thousand three hundred twelve dollars in fiscal year 3005  
2001, which includes an amount for the value of fringe benefits. 3006

(8) "All-day kindergarten" means a kindergarten class that is 3007  
in session five days per week for not less than the same number of 3008  
clock hours each day as for pupils in grades one through six. 3009

(9) "All-day kindergarten percentage" means the percentage of 3010  
a district's actual total number of students enrolled in 3011  
kindergarten who are enrolled in all-day kindergarten. 3012

(10) "Buildings with the highest concentration of need" means 3013  
the school buildings in a district with percentages of students 3014  
receiving family assistance in grades kindergarten through three 3015  
at least as high as the district-wide percentage of students 3016  
receiving family assistance. If, however, the information provided 3017  
by the department of job and family services under section 3317.10 3018  
of the Revised Code is insufficient to determine the family 3019  
assistance percentage in each building, "buildings with the 3020  
highest concentration of need" has the meaning given in rules that 3021  
the department of education shall adopt. The rules shall base the 3022  
definition of "buildings with the highest concentration of need" 3023  
on family income of students in grades kindergarten through three 3024  
in a manner that, to the extent possible with available data, 3025  
approximates the intent of this division and division (G) of this 3026  
section to designate buildings where the family assistance 3027  
percentage in those grades equals or exceeds the district-wide 3028  
family assistance percentage. 3029

(B) In addition to the amounts required to be paid to a 3030  
school district under section 3317.022 of the Revised Code, a 3031

school district shall receive the greater of the amount the 3032  
district received in fiscal year 1998 pursuant to division (B) of 3033  
section 3317.023 of the Revised Code as it existed at that time or 3034  
the sum of the computations made under divisions (C) to (E) of 3035  
this section. 3036

(C) A supplemental payment that may be utilized for measures 3037  
related to safety and security and for remediation or similar 3038  
programs, calculated as follows: 3039

(1) If the DPIA index of the school district is greater than 3040  
or equal to thirty-five-hundredths, but less than one, an amount 3041  
obtained by multiplying the five-year average number of pupils in 3042  
a district receiving family assistance by two hundred thirty 3043  
dollars; 3044

(2) If the DPIA index of the school district is greater than 3045  
or equal to one, an amount obtained by multiplying the DPIA index 3046  
by two hundred thirty dollars and multiplying that product by the 3047  
five-year average number of pupils in a district receiving family 3048  
assistance. 3049

(D) A payment for all-day kindergarten if the DPIA index of 3050  
the school district is greater than or equal to one or if the 3051  
district's three-year average formula ADM exceeded seventeen 3052  
thousand five hundred, calculated by multiplying the all-day 3053  
kindergarten percentage by the kindergarten ADM and multiplying 3054  
that product by the formula amount. 3055

(E) A class-size reduction payment based on calculating the 3056  
number of new teachers necessary to achieve a lower 3057  
student-teacher ratio, as follows: 3058

(1) Determine or calculate a formula number of teachers per 3059  
one thousand students based on the DPIA index of the school 3060  
district as follows: 3061

(a) If the DPIA index of the school district is less than 3062

six-tenths, the formula number of teachers is 43.478, which is the  
number of teachers per one thousand students at a student-teacher  
ratio of twenty-three to one;

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

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

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

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

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

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

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

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

(4) Multiply the greater of the difference obtained under

division (E)(3) of this section or zero by the statewide average 3093  
teachers salary. 3094

(F) This division applies only to school districts whose DPIA 3095  
index is one or greater. 3096

(1) Each school district subject to this division shall first 3097  
utilize funds received under this section so that, when combined 3098  
with other funds of the district, sufficient funds exist to 3099  
provide all-day kindergarten to at least the number of children in 3100  
the district's all-day kindergarten percentage. 3101

(2) Up to an amount equal to the district's DPIA index 3102  
multiplied by the five-year average number of pupils in a district 3103  
receiving family assistance multiplied by two hundred thirty 3104  
dollars of the money distributed under this section may be 3105  
utilized for one or both of the following: 3106

(a) Programs designed to ensure that schools are free of 3107  
drugs and violence and have a disciplined environment conducive to 3108  
learning; 3109

(b) Remediation for students who have failed or are in danger 3110  
of failing any of the ~~proficiency~~ tests administered pursuant to 3111  
section 3301.0710 of the Revised Code. 3112

