

As Passed by the Senate

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**

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, 3321.38, 3324.02, 6
3324.03, 3325.08, and 3365.15; to amend, for the 7
purpose of adopting new section numbers as 8
indicated in parentheses, sections 3301.079 9
(3301.078) and 3301.0712 (3301.0719); to enact new 10
sections 3301.079, 3301.0712, and 3301.0715 and 11
sections 3301.0713, 3301.0718, 3302.031, 3313.6012, 12
3313.614, 3313.615, and 3321.041; to repeal 13
sections 3301.0715 and 3301.0716 of the Revised 14
Code and to repeal Section 4 of Am. Sub. S.B. 55 of 15
the 122nd General Assembly to implement 16
recommendations of the Governor's Commission for 17
Student Success, and to amend section 3313.608 of 18
the Revised Code effective July 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, 3321.38, 3324.02, 3324.03, 24
3325.08, and 3365.15 be amended, sections 3301.079 (3301.078) and 25
3301.0712 (3301.0719) be amended for the purpose of adopting new 26
section numbers as indicated in parentheses, and new sections 27
3301.079, 3301.0712, and 3301.0715 and sections 3301.0713, 28
3301.0718, 3302.031, 3313.6012, 3313.614, 3313.615, and 3321.041 29
of the Revised Code be 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 51

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_{7i}

(b) Fifteen thousand dollars.

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(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

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| 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, beginning in the primary grades; | 260 |
| (M) Formulate and prescribe minimum standards requiring the | 261 |
| use of phonics as a technique in the teaching of reading in grades | 262 |
| kindergarten through three. In addition, the state board shall | 263 |
| provide in-service training programs for teachers on the use of | 264 |
| phonics as a technique in the teaching of reading in grades | 265 |
| kindergarten through three. | 266 |
| (N) Develop and modify as necessary a state plan for | 267 |
| technology to encourage and promote the use of technological | 268 |
| advancements in educational settings. | 269 |
| The board may adopt rules necessary for carrying out any | 270 |
| function imposed on it by law, and may provide rules as are | 271 |

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

Sec. ~~3301.079~~ 3301.078. The state board of education shall 279
adopt a standard restricting to not more than twenty-five pupils, 280
the size of any class in which instruction is provided to 281
bilingual multicultural pupils by a teacher holding a license to 282
teach bilingual pupils pursuant to section 3319.22 of the Revised 283
Code. 284

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 285
state board of education shall adopt statewide academic standards 286
for each of grades kindergarten through twelve in reading, 287
writing, and mathematics. Not later than December 31, 2002, the 288
state board shall adopt statewide academic standards for each of 289
grades kindergarten through twelve in science and social studies. 290
The standards shall specify the academic content and skills that 291
students are expected to know and be able to do at each grade 292
level. 293

(2) When academic standards have been completed for any 294
subject area required by this division, the state board shall 295
inform all school districts of the content of those standards. 296

(B) Not later than eighteen months after the completion of 297
academic standards for any subject area required by division (A) 298
of this section, the state board shall adopt a model curriculum 299
for instruction in that subject area for each of grades 300
kindergarten through twelve. The model curriculum shall be aligned 301

with the standards to ensure that the academic content and skills specified for each grade level are taught to students. When any model curriculum has been completed, the state board shall inform all school districts of the content of that model curriculum.

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

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

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

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

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

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related skills for the relevant subject area and grade level. Any diagnostic assessment may include components to identify gifted students under section 3324.03 of the Revised Code. Blank copies of diagnostic tests shall be public records.

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(2) When any 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 active Ohio classroom teachers 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, including those certified by the national board for professional teaching standards.

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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 classroom teachers, Ohio school administrators, and other Ohio educators

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pursuant to section 3301.079 of the Revised Code. 365

The testing program shall be designed to ensure that students 366
who receive a high school diploma demonstrate at least high school 367
levels of proficiency achievement in reading, writing, 368
mathematics, science, and citizenship social studies. ~~In order to~~ 369
~~determine this proficiency, the minimum standards shall be~~ 370
~~appropriate for tenth grade proficiency level in each of the~~ 371
~~specified areas.~~ 372

~~(A)(1) The state board shall prescribe five statewide~~ 373
~~proficiency tests, one each designed to measure skill in reading,~~ 374
~~writing, mathematics, science, and citizenship, and shall~~ 375
~~determine and designate the score on each such test that shall be~~ 376
~~deemed to demonstrate that any student attaining such score has~~ 377
~~achieved at least a fourth grade level of proficiency in the~~ 378
~~measured skill.~~ 379

~~(2) The state board shall prescribe five statewide~~ 380
~~proficiency tests, one each designed to measure skill in reading,~~ 381
~~writing, mathematics, science, and citizenship, and determine and~~ 382
~~designate the score on each such test that is deemed to~~ 383
~~demonstrate that any student attaining such score has achieved at~~ 384
~~least a sixth grade level of proficiency in the measured skill.~~ 385

~~(3) The state board shall prescribe five statewide~~ 386
~~proficiency tests, one each designed to measure skill in reading,~~ 387
~~writing, mathematics, science, and citizenship, and shall~~ 388
~~determine and designate the score on each such test that shall be~~ 389
~~deemed to demonstrate that any student attaining such score has~~ 390
~~achieved at least a twelfth grade level of proficiency in the~~ 391
~~measured skill.~~ The state board shall prescribe all of the 392
following: 393

(a) A statewide achievement test designed to measure the 394
level of reading skill expected at the end of third grade; 395

(b) Two statewide achievement tests, one each designed to 396
measure the level of writing and mathematics skill expected at the 397
end of fourth grade; 398

(c) Two statewide achievement tests, one each designed to 399
measure the level of science and social studies skill expected at 400
the end of fifth grade; 401

(d) Three statewide achievement tests, one each designed to 402
measure the level of reading, writing, and mathematics skill 403
expected at the end of seventh grade; 404

(e) Two statewide achievement tests, one each designed to 405
measure the level of science and social studies skill expected at 406
the end of eighth grade. 407

(2) The state board shall determine and designate at least 408
four ranges of scores on each of the achievement tests described 409
in division (A)(1) of this section. Each range of scores shall be 410
deemed to demonstrate a level of achievement so that any student 411
attaining a score within such range has achieved one of the 412
following: 413

(a) An advanced level of skill; 414

(b) A proficient level of skill; 415

(c) A basic level of skill; 416

(d) A below basic level of skill. 417

(B) The state board shall prescribe five statewide high 418
school proficiency achievement tests, one each designed to measure 419
skill in the level of reading, writing, mathematics, science, and 420
citizenship social studies skill expected at the end of tenth 421
grade, and shall determine and designate the score on each such 422
test that shall be deemed to demonstrate that any student 423
attaining such score has achieved at least the a proficient level 424
of proficiency in the measured skill appropriate for tenth grade. 425

The state board may enter into a reciprocal agreement with 426
the appropriate body or agency of any other state that has similar 427
statewide ~~proficiency~~ achievement testing requirements for 428
receiving high school diplomas, under which any student who has 429
met ~~a proficiency~~ an achievement testing requirement of one state 430
is recognized as having met the similar ~~proficiency~~ achievement 431
testing requirement of the other state for purposes of receiving a 432
high school diploma. For purposes of this section and sections 433
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 434
any public high school in this state ~~and~~ who has met ~~a proficiency~~ 435
an achievement testing requirement specified in a reciprocal 436
agreement entered into under this division shall be deemed to have 437
attained at least the applicable score designated under this 438
division on each test required by this division that is specified 439
in the agreement. 440

(C) The state board shall annually designate as follows the 441
dates on which the tests prescribed under this section shall be 442
administered: 443

(1) For the test prescribed under division (A)(1)(a) of this 444
section ~~to measure skill in reading~~, as follows: 445

(a) ~~For students entering fourth grade in school years that~~ 446
~~start prior to July 1, 2001, the same dates prescribed under~~ 447
~~division (C)(2) of this section for the tests prescribed under~~ 448
~~division (A)(1) of this section to measure skill in writing,~~ 449
~~mathematics, science, and citizenship;~~ 450