(3) Except as otherwise required by division (G) or permitted 3113  
under division (K) of this section, all other funds distributed 3114  
under this section to districts subject to this division shall be 3115  
utilized for the purpose of the third grade guarantee. The third 3116  
grade guarantee consists of increasing the amount of instructional 3117  
attention received per pupil in kindergarten through third grade, 3118  
either by reducing the ratio of students to instructional 3119  
personnel or by increasing the amount of instruction and 3120  
curriculum-related activities by extending the length of the 3121  
school day or the school year. 3122

School districts may implement a reduction of the ratio of 3123

students to instructional personnel through any or all of the 3124  
following methods: 3125

(a) Reducing the number of students in a classroom taught by 3126  
a single teacher; 3127

(b) Employing full-time educational aides or educational 3128  
paraprofessionals issued a permit or license under section 3129  
3319.088 of the Revised Code; 3130

(c) Instituting a team-teaching method that will result in a 3131  
lower student-teacher ratio in a classroom. 3132

Districts may extend the school day either by increasing the 3133  
amount of time allocated for each class, increasing the number of 3134  
classes provided per day, offering optional academic-related 3135  
after-school programs, providing curriculum-related extra 3136  
curricular activities, or establishing tutoring or remedial 3137  
services for students who have demonstrated an educational need. 3138  
In accordance with section 3319.089 of the Revised Code, a 3139  
district extending the school day pursuant to this division may 3140  
utilize a participant of the work experience program who has a 3141  
child enrolled in a public school in that district and who is 3142  
fulfilling the work requirements of that program by volunteering 3143  
or working in that public school. If the work experience program 3144  
participant is compensated, the school district may use the funds 3145  
distributed under this section for all or part of the 3146  
compensation. 3147

Districts may extend the school year either through adding 3148  
regular days of instruction to the school calendar or by providing 3149  
summer programs. 3150

(G) Each district subject to division (F) of this section 3151  
shall not expend any funds received under division (E) of this 3152  
section in any school buildings that are not buildings with the 3153  
highest concentration of need, unless there is a ratio of 3154

instructional personnel to students of no more than fifteen to one 3155  
in each kindergarten and first grade class in all buildings with 3156  
the highest concentration of need. This division does not require 3157  
that the funds used in buildings with the highest concentration of 3158  
need be spent solely to reduce the ratio of instructional 3159  
personnel to students in kindergarten and first grade. A school 3160  
district may spend the funds in those buildings in any manner 3161  
permitted by division (F)(3) of this section, but may not spend 3162  
the money in other buildings unless the fifteen-to-one ratio 3163  
required by this division is attained. 3164

(H)(1) By the first day of August of each fiscal year, each 3165  
school district wishing to receive any funds under division (D) of 3166  
this section shall submit to the department of education an 3167  
estimate of its all-day kindergarten percentage. Each district 3168  
shall update its estimate throughout the fiscal year in the form 3169  
and manner required by the department, and the department shall 3170  
adjust payments under this section to reflect the updates. 3171

(2) Annually by the end of December, the department of 3172  
education, utilizing data from the information system established 3173  
under section 3301.0714 of the Revised Code and after consultation 3174  
with the legislative office of education oversight, shall 3175  
determine for each school district subject to division (F) of this 3176  
section whether in the preceding fiscal year the district's ratio 3177  
of instructional personnel to students and its number of 3178  
kindergarten students receiving all-day kindergarten appear 3179  
reasonable, given the amounts of money the district received for 3180  
that fiscal year pursuant to divisions (D) and (E) of this 3181  
section. If the department is unable to verify from the data 3182  
available that students are receiving reasonable amounts of 3183  
instructional attention and all-day kindergarten, given the funds 3184  
the district has received under this section and that class-size 3185  
reduction funds are being used in school buildings with the 3186



highest concentration of need as required by division (G) of this 3187  
section, the department shall conduct a more intensive 3188  
investigation to ensure that funds have been expended as required 3189  
by this section. The department shall file an annual report of its 3190  
findings under this division with the chairpersons of the 3191  
committees in each house of the general assembly dealing with 3192  
finance and education. 3193

(I) Any school district with a DPIA index less than one and a 3194  
three-year average formula ADM exceeding seventeen thousand five 3195  
hundred shall first utilize funds received under this section so 3196  
that, when combined with other funds of the district, sufficient 3197  
funds exist to provide all-day kindergarten to at least the number 3198  
of children in the district's all-day kindergarten percentage. 3199  
Such a district shall expend at least seventy per cent of the 3200  
remaining funds received under this section, and any other 3201  
district with a DPIA index less than one shall expend at least 3202  
seventy per cent of all funds received under this section, for any 3203  
of the following purposes: 3204

- (1) The purchase of technology for instructional purposes; 3205
- (2) All-day kindergarten; 3206
- (3) Reduction of class sizes; 3207
- (4) Summer school remediation; 3208
- (5) Dropout prevention programs; 3209
- (6) Guaranteeing that all third graders are ready to progress 3210  
to more advanced work; 3211
- (7) Summer education and work programs; 3212
- (8) Adolescent pregnancy programs; 3213
- (9) Head start or preschool programs; 3214
- (10) Reading improvement programs described by the department 3215

of education; 3216

(11) Programs designed to ensure that schools are free of 3217  
drugs and violence and have a disciplined environment conducive to 3218  
learning; 3219

(12) Furnishing, free of charge, materials used in courses of 3220  
instruction, except for the necessary textbooks or electronic 3221  
textbooks required to be furnished without charge pursuant to 3222  
section 3329.06 of the Revised Code, to pupils living in families 3223  
participating in Ohio works first in accordance with section 3224  
3313.642 of the Revised Code; 3225

(13) School breakfasts provided pursuant to section 3313.813 3226  
of the Revised Code. 3227

Each district shall submit to the department, in such format 3228  
and at such time as the department shall specify, a report on the 3229  
programs for which it expended funds under this division. 3230

(J) If at any time the superintendent of public instruction 3231  
determines that a school district receiving funds under division 3232  
(D) of this section has enrolled less than the all-day 3233  
kindergarten percentage reported for that fiscal year, the 3234  
superintendent shall withhold from the funds otherwise due the 3235  
district under this section a proportional amount as determined by 3236  
the difference in the certified all-day kindergarten percentage 3237  
and the percentage actually enrolled in all-day kindergarten. 3238

The superintendent shall also withhold an appropriate amount 3239  
of funds otherwise due a district for any other misuse of funds 3240  
not in accordance with this section. 3241

(K)(1) A district may use a portion of the funds calculated 3242  
for it under division (D) of this section to modify or purchase 3243  
classroom space to provide all-day kindergarten, if both of the 3244  
following conditions are met: 3245

(a) The district certifies to the department, in a manner 3246  
acceptable to the department, that it has a shortage of space for 3247  
providing all-day kindergarten. 3248

(b) The district provides all-day kindergarten to the number 3249  
of children in the all-day kindergarten percentage it certified 3250  
under this section. 3251

(2) A district may use a portion of the funds described in 3252  
division (F)(3) of this section to modify or purchase classroom 3253  
space to enable it to further reduce class size in grades 3254  
kindergarten through two with a goal of attaining class sizes of 3255  
fifteen students per licensed teacher. To do so, the district must 3256  
certify its need for additional space to the department, in a 3257  
manner satisfactory to the department. 3258

**Sec. 3319.19.** (A) Upon request, the board of county 3259  
commissioners shall provide and equip offices in the county for 3260  
the use of the superintendent of an educational service center, 3261  
and shall provide heat, light, water, and janitorial services for 3262  
such offices. Such offices shall be the permanent headquarters of 3263  
the superintendent and shall be used by the governing board of the 3264  
service center when it is in session. Except as provided in 3265  
division (B) of this section, such offices shall be located in the 3266  
county seat or, upon the approval of the governing board, may be 3267  
located outside of the county seat. 3268

(B) In the case of a service center formed under section 3269  
3311.053 of the Revised Code, the governing board shall designate 3270  
the site of its offices. The board of county commissioners of the 3271  
county in which the designated site is located shall provide and 3272  
equip the offices as under division (A) of this section, but the 3273  
costs of such offices and equipment not covered by funds received 3274  
under section 307.031 of the Revised Code shall be apportioned 3275  
among the boards of county commissioners of all counties having 3276

any territory in the area under the control of the governing 3277  
board, according to the proportion of pupils under the supervision 3278  
of such board residing in the respective counties. Where there is 3279  
a dispute as to the amount any board of county commissioners is 3280  
required to pay, the probate judge of the county in which the 3281  
greatest number of pupils under the supervision of the governing 3282  
board reside shall apportion such costs among the boards of county 3283  
commissioners and notify each such board of its share of the 3284  
costs. 3285