(b) ~~For students entering fourth grade beginning with the~~ 451
~~school year that starts July 1, 2001:~~ 452

(i) One date prior to the thirty-first day of December each 453
school year; 454

(ii) ~~Any dates prescribed under division (C)(2) of this~~ 455
~~section for the tests prescribed under division (A)(1) of this~~ 456

~~section to measure skill in writing, mathematics, science, and
citizenship;~~

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

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

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

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

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

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~~(D) In prescribing test dates pursuant to division (C)(4)(3)
of this section, the board shall, to the greatest extent
practicable, provide options to school districts in the case of
tests administered under that division to eleventh and twelfth
grade students and in the case of tests administered to students
pursuant to division (C)(2) of section 3301.0711 of the Revised~~

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Code. Such options shall include at least an opportunity for 488
school districts to give such tests outside of regular school 489
hours. 490

(E) In prescribing test dates pursuant to this section, the 491
state board of education shall designate the dates in such a way 492
as to allow a reasonable length of time between the administration 493
of tests prescribed under this section and any administration of 494
the National Assessment of Education Progress Test given to 495
students in the same grade level pursuant to section 3301.27 of 496
the Revised Code. 497

Sec. 3301.0711. (A) The department of education shall: 498

(1) Annually furnish, grade, and score all tests required by 499
section 3301.0710 of the Revised Code to city, local, and exempted 500
village school districts; 501

(2) Adopt rules for the ethical use of tests and prescribing 502
the manner in which the tests prescribed by section 3301.0710 of 503
the Revised Code shall be administered to students. 504

(B) Except as provided in divisions (C) and (J)(2) of this 505
section, the board of education of each city, local, and exempted 506
village school district shall, in accordance with rules adopted 507
under division (A) of this section: 508

(1) Administer the test prescribed under division (A)(1)(a) 509
of section 3301.0710 of the Revised Code ~~to measure skill in~~ 510
~~reading as follows:~~ 511

~~(a) For students entering fourth grade in school years that~~ 512
~~start prior to July 1, 2001, at least once annually to all~~ 513
~~students in the fourth grade;~~ 514

~~(b) For students entering fourth grade beginning with the~~ 515
~~school year that starts July 1, 2001, twice annually to all~~ 516
students in the fourth third grade who have not attained the score 517

designated for that test under division (A)~~(1)~~(2)(b) of section 3301.0710 of the Revised Code and once each summer to students receiving summer remediation services under ~~division (B)(3) of~~ section 3313.608 of the Revised Code.

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

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

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

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

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

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

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

such test is administered in the district. 549

(C)(1)(a) Any student receiving special education services 550
under Chapter 3323. of the Revised Code ~~shall~~ may be excused from 551
taking any particular test required to be administered under this 552
section if the individualized education program developed for the 553
student pursuant to section 3323.08 of the Revised Code excuses 554
the student from taking that test. ~~In the case of any student so~~ 555
~~excused from taking a test, the school district board of education~~ 556
~~shall not prohibit the student from taking the test. Any and~~ 557
instead specifies an alternate assessment method approved by the 558
department of education as conforming to requirements of federal 559
law for receipt of federal funds for disadvantaged pupils. To the 560
extent possible, the individualized education program shall not 561
excuse the student from taking a test unless no reasonable 562
accommodation can be made to enable the student to take the test. 563

(b) Any alternate assessment approved by the department for a 564
student under this division shall produce measurable results 565
comparable to those produced by the tests which the alternate 566
assessments are replacing in order to allow for the student's 567
assessment results to be included in the data compiled for a 568
school district under section 3302.03 of the Revised Code. 569

(c) Any student enrolled in a chartered nonpublic school who 570
has been identified, based on an evaluation conducted in 571
accordance with section 3323.03 of the Revised Code or section 504 572
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 573
794, as amended, as a child with a disability shall be excused 574
from taking any particular test required to be administered under 575
this section if a plan developed for the student pursuant to rules 576
adopted by the state board excuses the student from taking that 577
test. In the case of any student so excused from taking a test, 578
the chartered nonpublic school shall not prohibit the student from 579
taking the test. 580

(2) A district board may, for medical reasons or other good 581
cause, excuse a student from taking a test administered under this 582
section on the date scheduled, but any such test shall be 583
administered to such excused student not later than nine days 584
following the scheduled date. The board shall annually report the 585
number of students who have not taken one or more of the tests 586
required by this section to the state board of education not later 587
than the thirtieth day of June. 588

(3) As used in this division, "English-limited student" means 589
a student whose primary language is not English ~~and~~, who has been 590
enrolled in United States schools for less than ~~two~~ three full 591
school years, and who within the school year has been identified, 592
in accordance with criteria provided by the department of 593
education, as lacking adequate proficiency in English for a test 594
under this section to produce valid results with respect to that 595
student's academic progress. 596

A school district board or governing authority of a nonpublic 597
school may grant a temporary, one-year exemption from any test 598
administered under this section to an English-limited student. Not 599
more than three temporary one-year exemptions may be granted to 600
any student. During any school year in which a student is excused 601
from taking one or more tests administered under this section, the 602
school district shall assess that student's progress in learning 603
English, in accordance with procedures approved by the department. 604

~~No English-limited student shall be required to take any test~~ 605
~~administered under this section. However, no~~ district board or 606
governing authority of a chartered nonpublic school shall prohibit 607
an English-limited student from taking a test under this section. 608

(D) In the school year next succeeding the school year in 609
which the tests prescribed by division (A)(1) or (B) of section 610
3301.0710 of the Revised Code or former division (A)(1) or (B) of 611
section 3301.0710 of the Revised Code as it existed prior to the 612

effective date of this amendment are administered to any student, 613
the board of education of any school district in which the student 614
is enrolled in that year shall provide to the student intervention 615
~~services to the student~~ commensurate with the student's test 616
performance, including any intensive intervention required under 617
section 3313.608 of the Revised Code, in any skill in which the 618
student failed on those tests to demonstrate at least ~~fourth-grade~~ 619
~~levels of literacy and basic competency~~ a score in the proficient 620
range. This division does not apply to any student receiving 621
services pursuant to an individualized education program developed 622
for the student pursuant to section 3323.08 of the Revised Code. 623

(E) Except as provided in section 3313.608 of the Revised 624
Code and division (M) of this section, no school district board of 625
education shall ~~permit~~ utilize any ~~student to be denied promotion~~ 626
~~to a higher grade level solely because of the~~ student's failure to 627
attain a specified score on any test administered under this 628
section as a factor in any decision to deny the student promotion 629
to a higher grade level. However, a district board may choose not 630
to promote to the next grade level any student who does not take 631
any ~~proficiency~~ test administered under this section or make up 632
such test as provided by division (C)(2) of this section and who 633
is not exempted from the requirement to take the test under 634
division (C)(1) or (3) of this section. 635

(F) No person shall be charged a fee for taking any test 636
administered under this section. 637

(G) Not later than sixty days after any administration of any 638
test prescribed by section 3301.0710 of the Revised Code, the 639
department shall send to each school district board a list of the 640
individual test scores of all persons taking the test. 641

(H) Individual test scores on any tests administered under 642
this section shall be released by a district board only in 643
accordance with section 3319.321 of the Revised Code and the rules 644

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

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

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(a) Students who are attending school in the cooperative 677
district and who, if the cooperative district were not 678
established, would be entitled to attend school in the city, 679
local, or exempted village school district pursuant to section 680
3313.64 or 3313.65 of the Revised Code; 681

(b) Persons described in division (B)~~(5)~~(6)(b) of this 682
section. 683

Any testing of students pursuant to such an agreement shall 684
be in lieu of any testing of such students or persons pursuant to 685
this section. 686

(K)(1) Any chartered nonpublic school may participate in the 687
testing program by administering any of the tests prescribed by 688
section 3301.0710 of the Revised Code if the chief administrator 689
of the school specifies which tests the school wishes to 690
administer. Such specification shall be made in writing to the 691
superintendent of public instruction prior to the first day of 692
August of any school year in which tests are administered and 693
shall include a pledge that the nonpublic school will administer 694
the specified tests in the same manner as public schools are 695
required to do under this section and rules adopted by the 696
department. 697