(C) By the first day of March of each year, the 3286  
superintendent of public instruction shall certify to the tax 3287  
commissioner the ADM and the number of full-time licensed 3288  
employees of each educational service center for the purposes of 3289  
the distribution of funds to boards of county commissioners 3290  
required under division (B) of section 307.031 of the Revised 3291  
Code. As used in this section, "ADM" means the formula ADMs of all 3292  
the local districts having territory in the service center, as 3293  
certified in October of the previous year by the service center 3294  
superintendent to the state board of education under section 3295  
3317.03 of the Revised Code. As used in this division, "licensed 3296  
employee" has the same meaning as in section 307.031 of the 3297  
Revised Code. 3298

(D) The superintendent of a service center may annually 3299  
submit a proposal approved by the board of county commissioners to 3300  
the state superintendent of public instruction, in such manner and 3301  
by such date as specified by the state board of education, for a 3302  
grant for the board of county commissioners to do one of the 3303  
following: 3304

(1) To improve or enhance the offices and equipment provided 3305  
under division (A) or (B) of this section or section ~~3301.0712~~ 3306  
3301.0719 of the Revised Code; 3307

(2) If funds received under division (B) of section 307.031 3308

of the Revised Code are insufficient to provide for the actual 3309  
cost of meeting the requirements of division (A) or (B) of this 3310  
section ~~3319.19~~ and division (A)(2) of section ~~3301.0712~~ 3301.0719 3311  
of the Revised Code, to provide funds to meet such costs. 3312

Any service center superintendent intending to submit a 3313  
proposal shall submit it to the board of county commissioners that 3314  
provides and equips the office of the superintendent for approval 3315  
at least twenty days before the date of submission to the 3316  
superintendent of public instruction. The superintendent of public 3317  
instruction shall evaluate the proposals and select those that 3318  
will most benefit the local districts supervised by the governing 3319  
boards under standards adopted by the state board. For each 3320  
proposal selected for a grant, the superintendent of public 3321  
instruction shall determine the grant amount and, with the 3322  
approval of the superintendent and the board of county 3323  
commissioners, may modify a grant proposal to reflect the amount 3324  
of money available for the grant. The superintendent of public 3325  
instruction shall notify the board of county commissioners and the 3326  
tax commissioner of the selection of the proposal as submitted or 3327  
modified and the amount of the grant. If, pursuant to division (C) 3328  
of section 307.031 of the Revised Code, the board of county 3329  
commissioners accepts the proposal and grant, it shall expend the 3330  
funds as specified in the grant proposal. If the board of county 3331  
commissioners rejects the proposal and grant, the superintendent 3332  
of public instruction may select another proposal from among the 3333  
district proposals that initially failed to be selected for a 3334  
grant. 3335

The state board of education shall adopt rules to implement 3336  
the requirements of this section. 3337

**Sec. 3324.03.** The board of education of each school district 3338  
shall identify gifted students in grades kindergarten through 3339

twelve as follows: 3340

(A) A student shall be identified as exhibiting "superior 3341  
cognitive ability" if the student did either of the following 3342  
within the preceding twenty-four months: 3343

(1) Scored two standard deviations above the mean, minus the 3344  
standard error of measurement, on an approved individual 3345  
standardized intelligence test administered by a licensed school 3346  
psychologist or licensed psychologist; 3347

(2) Accomplished any one of the following: 3348

(a) Scored at least two standard deviations above the mean, 3349  
minus the standard error of measurement, on an approved 3350  
standardized group intelligence test; 3351

(b) Performed at or above the ninety-fifth percentile on an 3352  
approved individual or group standardized basic or composite 3353  
battery of a nationally normed achievement test; 3354

(c) Attained an approved score on one or more above-grade 3355  
level standardized, nationally normed approved tests. 3356

(B) A student shall be identified as exhibiting "specific 3357  
academic ability" superior to that of children of similar age in a 3358  
specific academic ability field if within the preceding 3359  
twenty-four months the student performs at or above the 3360  
ninety-fifth percentile at the national level on an approved 3361  
individual or group standardized achievement test of specific 3362  
academic ability in that field. A student may be identified as 3363  
gifted in more than one specific academic ability field. 3364

(C) A student shall be identified as exhibiting "creative 3365  
thinking ability" superior to children of a similar age, if within 3366  
the previous twenty-four months, the student scored one standard 3367  
deviation above the mean, minus the standard error of measurement, 3368  
on an approved individual or group intelligence test and also did 3369  
either of the following: 3370

(1) Attained a sufficient score, as established by the 3371  
department of education, on an approved individual or group test 3372  
of creative ability; 3373

(2) Exhibited sufficient performance, as established by the 3374  
department of education, on an approved checklist of creative 3375  
behaviors. 3376

(D) A student shall be identified as exhibiting "visual or 3377  
performing arts ability" superior to that of children of similar 3378  
age if the student has done both of the following: 3379

(1) Demonstrated through a display of work, an audition, or 3380  
other performance or exhibition, superior ability in a visual or 3381  
performing arts area; 3382

(2) Exhibited sufficient performance, as established by the 3383  
department of education, on an approved checklist of behaviors 3384  
related to a specific arts area. 3385

**Sec. 3325.08.** (A) A diploma shall be granted by the 3386  
superintendent of the state school for the blind and the 3387  
superintendent of the state school for the deaf to any student 3388  
enrolled in one of these state schools to whom all of the 3389  
following apply: 3390

(1) The student has successfully completed the individualized 3391  
education program developed for the student for the student's high 3392  
school education pursuant to section 3323.08 of the Revised Code; 3393  
3394

(2) The Subject to section 3313.614 of the Revised Code, the 3395  
student ~~has~~ either: 3396

(a) Has attained at least the applicable scores designated 3397  
under division (B) of section 3301.0710 of the Revised Code on all 3398  
the tests prescribed by that division unless ~~the student was~~ 3399  
~~excused from taking any such test pursuant to division (L)(3) of~~ 3400

section ~~3301.0711~~ 3313.61 of the Revised Code applies to the 3401  
student; 3402

(b) Has satisfied the alternative conditions prescribed in 3403  
section 3313.615 of the Revised Code. 3404

(3) The student is not eligible to receive an honors diploma 3405  
granted pursuant to division (B) of this section. 3406

No diploma shall be granted under this division to anyone 3407  
except as provided under this division. 3408

(B) In lieu of a diploma granted under division (A) of this 3409  
section, the superintendent of the state school for the blind and 3410  
the superintendent of the state school for the deaf shall grant an 3411  
honors diploma, in the same manner that the boards of education of 3412  
school districts grant such diplomas under division (B) of section 3413  
3313.61 of the Revised Code, to any student enrolled in one of 3414  
these state schools who successfully completes the individualized 3415  
education program developed for the student for the student's high 3416  
school education pursuant to section 3323.08 of the Revised Code, 3417  
who has attained subject to section 3313.614 of the Revised Code 3418  
at least the applicable scores designated under division (B) of 3419  
section 3301.0710 of the Revised Code on all the tests prescribed 3420  
under that division, and who has met additional criteria for 3421  
granting such a diploma. These additional criteria shall be the 3422  
same as those prescribed by the state board under division (B) of 3423  
section 3313.61 of the Revised Code for the granting of such 3424  
diplomas by school districts. No honors diploma shall be granted 3425  
to anyone failing to comply with this division and not more than 3426  
one honors diploma shall be granted to any student under this 3427  
division. 3428

(C) A diploma or honors diploma awarded under this section 3429  
shall be signed by the superintendent of public instruction and 3430  
the superintendent of the state school for the blind or the 3431  
superintendent of the state school for the deaf, as applicable. 3432



Each diploma shall bear the date of its issue and be in such form 3433  
as the school superintendent prescribes. 3434

(D) Upon granting a diploma to a student under this section, 3435  
the superintendent of the state school in which the student is 3436  
enrolled shall provide notice of receipt of the diploma to the 3437  
board of education of the school district where the student is 3438  
entitled to attend school under section 3313.64 or 3313.65 of the 3439  
Revised Code when not residing at the state school for the blind 3440  
or the state school for the deaf. The notice shall indicate the 3441  
type of diploma granted. 3442

**Sec. 3365.15.** ~~No This section does not apply to students~~ 3443  
~~enrolled in twelfth grade after July 1, 2001.~~ 3444

No later than July 1, 1999, the board of regents shall adopt 3445  
rules under which it shall award at least a five-hundred dollar 3446  
scholarship to each student who both: 3447

(A) After July 1, 1998, and while the student attends twelfth 3448  
grade, attains on all five tests at least the ~~applicable~~ scores 3449  
designated under former division (A)(3) of section 3301.0710 of 3450  
the Revised Code ~~on all five tests prescribed under that division;~~ 3451  
3452

(B) Submits to the board of regents, in the form and manner 3453  
and by any deadline prescribed by the rules, evidence of having 3454  
enrolled in a state-assisted college or university, a nonprofit 3455  
institution holding a certificate of authorization pursuant to 3456  
Chapter 1713. of the Revised Code, or an institution registered by 3457  
the state board of proprietary school registration that has 3458  
program authorization to award an associate or bachelor's degree. 3459