(2) The department of education shall furnish the tests 698
prescribed by section 3301.0710 of the Revised Code to any 699
chartered nonpublic school electing to participate under this 700
division. 701

(L)(1) ~~Except as provided in division (L)(3) of this section,~~ 702
~~the~~ The superintendent of the state school for the blind and the 703
superintendent of the state school for the deaf shall administer 704
the tests described by section 3301.0710 of the Revised Code. Each 705
superintendent shall administer the tests in the same manner as 706
district boards are required to do under this section and rules 707

adopted by the department of education and in conformity with 708
division (C)(1)(a) of this section. 709

(2) The department of education shall furnish the tests 710
described by section 3301.0710 of the Revised Code to each 711
superintendent. 712

~~(3) Any student enrolled in the state school for the blind or 713
the state school for the deaf shall be excused from taking any 714
particular test required to be administered under division (L)(1)
of this section if the individualized education program developed 715
for the student pursuant to section 3323.08 of the Revised Code 716
excuses the student from taking that test. In the case of any 717
student so excused from taking a test, the superintendent of the 718
school shall not prohibit the student from taking the test. 719
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(M) Notwithstanding division (E) of this section, ~~beginning 721
July 1, 1999, a school district may retain any student for an 722
additional year in such student's current grade level if such 723
student has failed to attain the designated scores on three or 724
more of the five use a student's failure to attain a score in at 725
least the basic range on any of the tests described by division 726
(A)(1) ~~or (2)(b), (c), (d), or (e)~~ of section 3301.0710 of the 727
Revised Code as a factor in retaining that student in the current 728
grade level. 729~~

~~This division does not supersede the requirements of section 730
3313.608 of the Revised Code. 731~~

(N)(1) All proficiency tests required by section 3301.0710 of 732
the Revised Code shall become public records pursuant to section 733
149.43 of the Revised Code on the first day of July following the 734
school year that the test was administered. 735

(2) The department may field test proposed proficiency test 736
questions with samples of students to determine the validity, 737
reliability, or appropriateness of test questions for possible 738

inclusion in a future year's proficiency test. 739

Field test questions shall not be considered in computing 740
test scores for individual students. Field test questions may be 741
included as part of the administration of any proficiency test 742
required by section 3301.0710 of the Revised Code. 743

(3) Any field test question administered under division 744
(N)(2) of this section shall not be a public record. Such field 745
test questions shall be redacted from any proficiency tests which 746
are released as a public record pursuant to division (N)(1) of 747
this section. 748

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 749
3301.0711 of the Revised Code, the state board of education shall 750
continue to prescribe and the department of education and each 751
school district shall continue to administer any proficiency test 752
as required by those former sections until the applicable 753
achievement test, as indicated on the chart below, has been 754
developed and made available in accordance with section 3301.079 755
of the Revised Code. Thereafter, such achievement test shall be 756
administered to students under sections 3301.0710 and 3301.0711 of 757
the Revised Code. 758

| <u>Proficiency</u> | <u>Achievement</u> | <u>First administration</u> | |
|------------------------------|------------------------------|-----------------------------|-----|
| <u>Test</u> | <u>Test</u> | <u>in school year</u> | |
| | | <u>beginning July 1 of</u> | |
| <u>4th grade reading</u> | <u>3rd grade reading</u> | | 762 |
| <u>test</u> | <u>test</u> | <u>2003</u> | 763 |
| <u>4th grade writing</u> | <u>4th grade writing</u> | | 764 |
| <u>test</u> | <u>test</u> | <u>2004</u> | 765 |
| <u>4th grade mathematics</u> | <u>4th grade mathematics</u> | | 766 |
| <u>test</u> | <u>test</u> | <u>2004</u> | 767 |
| <u>4th grade science</u> | <u>5th grade science</u> | | 768 |
| <u>test</u> | <u>test</u> | <u>2005</u> | 769 |
| <u>4th grade citizenship</u> | <u>5th grade social</u> | | 770 |

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|------------------------------|------------------------------|-------------|-----|
| <u>test</u> | <u>studies test</u> | <u>2005</u> | 771 |
| <u>6th grade reading</u> | <u>7th grade reading</u> | | 772 |
| <u>test</u> | <u>test</u> | <u>2006</u> | 773 |
| <u>6th grade writing</u> | <u>7th grade writing</u> | | 774 |
| <u>test</u> | <u>test</u> | <u>2006</u> | 775 |
| <u>6th grade mathematics</u> | <u>7th grade mathematics</u> | | 776 |
| <u>test</u> | <u>test</u> | <u>2006</u> | 777 |
| <u>6th grade science</u> | <u>8th grade science</u> | | 778 |
| <u>test</u> | <u>test</u> | <u>2006</u> | 779 |
| <u>6th grade citizenship</u> | <u>8th grade social</u> | | 780 |
| <u>test</u> | <u>studies test</u> | <u>2006</u> | 781 |
| <u>9th grade reading</u> | <u>10th grade reading</u> | | 782 |
| <u>test</u> | <u>test</u> | <u>2004</u> | 783 |
| <u>9th grade writing</u> | <u>10th grade writing</u> | | 784 |
| <u>test</u> | <u>test</u> | <u>2004</u> | 785 |
| <u>9th grade</u> | <u>10th grade</u> | | 786 |
| <u>mathematics test</u> | <u>mathematics test</u> | <u>2004</u> | 787 |
| <u>9th grade science</u> | <u>10th grade science</u> | | 788 |
| <u>test</u> | <u>test</u> | <u>2004</u> | 789 |
| <u>9th grade citizenship</u> | <u>10th grade social</u> | | 790 |
| <u>test</u> | <u>studies test</u> | <u>2004</u> | 791 |

(B) The state board shall continue to prescribe and school 792
districts and chartered nonpublic schools shall continue to 793
administer ninth grade proficiency tests in reading, writing, 794
mathematics, science, and citizenship to students who enter ninth 795
grade prior to July 1, 2003, for as long as those students remain 796
eligible under section 3313.614 of the Revised Code to receive 797
their high school diplomas based on passage of those ninth grade 798
proficiency tests. No student who enters ninth grade prior to July 799
1, 2003, is required to take any tenth grade achievement test, 800
even if any are administered to the student's grade level, until 801
the student is required by section 3313.614 of the Revised Code to 802
pass tenth grade achievement tests to receive a high school 803

diploma.

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Sec. 3301.0713. The state board of education shall recommend a plan to the general assembly for developing and implementing a series of end-of-course examinations aligned with the academic standards described in section 3301.079 of the Revised Code to be administered to high school students upon the completion of specified courses as an alternative to passing the tests required under division (B) of section 3301.0710 of the Revised Code to receive a high school diploma. The board also shall recommend to the general assembly methods to incorporate the ACT WorkKeys tests into the plan for end-of-course examinations so that vocational students may be tested in end-of-course examinations in grades nine and ten and in WorkKeys tests in grades eleven and twelve.