The board of regents shall pay each scholarship awarded under 3460  
this section to the student. It may be used to defray any 3461  
educational expenses. 3462

**Section 2.** That existing sections 307.031, 3301.07, 3301.079, 3463  
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0717, 3301.801, 3464  
3301.91, 3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3465  
3313.603, 3313.608, 3313.6011, 3313.61, 3313.611, 3313.612, 3466  
3313.978, 3314.03, 3314.20, 3317.012, 3317.029, 3319.19, 3324.03, 3467  
3325.08, and 3365.15 and sections 3301.0715 and 3301.0716 of the 3468  
Revised Code are hereby repealed. 3469

**Section 3.** That section 3313.608 of the Revised Code be 3470  
amended to read as follows: 3471

**Sec. 3313.608.** ~~This section does not apply to students who 3472  
enter the fourth grade after July 1, 2003.~~ 3473

~~(A) For each school year prior to July 1, 2004, for the test 3474  
to measure skill in reading prescribed by former division (A)(1) 3475  
of section 3301.0710 of the Revised Code, the state board of 3476  
education shall establish at least four ranges of scores to 3477  
measure the following levels of skill:~~ 3478

~~(1) An advanced level of skill;~~ 3479

~~(2) A proficient level of skill;~~ 3480

~~(3) A basic level of skill;~~ 3481

~~(4) A below basic level of skill.~~ 3482

~~(B) Beginning with students who enter fourth third grade in 3483  
the school year that starts July 1, ~~2001~~ 2003, for any student who 3484  
attains a score in the range designated under division 3485  
(A)~~(4)~~(2)(d) of this section 3301.0710 of the Revised Code on such 3486  
reading the test prescribed under that section to measure skill in 3487  
reading expected at the end of third grade, each school district, 3488  
in accordance with the policy adopted under section 3313.609 of 3489  
the Revised Code, shall do one of the following:~~ 3490

(1) Promote the student to ~~fifth~~ fourth 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 to be promoted to ~~fifth~~ fourth grade;

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

(3) Retain the student in ~~fourth~~ third grade.

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.

~~(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~~ and second, ~~and~~ 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 excellent under division (B)(1) of section 3302.03 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. Such intervention services shall include instruction in intensive, systematic phonetics

pursuant to rules adopted by the state board of education. 3523

3524

~~(2) For each student identified as reading below grade level 3525~~

~~at the end of third grade, the district shall offer intense 3526~~

~~remediation services during the summer following third grade. 3527~~

~~(3) For each student entering fourth third grade after July 3528~~

~~1, ~~2001~~ 2003, who does not attain by the end of the fourth third 3529~~

~~grade at least a score in the range designated under division 3530~~

~~(A)(2)(b) of this section 3301.0710 of the Revised Code on the 3531~~

~~test prescribed under that section to measure skill in reading 3532~~

~~expected at the end of third grade, the district also shall offer 3533~~

~~intense remediation services, and another opportunity to take that 3534~~

~~test, during the summer following fourth third grade. 3535~~

~~(D)(C) For each student required to be offered intervention 3536~~

~~services under this section, the district shall involve the 3537~~

~~student's parent or guardian and classroom teacher in developing 3538~~

~~the intervention strategy, and shall offer to the parent or 3539~~

~~guardian the opportunity to be involved in the intervention 3540~~

~~services. 3541~~

~~(E) In addition to the remediation requirements of division 3542~~

~~(C) of this section, every city, exempted village, or local school 3543~~

~~district shall offer summer remediation to any student who has 3544~~

~~failed to attain the designated scores indicating proficiency on 3545~~

~~three or more of the five tests described by former division 3546~~

~~(A)(1) or (2) of section 3301.0710 of the Revised Code. 3547~~

~~(F)(D) Any summer remediation services funded in whole or in 3548~~

~~part by the state and offered by school districts to students 3549~~

~~under this section shall meet the following conditions: 3550~~

~~(1) The remediation methods are based on reliable educational 3551~~

~~research. 3552~~

~~(2) The school districts conduct testing before and after 3553~~

students participate in the program to facilitate monitoring 3554  
results of the remediation services. 3555

(3) The parents of participating students are involved in 3556  
programming decisions. 3557

(4) The services are conducted in a school building or 3558  
community center and not on an at-home basis. 3559

(E) In addition to the dates designated under division (C)(1) 3560  
of section 3301.0710 of the Revised Code for the administration of 3561  
the test prescribed under that section to measure skill in reading 3562  
expected at the end of third grade, the state board of education 3563  
shall annually designate dates on which such test shall be 3564  
administered to students in the fourth and fifth grades who have 3565  
not attained at least a score in the range designated under 3566  
division (A)(2)(b) of section 3301.0710 of the Revised Code as 3567  
follows: 3568

(1) One date prior to the thirty-first day of December each 3569  
school year for fourth grade students; 3570

(2) One date that is not earlier than Monday of the week 3571  
containing the eighth day of March each school year for fourth and 3572  
fifth grade students; 3573

(3) One date during the summer for fourth grade students. 3574

(F) If any fourth grade student attains a score in the range 3575  
designated under division (A)(2)(d) of section 3301.0710 of the 3576  
Revised Code, on the test administered under division (E)(3) of 3577  
this section, the school district, in accordance with the district 3578  
policy adopted under section 3313.609 of the Revised Code, shall 3579  
do one of the following: 3580

(1) Promote the student to fifth grade if the student's 3581  
principal and reading teacher agree that other evaluations of the 3582  
student's skill in reading demonstrate that the student is 3583

<u>academically prepared to be promoted to fifth grade;</u>	3584
<u>(2) Promote the student to fifth grade but provide the</u>	3585
<u>student with intensive intervention services in fifth grade;</u>	3586
<u>(3) Retain the student in fourth grade.</u>	3587
(G) This section does not create a new cause of action or a	3588
substantive legal right for any person.	3589
<b>Section 4.</b> That existing section 3313.608 of the Revised Code	3590
is hereby repealed.	3591
<b>Section 5.</b> Sections 3 and 4 of this act shall take effect	3592
July 1, 2003.	3593
<b>Section 6.</b> That Section 4 of Am. Sub. S.B. 55 of the 122nd	3594
General Assembly is hereby repealed.	3595
<b>Section 7.</b> In each of the school years beginning on July 1,	3596
2002, and July 1, 2003, the State Board of Education shall	3597
prescribe and the Department of Education and each school district	3598
shall administer the tenth grade tests required under former	3599
division (B) of section 3301.0710 of the Revised Code to measure	3600
skill in reading and mathematics to all students in the tenth	3601
grade. The tests shall be used for the purposes of sections	3602
3302.02 and 3302.03 of the Revised Code and for the purposes of	3603
assessments required by federal law. No score on the tests shall	3604
be used to determine the eligibility of any student to receive a	3605
high school diploma.	3606
<b>Section 8.</b> (A) Notwithstanding sections 3301.0710, 3301.0711,	3607
and 3301.0712 of the Revised Code, as amended or enacted by this	3608
act, for any school year in which the total number of proficiency	3609
tests and achievement tests administered to students in grades	3610

four or six exceeds three, the State Board of Education shall 3611  
designate the dates on which those tests shall be administered to 3612  
students in accordance with the best interests of students. In 3613  
doing so, the State Board may consider designating the dates so 3614  
that all the tests are not administered to the relevant grade 3615  
level in the same week. 3616

3617

**Section 9.** Notwithstanding section 3301.0712 of the Revised 3618  
Code, as enacted by this act, in the school year beginning July 1, 3619  
2003, the Department of Education and each school district shall 3620  
administer the test to measure skill in reading required under 3621  
former division (A)(1) of section 3301.0710 of the Revised Code, 3622  
as it existed prior to the effective date of this act, to all 3623  
students enrolled in the fourth grade. The Department and each 3624  
school district shall also administer the test to measure skill in 3625  
reading required under division (A)(1)(a) of section 3301.0710 of 3626  
the Revised Code, as amended by this act, to all students enrolled 3627  
in the third grade. 3628

Any fourth grade student subject to this section shall also 3629  
be subject to the version of section 3313.608 of the Revised Code 3630  
in effect prior to July 1, 2003. 3631

**Section 10.** Until such time as the state board of education 3632  
adopts a new rule holding school districts responsible for 3633  
individual school buildings within the district pursuant to 3634  
section 3302.04 of the Revised Code, as amended by this act, the 3635  
rules adopted under that section in effect on the effective date 3636  
of this act shall be deemed to apply to school districts with 3637  
respect to their individual buildings as well as to the school 3638  
districts as entire entities. 3639

**Section 11.** (A) There is hereby established the Governor's 3640

Commission on Successful Teachers. The Commission shall recommend 3641  
policies for the preparation, recruiting, hiring, and retention of 3642  
teachers and shall recommend pilot programs to address the 3643  
shortage of teachers, such as paid internships in mathematics and 3644  
science and salary bonuses in hard-to-staff school districts or 3645  
subject areas. The Commission shall issue a written report with 3646  
its recommendations to the General Assembly not later than 3647  
December 31, 2002. Upon issuance of its report the Commission 3648  
shall cease to exist. 3649