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

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

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

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

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

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(B) The guidelines adopted under this section shall require 833
the data maintained in the education management information system 834
to include at least the following: 835

(1) Student participation and performance data, for each 836
grade in each school district as a whole and for each grade in 837
each school building in each school district, that includes: 838

(a) The numbers of students receiving each category of 839
instructional service offered by the school district, such as 840
regular education instruction, vocational education instruction, 841
specialized instruction programs or enrichment instruction that is 842
part of the educational curriculum, instruction for gifted 843
students, instruction for handicapped students, and remedial 844
instruction. The guidelines shall require instructional services 845
under this division to be divided into discrete categories if an 846
instructional service is limited to a specific subject, a specific 847
type of student, or both, such as regular instructional services 848
in mathematics, remedial reading instructional services, 849
instructional services specifically for students gifted in 850
mathematics or some other subject area, or instructional services 851
for students with a specific type of handicap. The categories of 852
instructional services required by the guidelines under this 853
division shall be the same as the categories of instructional 854
services used in determining cost units pursuant to division 855
(C)(3) of this section. 856

(b) The numbers of students receiving support or 857
extracurricular services for each of the support services or 858
extracurricular programs offered by the school district, such as 859
counseling services, health services, and extracurricular sports 860
and fine arts programs. The categories of services required by the 861
guidelines under this division shall be the same as the categories 862
of services used in determining cost units pursuant to division 863
(C)(4)(a) of this section. 864

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| (c) Average student grades in each subject in grades nine through twelve; | 865 866 |
| (d) Academic achievement levels in grades one through eight as assessed by the locally developed competency programs required by division (D) of section 3301.07 of the Revised Code; | 867 868 869 |
| (e) Academic achievement levels as assessed by the testing of student proficiency <u>achievement</u> under sections 3301.0710 and 3301.0711 of the Revised Code; | 870 871 872 |
| (f) (e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code; | 873 874 875 |
| (g) (f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code; | 876 877 878 |
| (h) (g) Attendance rates and the average daily attendance for the year; | 879 880 |
| (i) (h) Expulsion rates; | 881 |
| (j) (i) Suspension rates; | 882 |
| (k) (j) The percentage of students receiving corporal punishment; | 883 884 |
| (l) (k) Dropout rates; | 885 |
| (m) (l) Rates of retention in grade; | 886 |
| (n) (m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules; | 887 888 889 |
| (o) (n) 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 | 890 891 892 893 |

nationally accepted reporting requirements; 894

(o) Results of diagnostic assessments administered to 895
kindergarten students as required under section 3301.0715 of the 896
Revised Code to permit a comparison of the academic readiness of 897
kindergarten students. However, no district shall be required to 898
report to the department the results of any diagnostic assessment 899
administered to a kindergarten student if the parent of that 900
student requests the district not to report those results. 901

(2) Personnel and classroom enrollment data for each school 902
district, including: 903

(a) The total numbers of licensed employees and nonlicensed 904
employees and the numbers of full-time equivalent licensed 905
employees and nonlicensed employees providing each category of 906
instructional service, instructional support service, and 907
administrative support service used pursuant to division (C)(3) of 908
this section. The guidelines adopted under this section shall 909
require these categories of data to be maintained for the school 910
district as a whole and, wherever applicable, for each grade in 911
the school district as a whole, for each school building as a 912
whole, and for each grade in each school building. 913

(b) The total number of employees and the number of full-time 914
equivalent employees providing each category of service used 915
pursuant to divisions (C)(4)(a) and (b) of this section, and the 916
total numbers of licensed employees and nonlicensed employees and 917
the numbers of full-time equivalent licensed employees and 918
nonlicensed employees providing each category used pursuant to 919
division (C)(4)(c) of this section. The guidelines adopted under 920
this section shall require these categories of data to be 921
maintained for the school district as a whole and, wherever 922
applicable, for each grade in the school district as a whole, for 923
each school building as a whole, and for each grade in each school 924
building. 925

(c) The total number of regular classroom teachers teaching 926
classes of regular education and the average number of pupils 927
enrolled in each such class, in each of grades kindergarten 928
through five in the district as a whole and in each school 929
building in the school district. 930

(3)(a) Student demographic data for each school district, 931
including information regarding the gender ratio of the school 932
district's pupils, the racial make-up of the school district's 933
pupils, and an appropriate measure of the number of the school 934
district's pupils who reside in economically disadvantaged 935
households. The demographic data shall be collected in a manner to 936
allow correlation with data collected under division (B)(1) of 937
this section. Categories for data collected pursuant to division 938
(B)(3) of this section shall conform, where appropriate, to 939
standard practices of agencies of the federal government. 940

(b) With respect to each student entering kindergarten, 941
whether the student previously participated in a public preschool 942
program, a private preschool program, or a head start program, and 943
the number of years the student participated in each of these 944
programs. 945

(C) The education management information system shall include 946
cost accounting data for each district as a whole and for each 947
school building in each school district. The guidelines adopted 948
under this section shall require the cost data for each school 949
district to be maintained in a system of mutually exclusive cost 950
units and shall require all of the costs of each school district 951
to be divided among the cost units. The guidelines shall require 952
the system of mutually exclusive cost units to include at least 953
the following: 954

(1) Administrative costs for the school district as a whole. 955
The guidelines shall require the cost units under this division 956
(C)(1) to be designed so that each of them may be compiled and 957

reported in terms of average expenditure per pupil in formula ADM 958
in the school district, as determined pursuant to section 3317.03 959
of the Revised Code. 960

(2) Administrative costs for each school building in the 961
school district. The guidelines shall require the cost units under 962
this division (C)(2) to be designed so that each of them may be 963
compiled and reported in terms of average expenditure per 964
full-time equivalent pupil receiving instructional or support 965
services in each building. 966

(3) Instructional services costs for each category of 967
instructional service provided directly to students and required 968
by guidelines adopted pursuant to division (B)(1)(a) of this 969
section. The guidelines shall require the cost units under 970
division (C)(3) of this section to be designed so that each of 971
them may be compiled and reported in terms of average expenditure 972
per pupil receiving the service in the school district as a whole 973
and average expenditure per pupil receiving the service in each 974
building in the school district and in terms of a total cost for 975
each category of service and, as a breakdown of the total cost, a 976
cost for each of the following components: 977

(a) The cost of each instructional services category required 978
by guidelines adopted under division (B)(1)(a) of this section 979
that is provided directly to students by a classroom teacher; 980
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(b) The cost of the instructional support services, such as 982
services provided by a speech-language pathologist, classroom 983
aide, multimedia aide, or librarian, provided directly to students 984
in conjunction with each instructional services category; 985

(c) The cost of the administrative support services related 986
to each instructional services category, such as the cost of 987
personnel that develop the curriculum for the instructional 988

services category and the cost of personnel supervising or 989
coordinating the delivery of the instructional services category. 990

(4) Support or extracurricular services costs for each 991
category of service directly provided to students and required by 992
guidelines adopted pursuant to division (B)(1)(b) of this section. 993
The guidelines shall require the cost units under division (C)(4) 994
of this section to be designed so that each of them may be 995
compiled and reported in terms of average expenditure per pupil 996
receiving the service in the school district as a whole and 997
average expenditure per pupil receiving the service in each 998
building in the school district and in terms of a total cost for 999
each category of service and, as a breakdown of the total cost, a 1000
cost for each of the following components: 1001

(a) The cost of each support or extracurricular services 1002
category required by guidelines adopted under division (B)(1)(b) 1003
of this section that is provided directly to students by a 1004
licensed employee, such as services provided by a guidance 1005
counselor or any services provided by a licensed employee under a 1006
supplemental contract; 1007

(b) The cost of each such services category provided directly 1008
to students by a nonlicensed employee, such as janitorial 1009
services, cafeteria services, or services of a sports trainer; 1010

(c) The cost of the administrative services related to each 1011
services category in division (C)(4)(a) or (b) of this section, 1012
such as the cost of any licensed or nonlicensed employees that 1013
develop, supervise, coordinate, or otherwise are involved in 1014
administering or aiding the delivery of each services category. 1015

(D)(1) The guidelines adopted under this section shall 1016
require school districts to collect information about individual 1017
students, staff members, or both in connection with any data 1018
required by division (B) or (C) of this section or other reporting 1019

requirements established in the Revised Code. The guidelines may
also require school districts to report information about
individual staff members in connection with any data required by
division (B) or (C) of this section or other reporting
requirements established in the Revised Code. The guidelines may
authorize school districts to request social security numbers of
individual students so that school districts and the data
acquisition sites operated under section 3301.075 of the Revised
Code can assure accuracy and avoid errors in collecting the data.
However, the guidelines shall prohibit the reporting under this
section of any personally identifiable information about any
student, including a student's social security number, name, or
address, to the state board of education or the department of
education or to any other person unless such person is employed by
the school district or the data acquisition site and is authorized
by the district or acquisition site to have access to such
information. The guidelines may require school districts to
provide the social security numbers of individual staff members.

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

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

Each school district shall ensure that the data verification 1052
code is included in the student's records reported to any 1053
subsequent school district or community school in which the 1054
student enrolls and shall remove all references to the code in any 1055
records retained in the district or school that pertain to any 1056
student no longer enrolled. Any such subsequent district or school 1057
shall utilize the same identifier in its reporting of data under 1058
this section. 1059

(E) The guidelines adopted under this section may require 1060
school districts to collect and report data, information, or 1061
reports other than that described in divisions (A), (B), and (C) 1062
of this section for the purpose of complying with other reporting 1063
requirements established in the Revised Code. The other data, 1064
information, or reports may be maintained in the education 1065
management information system but are not required to be compiled 1066
as part of the profile formats required under division (G) of this 1067
section or the annual statewide report required under division (H) 1068
of this section. 1069

(F) Beginning with the school year that begins July 1, 1991, 1070
the board of education of each school district shall annually 1071
collect and report to the state board, in accordance with the 1072
guidelines established by the board, the data required pursuant to 1073
this section. A school district may collect and report these data 1074
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 1075

(G) The state board shall, in accordance with the procedures 1076
it adopts, annually compile the data reported by each school 1077
district pursuant to division (D) of this section. The state board 1078
shall design formats for profiling each school district as a whole 1079
and each school building within each district and shall compile 1080
the data in accordance with these formats. These profile formats 1081
shall: 1082

(1) Include all of the data gathered under this section in a 1083

manner that facilitates comparison among school districts and 1084
among school buildings within each school district; 1085

(2) Present the data on academic achievement levels as 1086
assessed by the testing of student proficiency achievement 1087
maintained pursuant to division (B)(1)(e) of this section so that 1088
the academic achievement levels of students who are excused from 1089
taking any such test pursuant to division (C)(1) of section 1090
3301.0711 of the Revised Code are distinguished from the academic 1091
achievement levels of students who are not so excused. 1092

(H)(1) The state board shall, in accordance with the 1093
procedures it adopts, annually prepare a statewide report for all 1094
school districts and the general public that includes the profile 1095
of each of the school districts developed pursuant to division (G) 1096
of this section. Copies of the report shall be sent to each school 1097
district. 1098

(2) The state board shall, in accordance with the procedures 1099
it adopts, annually prepare an individual report for each school 1100
district and the general public that includes the profiles of each 1101
of the school buildings in that school district developed pursuant 1102
to division (G) of this section. Copies of the report shall be 1103
sent to the superintendent of the district and to each member of 1104
the district board of education. 1105

(3) Copies of the reports received from the state board under 1106
divisions (H)(1) and (2) of this section shall be made available 1107
to the general public at each school district's offices. Each 1108
district board of education shall make copies of each report 1109
available to any person upon request and payment of a reasonable 1110
fee for the cost of reproducing the report. The board shall 1111
annually publish in a newspaper of general circulation in the 1112
school district, at least twice during the two weeks prior to the 1113
week in which the reports will first be available, a notice 1114
containing the address where the reports are available and the 1115

date on which the reports will be available. 1116

(I) Any data that is collected or maintained pursuant to this 1117
section and that identifies an individual pupil is not a public 1118
record for the purposes of section 149.43 of the Revised Code. 1119
1120

(J) As used in this section: 1121

(1) "School district" means any city, local, exempted 1122
village, or joint vocational school district. 1123

(2) "Cost" means any expenditure for operating expenses made 1124
by a school district excluding any expenditures for debt 1125
retirement except for payments made to any commercial lending 1126
institution for any loan approved pursuant to section 3313.483 of 1127
the Revised Code. 1128

(K) Any person who removes data from the information system 1129
established under this section for the purpose of releasing it to 1130
any person not entitled under law to have access to such 1131
information is subject to section 2913.42 of the Revised Code 1132
prohibiting tampering with data. 1133

(L) Any time the department of education determines that a 1134
school district has taken any of the actions described under 1135
division (L)(1), (2), or (3) of this section, it shall make a 1136
report of the actions of the district, send a copy of the report 1137
to the superintendent of such school district, and maintain a copy 1138
of the report in its files: 1139

(1) The school district fails to meet any deadline 1140
established pursuant to this section for the reporting of any data 1141
to the education management information system; 1142

(2) The school district fails to meet any deadline 1143
established pursuant to this section for the correction of any 1144
data reported to the education management information system; 1145

(3) The school district reports data to the education 1146
management information system in a condition, as determined by the 1147
department, that indicates that the district did not make a good 1148
faith effort in reporting the data to the system. 1149

Any report made under this division shall include 1150
recommendations for corrective action by the school district. 1151

Upon making a report for the first time in a fiscal year, the 1152
department shall withhold ten per cent of the total amount due 1153
during that fiscal year under Chapter 3317. of the Revised Code to 1154
the school district to which the report applies. Upon making a 1155
second report in a fiscal year, the department shall withhold an 1156
additional twenty per cent of such total amount due during that 1157
fiscal year to the school district to which the report applies. 1158
The department shall not release such funds unless it determines 1159
that the district has taken corrective action. However, no such 1160
release of funds shall occur if the district fails to take 1161
corrective action within ninety days of the date upon which the 1162
report was made by the department. 1163

(M) The department of education, after consultation with the 1164
Ohio education computer network, may provide at no cost to school 1165
districts uniform computer software for use in reporting data to 1166
the education management information system, provided that no 1167
school district shall be required to utilize such software to 1168
report data to the education management information system if such 1169
district is so reporting data in an accurate, complete, and timely 1170
manner in a format compatible with that required by the education 1171
management information system. 1172

(N) The state board of education, in accordance with sections 1173
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1174
license as defined under division (A) of section 3319.31 of the 1175
Revised Code that has been issued to any school district employee 1176
found to have willfully reported erroneous, inaccurate, or 1177

incomplete data to the education management information system. 1178

(O) No person shall release or maintain any information about 1179
any student in violation of this section. Whoever violates this 1180
division is guilty of a misdemeanor of the fourth degree. 1181

(P) The department shall disaggregate the data collected 1182
under division (B)(1)(o) of this section according to the race and 1183
socioeconomic status of the students assessed. No data collected 1184
under that division shall be included on the report cards required 1185
by section 3302.03 of the Revised Code. 1186

(Q) If the department cannot compile any of the information 1187
required by division (D)(5) of section 3302.03 of the Revised Code 1188
based upon the data collected under this section, the department 1189
shall develop a plan and a reasonable timeline for the collection 1190
of any data necessary to comply with that division. 1191

Sec. 3301.0715. (A) Except as provided in division (E) of 1192
this section, the board of education of each city, local, and 1193
exempted village school district shall administer any diagnostic 1194
assessment developed and provided to the district in accordance 1195
with section 3301.079 of the Revised Code to measure student 1196
progress toward the attainment of academic standards for grades 1197
kindergarten through two in reading, writing, and mathematics and 1198
for grades three through eight in reading, writing, mathematics, 1199
science, and social studies. 1200

(B) Each district board shall administer any diagnostic 1201
assessment to any student at any time the board deems appropriate. 1202
However, the board shall administer any diagnostic assessment at 1203
least once annually to all students in the appropriate grade 1204
level. A district board may administer any diagnostic assessment 1205
in the fall and spring of a school year to measure the "value 1206
added" of the instruction received by students during that school 1207
year. 1208

(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. However, 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.

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

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

(F) Within thirty days after a student transfers into a school district or to a different school within the same district, the district shall administer any diagnostic assessment required under division (A) of this section to the student to determine the student's academic abilities.