The Commission shall consist of the following members: 3650

(1) Nine classroom teachers appointed by the Governor, at 3651  
least three of whom are certified by the National Board for 3652  
Professional Teaching Standards, at least two of whom are high 3653  
school teachers, at least two of whom teach in grades six through 3654  
eight, at least two of whom teach in grades kindergarten through 3655  
six, and at least one of whom teaches special education; 3656

(2) Three school administrators, appointed by the Governor; 3657

(3) One person representing higher education, appointed by 3658  
the Governor; 3659

(4) The Superintendent of Public Instruction or the 3660  
Superintendent's designee; 3661

(5) The President of the State Board of Education or the 3662  
President's designee; 3663

(6) The chairperson of the House of Representatives standing 3664  
committee primarily responsible for education legislation or the 3665  
chairperson's designee; 3666

(7) The chairperson of the Senate standing committee 3667  
primarily responsible for education legislation or the 3668  
chairperson's designee; 3669

(8) Any additional members the Governor wishes to include. 3670



(B) In conducting its work the Commission shall study and	3671
include recommendations regarding the following issues:	3672
(1) How to develop college and university teacher preparation	3673
programs that ensure that teachers are qualified to teach the	3674
courses in grades kindergarten through twelve that are required by	3675
law;	3676
(2) How to develop and operate incentive programs to	3677
encourage teachers to work in underserved school districts, such	3678
as large urban districts or districts in rural Appalachia, and	3679
underserved subject areas, such as mathematics, science, special	3680
education, and English as a second language;	3681
(3) How to best implement professional development activities	3682
for all teachers, particularly how to design such activities so	3683
that teachers understand how to administer and interpret	3684
diagnostic assessments and achievement tests that will be	3685
developed by the State Board of Education under sections 3301.079	3686
and 3301.0710 of the Revised Code, as enacted and amended,	3687
respectively, by this act, and so that teachers understand how to	3688
develop effective intervention tools for students in need of	3689
assistance;	3690
(4) How best to implement professional development programs	3691
in terms of the amount of time allotted for such programs	3692
including, but not limited to, the number of days each school	3693
district should devote to the programs or to what extent the	3694
programs should be configured as half-day in-service programs,	3695
two-hour programs, or full-day seminars;	3696
(5) How to provide the most effective regional delivery of	3697
professional development services;	3698
(6) How to create building-level mentoring or advisory	3699
programs under which an experienced teacher would assist others in	3700
the building to increase their effectiveness;	3701

(7) How to increase Ohio's participation in certification 3702  
activities conducted by the National Board for Professional 3703  
Teaching Standards. 3704

**Section 12.** It is the intent of the General Assembly that 3705  
upon its review of the recommendations of the Governor's 3706  
Commission on Successful Teachers, as established under Section 11 3707  
of this act, that the General Assembly will consider laws to 3708  
reallocate the funding for activities prescribed in that section 3709  
based on the recommendations of the Commission. 3710

**Section 13.** The State Board of Education shall adopt rules 3711  
for instruction in intensive, systematic phonetics as prescribed 3712  
in division (C)(1) of section 3313.608 of the Revised Code on or 3713  
before July 1, 2002. 3714

**Section 14.** No school district shall be required to 3715  
administer any ninth grade proficiency test to any student before 3716  
March of the student's ninth grade year. If the Department of 3717  
Education permits the administration of the ninth grade 3718  
proficiency tests to students in the eighth grade or in the fall 3719  
of the ninth grade year, the school district may choose whether or 3720  
not to participate in such administration of the tests. 3721

**Section 15.** The amendment of section 3301.91 of the Revised 3722  
Code is not intended to supersede the earlier repeal, with delayed 3723  
effective date, of that section. 3724

**Section 16.** Section 3314.03 of the Revised Code is presented 3725  
in this act as a composite of the section as amended by both Am. 3726  
Sub. H.B. 121 and Am. Sub. H.B. 282 of the 123rd General Assembly. 3727  
This is in recognition of the principle stated in division (B) of 3728  
section 1.52 of the Revised Code that such amendments are to be 3729

harmonized where not substantively irreconcilable and constitutes	3730
a legislative finding that such is the resulting version in effect	3731
prior to the effective date of this act.	3732