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

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

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| (B) Reductions in the need for remedial courses; | 1240 |
| (C) Reductions in the student dropout rate; | 1241 |
| (D) Improvements in scores on standardized tests; | 1242 |
| (E) Increases in satisfactory completion of high school proficiency <u>achievement</u> tests; | 1243 1244 |
| (F) Increases in American college test scores; | 1245 |
| (G) Increases in the rate of college entry; | 1246 |
| (H) Reductions in the need for remedial courses for <u>first-year</u> college <u>freshmen</u> students. | 1247 1248 |
| In July of each odd-numbered year, the state board of education shall submit a report on progress made toward these goals to the governor and the general assembly. | 1249 1250 1251 |
| <u>Sec. 3301.0718. (A) After completing the required standards</u> <u>specified in section 3301.079 of the Revised Code, the state board</u> <u>of education shall adopt standards and model curricula for</u> <u>instruction in computer literacy for grades three through twelve</u> <u>and in fine arts and foreign language for grades kindergarten</u> <u>through twelve and may adopt standards and a model curriculum in</u> <u>any grade level for any other subject area. However, any</u> <u>standards, curriculum, or revisions in the area of health or</u> <u>physical education shall not be adopted or revised unless, by</u> <u>concurrent resolution, the standards, curriculum, or revisions are</u> <u>approved by both houses of the general assembly. Before the house</u> <u>of representatives or senate votes on a concurrent resolution</u> <u>approving health or physical education standards, curriculum, or</u> <u>revisions, its standing committee having jurisdiction over</u> <u>education legislation shall conduct at least one public hearing on</u> <u>the standards, curriculum, or revisions.</u> | 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263 1264 1265 1266 1267 |
| (B) <u>The state board shall not adopt a diagnostic assessment</u> | 1268 |

or achievement test for any grade level or subject area other than 1269
those specified in section 3301.079 of the Revised Code. 1270

Sec. ~~3301.0712~~ 3301.0719. (A) The state board of education 1271
shall adopt minimum standards under which each governing board of 1272
an educational service center shall develop a plan of service to 1273
school districts within the center's territory. The standards 1274
shall require that the plan of service include, but need not be 1275
limited to, provisions that ensure: 1276

(1) The maximum involvement of boards of education of local 1277
school districts in all aspects of the service plan; 1278

(2) Adequate and well-maintained physical facilities for the 1279
offices of the county board; 1280

(3) Fiscal monitoring of the local districts by the 1281
educational service center governing board; 1282

(4) The availability of qualified staff in sufficient numbers 1283
to implement the service plan; 1284

(5) Supervision and evaluation of classroom activities in the 1285
local districts; 1286

(6) The availability of in-service and continuing education 1287
programs for all local district and educational service center 1288
personnel; 1289

(7) The offering of specified curriculum services to the 1290
local districts; 1291

(8) The development of research and development programs; 1292

(9) Regular and continuing communication among the 1293
educational service center governing board, local districts, and 1294
the community; 1295

(10) Continuing planning for the maximum utilization of 1296
existing school buildings and the development of new facilities; 1297

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| (11) Monitoring and enforcement of the compulsory attendance law; | 1298 1299 |
| (12) Accurate recordkeeping in the local district schools; | 1300 |
| (13) Assistance to local districts in the provision of special accommodations and classes for handicapped students. | 1301 1302 |
| (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. | 1303 1304 1305 1306 1307 1308 1309 |
| (C) The state board shall conduct an evaluation every five years of each educational service center governing board and the services it provides. The evaluation shall include recommendations and shall be discussed in a public meeting held by the superintendent of the educational service center within thirty days of receipt of the evaluation report. The educational service center superintendent shall also submit a plan to the state board for correcting any violations specified in the evaluation within ninety days of receipt of the evaluation report. The state board shall approve any such plan that meets the minimum standards adopted by the state board under division (A) of this section. | 1310 1311 1312 1313 1314 1315 1316 1317 1318 1319 1320 |
| (D) The state board shall revoke the charter of any educational service center that fails to comply with the plan of service approved by the state board under division (B) of this section or with any plan for correcting violations approved by the state board under division (C) of this section. | 1321 1322 1323 1324 1325 |
| (E) If any educational service center fails to submit a plan of service in compliance with the provisions of division (B) of this section or if the charter of any educational service center | 1326 1327 1328 |

is revoked pursuant to division (D) of this section, the state
board may dissolve the educational service center and pursuant to
this division transfer its territory to one or more adjacent
educational service centers.

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

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

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

Sec. 3301.801. (A) The Ohio SchoolNet commission shall create
and maintain a clearinghouse for classroom teachers, including any
classroom teachers employed by community schools established under

Chapter 3314. of the Revised Code, to easily obtain lesson plans 1360
and materials and other practical resources for use in classroom 1361
teaching. The commission shall develop a method of obtaining 1362
submissions, from classroom teachers and others, of such plans, 1363
materials, and other resources that have been used in the 1364
classroom and that can be readily used and implemented by 1365
classroom teachers in their regular teaching activities. The 1366
commission also shall develop methods of informing classroom 1367
teachers of both the availability of such plans, materials, and 1368
other resources, and of the opportunity to submit such plans, 1369
materials, and other resources and other classroom teaching ideas 1370
to the clearinghouse. 1371

The department of education shall regularly identify 1372
research-based practices concerned with scheduling and allotting 1373
instructional time and submit such practices to the commission for 1374
inclusion in the clearinghouse. 1375

The commission shall periodically report to the speaker and 1376
minority leader of the house of representatives, the president and 1377
minority leader of the senate, and the chairpersons and ranking 1378
minority members of the education committees of the senate and the 1379
house of representatives regarding the clearinghouse and make 1380
recommendations for changes in state law or administrative rules 1381
that may facilitate the usefulness of the clearinghouse. 1382

(B) Not later than one year after the effective date of this 1383
amendment, the department of education shall identify research 1384
studies on academic intervention and prevention practices that 1385
have been successful in improving the academic performance of 1386
students from different ethnic and socioeconomic groups, develop 1387
an annotated bibliography of such studies, and provide that 1388
bibliography to the Ohio SchoolNet commission. The commission 1389
shall promptly make the bibliography available to school districts 1390
as a part of the clearinghouse established under this section. 1391

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| Sec. 3301.91. (A) The OhioReads council's responsibilities | 1392 |
| include, but are not limited to, the following: | 1393 |
| (1) Advising and consenting to the superintendent of public | 1394 |
| instruction's appointments to the position of executive director | 1395 |
| of the OhioReads office; | 1396 |
| (2) Evaluating the effectiveness of the OhioReads initiative | 1397 |
| established by this section and sections 3301.86 and 3301.87 of | 1398 |
| the Revised Code and conducting annual evaluations beginning in | 1399 |
| fiscal year 2002; | 1400 |
| (3) Developing a strategic plan for identifying, recruiting, | 1401 |
| training, qualifying, and placing volunteers for the OhioReads | 1402 |
| initiative; | 1403 |
| (4) Establishing standards for the awarding of classroom | 1404 |
| reading grants under section 3301.86 of the Revised Code and | 1405 |
| community reading grants under section 3301.87 of the Revised | 1406 |
| Code, including eligibility criteria, grant amounts, purposes for | 1407 |
| which grants may be used, and administrative, programmatic, and | 1408 |
| reporting requirements; | 1409 |
| (5) Awarding classroom reading grants and community reading | 1410 |
| grants to be paid by the OhioReads office under sections 3301.86 | 1411 |
| and 3301.87 of the Revised Code; | 1412 |
| (6) Establishing guidelines for and overseeing the general | 1413 |
| responsibilities and mission of the executive director of the | 1414 |
| OhioReads office; | 1415 |
| (7) Adopting rules pursuant to Chapter 119. of the Revised | 1416 |
| Code to establish standards required under sections 3301.86 and | 1417 |
| 3301.87 of the Revised Code. | 1418 |
| (B) In performing its duties, the council shall, to the | 1419 |
| extent practicable: | 1420 |

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| (1) Give primary consideration to the safety and well-being of children participating in the OhioReads initiative; | 1421 1422 |
| (2) Maximize the use of resources to improve reading outcomes, especially the fourth grade reading proficiency test established under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code <u>and the third grade reading achievement test established under division (A)(1)(a) of section 3301.0710 of the Revised Code;</u> | 1423 1424 1425 1426 1427 1428 |
| (3) Identify and maximize relevant federal and state resources to leverage OhioReads resources and related programs; | 1429 1430 |
| (4) Focus on early reading intervention strategies, professional development, and parental involvement; | 1431 1432 |
| (5) Give priority to programs recognized as promising educational practices for accelerating student achievement, including, but not limited to, programs primarily using volunteers and programs that may have been reviewed by the education commission of the states. | 1433 1434 1435 1436 1437 |
| Sec. 3302.02. The following are the expected state performance standards for school districts: | 1438 1439 |
| (A) A ninety per cent graduation rate; | 1440 |
| (B) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed by division (A)(1) of section 3301.0710 of the Revised Code; | 1441 1442 1443 |
| (C) At least seventy-five per cent of fourth graders proficient on the reading test prescribed by division (A)(1) of section 3301.0710 of the Revised Code; | 1444 1445 1446 |
| (D) At least seventy-five per cent of fourth graders proficient on the writing test prescribed by division (A)(1) of section 3301.0710 of the Revised Code; | 1447 1448 1449 |

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| (E) At least seventy-five per cent of fourth graders | 1450 |
| proficient on the citizenship test prescribed by division (A)(1) | 1451 |
| of section 3301.0710 of the Revised Code; | 1452 |
| (F) At least seventy-five per cent of ninth graders | 1453 |
| proficient on the mathematics test prescribed by division (B) of | 1454 |
| section 3301.0710 of the Revised Code; | 1455 |
| (G) At least seventy-five per cent of ninth graders | 1456 |
| proficient on the reading test prescribed by division (B) of | 1457 |
| section 3301.0710 of the Revised Code; | 1458 |
| (H) At least seventy-five per cent of ninth graders | 1459 |
| proficient on the writing test prescribed by division (B) of | 1460 |
| section 3301.0710 of the Revised Code; | 1461 |
| (I) At least seventy-five per cent of ninth graders | 1462 |
| proficient on the citizenship test prescribed by division (B) of | 1463 |
| section 3301.0710 of the Revised Code; | 1464 |
| (J) At least eighty-five per cent of tenth graders proficient | 1465 |
| on the mathematics test prescribed by division (B) of section | 1466 |
| 3301.0710 of the Revised Code; | 1467 |
| (K) At least eighty-five per cent of tenth graders proficient | 1468 |
| on the reading test prescribed by division (B) of section | 1469 |
| 3301.0710 of the Revised Code; | 1470 |
| (L) At least eighty-five per cent of tenth graders proficient | 1471 |
| on the writing test prescribed by division (B) of section | 1472 |
| 3301.0710 of the Revised Code; | 1473 |
| (M) At least eighty-five per cent of tenth graders proficient | 1474 |
| on the citizenship test prescribed by division (B) of section | 1475 |
| 3301.0710 of the Revised Code; | 1476 |
| (N) At least sixty per cent of twelfth graders proficient on | 1477 |
| the mathematics test prescribed by division (A)(3) of section | 1478 |
| 3301.0710 of the Revised Code; | 1479 |

~~(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;~~ 1480
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~~(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;~~ 1483
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~~(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;~~ 1486
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~~(R) At least a ninety-three per cent attendance rate.~~ 1489

~~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
department of education to establish performance standards for
those tests, the department shall recommend a rule adding
standards to reflect these additional tests. The department shall
also recommend a rule when necessary to allow for the phasing out
of the ninth grade proficiency test and its replacement with a
high school proficiency test pursuant to section 3301.0710 of the
Revised Code as amended by Amended Substitute Senate Bill No. 55
of the 122nd general assembly. The rules~~ 1490
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The state board of education shall annually establish at
least seventeen performance indicators for the report cards
required by division (D) of section 3302.03 of the Revised Code.
In establishing these indicators, the state board shall consider
inclusion of student performance on any tests given under section
3301.0710 of the Revised Code, rates of student improvement on
such tests, student attendance, the breadth of coursework
available within the district, and other indicators of student
success. The state board shall notify all school districts of the 1502
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selected performance indicators at least one year before they are 1511
included in the report card. 1512

The state board shall not recommend establish any standard be 1513
established performance indicator for passage of the third or 1514
fourth grade reading test that is solely based on the test given 1515
in the fall for the purpose of determining whether students have 1516
met the ~~fourth-grade~~ reading guarantee provisions of section 1517
3313.608 of the Revised Code. 1518

~~Rules recommended by the department under this section shall~~ 1519
~~not take effect unless approved by joint resolution of the general~~ 1520
~~assembly.~~ 1521

Sec. 3302.03. (A) ~~Beginning with the fiscal year that starts~~ 1522
~~on July 1, 1999, every three years~~ Annually the department of 1523
education shall ~~calculate and~~ report for each school district ~~its~~ 1524
~~percentages on the extent to which it meets~~ each of the 1525
performance indicators ~~listed in~~ created by the state board of 1526
education under section 3302.02 of the Revised Code and shall 1527
specify for each such district the ~~extent to which the acceptable~~ 1528
~~number of performance indicator has~~ indicators that have been 1529
achieved and whether the district is an excellent school district, 1530
an effective school district, needs continuous improvement, is 1531
under an academic watch, or is in a state of academic emergency. 1532

When possible, the department shall also determine for each 1533
school building in a district the extent to which it meets any of 1534
the performance indicators applicable to the grade levels of the 1535
students in that school building and whether the school building 1536
is an excellent school, an effective school, needs continuous 1537
improvement, is under an academic watch, or is in a state of 1538
academic emergency. 1539

(B)~~(1)~~ If the state board establishes seventeen performance 1540
indicators applicable to a school district or building under 1541

section 3302.02 of the Revised Code: 1542

(1) A school district or building shall be declared excellent 1543
if it meets at least sixteen of the applicable state performance 1544
indicators. 1545

(2) A school district or building shall be declared an 1546
effective school district if it meets at least ninety-four per 1547
cent thirteen through fifteen of the applicable state performance 1548
standards indicators. 1549

+2)(3) A school district or building shall be declared to be 1550
in need of continuous improvement if it meets more than fifty per 1551
cent eight but less than ninety-four per cent thirteen of the 1552
applicable state performance standards indicators. 1553

+3)(4) A school district or building shall be declared to be 1554
under an academic watch if it meets more than thirty-three per 1555
cent five but not more than fifty per cent eight of the applicable 1556
state performance standards indicators. 1557

+4)(5) A school district or building shall be declared to be 1558
in a state of academic emergency if it does not meet more than 1559
thirty-three per cent five of the applicable state performance 1560
standards indicators. 1561

(C) Whenever feasible, the department shall utilize 1562
three-year averaging of the district's percentages on the 1563
performance standards specified in section 3302.02 of the Revised 1564
Code. If the state board establishes more than seventeen 1565
performance indicators under section 3302.02 of the Revised Code, 1566
or if less than seventeen performance indicators are applicable to 1567
a school building, the state board shall establish the number of 1568
indicators that must be met in order for a district or building to 1569
be designated as excellent, effective, needs continuous 1570
improvement, is under an academic watch, or is in a state of 1571
academic emergency. The number established for each such category 1572

under this division shall bear a similar relationship to the total 1573
number of indicators as the number of indicators required for the 1574
respective categories stated in division (B) of this section bears 1575
to seventeen. 1576

(D)(1) The department shall issue annual report cards for 1577
each school district, each building within each district, and for 1578
the state as a whole ~~based on~~ reflecting performance on the 1579
indicators created by the state board under section 3302.02 of the 1580
Revised Code. 1581

(2) The department shall include on the report card for each 1582
district information pertaining to any significant improvement 1583
from the previous year made by the school district or school 1584
buildings within the district on any performance indicator. 1585

(3) The department shall not include in the report cards any 1586
data statistical in nature that is statistically unreliable or 1587
that could result in the identification of individual students. 1588

(4) The department may include with the report cards any 1589
additional education and fiscal performance data it deems 1590
valuable. 1591

(5) The department shall include on each report card a list 1592
of additional information collected by the department that is 1593
available regarding the district or building for which the report 1594
card is issued. When available, such additional information shall 1595
include student mobility data disaggregated by race and 1596
socioeconomic status, college enrollment data, and the reports 1597
prepared under section 3302.031 of the Revised Code. 1598

The department shall maintain a site on the world wide web. 1599
The report card shall include the address of the site and shall 1600
specify that such additional information is available to the 1601
public at that site. The department shall also provide a copy of 1602
each item on the list to the superintendent of each school 1603

district. The district superintendent shall provide a copy of any 1604
item on the list to anyone who requests it. 1605

~~(2) The department shall not include in the report card~~ 1606
~~required by this division proficiency test passage data according~~ 1607
~~to any ethnic, racial, or gender classification.~~ 1608

(E) In calculating the any proficiency or achievement test 1609
passage rates used to determine school district performance 1610
under this section, the department shall include all students except: 1611

~~(1) Those students exempted from the requirement to take the~~ 1612
~~applicable proficiency test taking a test with accommodation or to~~ 1613
~~whom an alternate assessment is administered pursuant to division~~ 1614
~~(C)(1) or (3) of section 3301.0711 of the Revised Code, but shall~~ 1615
~~not include any student excused from taking a test pursuant to~~ 1616
~~division (C)(3) of that section, whether or not the student chose~~ 1617
~~to take the test voluntarily in spite of the exemption granted in~~ 1618
~~that division.~~ 1619

~~(2) Those students to whom the twelfth-grade tests are not~~ 1620
~~administered, pursuant to division (B)(4) of section 3301.0711 of~~ 1621
~~the Revised Code.~~ 1622

Sec. 3302.031. In addition to the report cards required under 1623
section 3302.03 of the Revised Code, the department of education 1624
shall annually prepare the following reports for each school 1625
district and make a copy of each report available to the 1626
superintendent of each district: 1627

(A) A funding and expenditure accountability report which 1628
shall consist of the amount of state aid payments the school 1629
district will receive during the fiscal year under Chapter 3317. 1630
of the Revised Code and any other fiscal data the department 1631
determines is necessary to inform the public about the financial 1632
status of the district; 1633

(B) A school safety and discipline report which shall consist 1634

of statistical information regarding student safety and discipline 1635
in each school building, including the number of suspensions and 1636
expulsions disaggregated according to race and gender; 1637
1638

(C) A student equity report which shall consist of at least a 1639
description of the status of teacher qualifications, library and 1640
media resources, textbooks, classroom materials and supplies, and 1641
technology resources for each district. To the extent possible, 1642
the information included in the report required under this 1643
division shall be disaggregated according to grade level, race, 1644
gender, disability, and scores attained on tests required under 1645
section 3301.0710 of the Revised Code. 1646

(D) A school enrollment report which shall consist of 1647
information about the composition of classes within each district 1648
by grade and subject disaggregated according to race, gender, and 1649
scores attained on tests required under section 3301.0710 of the 1650
Revised Code; 1651

(E) A student retention report which shall consist of the 1652
number of students retained in their respective grade levels in 1653
the district disaggregated by grade level, subject area, race, 1654
gender, and disability. 1655

Sec. 3302.04. ~~(A) By March 1, 1998, the~~ The state board of 1656
education shall ~~recommend to the general assembly~~ adopt a rule 1657
establishing both of the following: 1658

(1) A standard unit of improvement that any individual school 1659
within a district or school district would be required to achieve 1660
on a specific performance ~~standard~~ indicator that it failed to 1661
meet in order to be deemed to have made satisfactory improvement 1662
toward meeting that ~~standard~~ indicator. 1663

(2) The percentage of those performance ~~standards~~ indicators 1664
that ~~a~~ an individual school or district did not meet, on which a 1665

district would be required to achieve the standard unit of 1666
improvement in order to be deemed to be making overall progress 1667
toward becoming an ~~effective~~ excellent district. 1668

~~Upon approval of the general assembly, the~~ The rule shall 1669
apply to determinations of school district improvement under 1670
division (B) of this section. 1671

(B) When a school district has been notified by the 1672
department pursuant to division (A) of section 3302.03 of the 1673
Revised Code that the district or a school within the district 1674
needs continuous improvement, is under an academic watch, or is in 1675
a state of academic emergency, the district shall develop a 1676
three-year continuous improvement plan containing an analysis of 1677
the reasons for the district's failure as a whole, or the failure 1678
of any individual schools, to meet any of the ~~standards it does~~ 1679
indicators not ~~meet~~ met and specifying the strategies ~~it the~~ 1680
district will use and the resources it will allocate to address 1681
the problem. Copies of the plan shall be made available to the 1682
public. 1683

No three-year continuous improvement plan shall be developed 1684
or adopted pursuant to this division unless at least one public 1685
hearing is held within the ~~territory of the~~ affected school 1686
district or school concerning the final draft of the plan. Notice 1687
of the hearing shall be given two weeks prior to the hearing by 1688
publication in one newspaper of general circulation within the 1689
territory of the affected school district. 1690

(C) When a school district has been notified by the 1691
department pursuant to division (A) of section 3302.03 of the 1692
Revised Code that the district or a school within the district is 1693
under an academic watch or in a state of academic emergency, the 1694
district shall be subject to any rules establishing intervention 1695
in academic watch or emergency school districts that have been 1696
recommended to the general assembly by the department of education 1697

and approved by joint resolution of the general assembly. ~~The~~ 1698
~~department shall recommend such rules by July 1, 1998.~~ 1699

(D)(1) Within one hundred twenty days after any school 1700
district or school within the district is declared to be in a 1701
state of academic emergency under section 3302.03 of the Revised 1702
Code, the department shall initiate a site evaluation of the 1703
school or school district. 1704

(2) If any school district that is declared to be in a state 1705
of academic emergency or in a state of academic watch under 1706
section 3302.03 of the Revised Code or encompasses a school that 1707
is declared to be in a state of academic emergency or in a state 1708
of academic watch fails to demonstrate to the department 1709
satisfactory improvement of the district or applicable buildings 1710
or fails to submit to the department any information required 1711
under rules established by the state board of education, prior to 1712
approving a three-year continuous improvement plan ~~for the school~~ 1713
~~district~~ under rules established by the state board of education, 1714
the department shall conduct a site evaluation of the school 1715
district or applicable schools to determine whether the school 1716
district is in compliance with minimum standards established by 1717
law or rule. 1718

(3) Site evaluations conducted under divisions (D)(1) and (2) 1719
of this section shall include, but not be limited to, the 1720
following: 1721

(a) Determining whether teachers are assigned to subject 1722
areas for which they are licensed or certified; 1723

(b) Determining pupil-teacher ratios; 1724

(c) Examination of compliance with minimum instruction time 1725
requirements for each school day and for each school year; 1726

(d) Determining whether ~~the school district has~~ materials and 1727
equipment necessary to implement the curriculum approved by the 1728

school district board are available. 1729

(E) The state board of education shall recommend to the 1730
general assembly a plan for intervening in and assisting school 1731
districts that continue to decline, or that have any school 1732
buildings that continue to be unsuccessful despite implementation 1733
of a school improvement plan. The plan submitted to the general 1734
assembly by the state board shall include recommendations to 1735
prevent continued decline. 1736

Sec. 3302.05. ~~By March 1, 1998, the~~ The department of 1737
education shall recommend rules to the general assembly freeing 1738
school districts declared to be ~~effective~~ excellent under division 1739
(B)(1) or ~~in need of continuous improvement~~ effective under 1740
division (B)(2) of section 3302.03 of the Revised Code from 1741
specified state mandates. Any mandates included in the recommended 1742
rules shall be only those statutes or rules pertaining to state 1743
education requirements. The rules shall take effect upon their 1744
approval through passage of a joint resolution by the general 1745
assembly. 1746

Sec. 3313.532. (A) Any person twenty-two or more years of age 1747
and enrolled in an adult high school continuation program 1748
established pursuant to section 3313.531 of the Revised Code may 1749
request the board of education operating the program to conduct an 1750
evaluation in accordance with division (C) of this section. 1751

(B) Any applicant to a board of education for a diploma of 1752
adult education under division (B) of section 3313.611 of the 1753
Revised Code may request the board to conduct an evaluation in 1754
accordance with division (C) of this section. 1755

(C) Upon the request of any person pursuant to division (A) 1756
or (B) of this section, the board of education to which the 1757
request is made shall evaluate the person to determine whether the 1758

person is handicapped, in accordance with rules adopted by the
state board of education. If the evaluation indicates that the
person is handicapped, the board shall determine whether to excuse
the person from taking any of the tests required by division (B)
of section 3301.0710 of the Revised Code as a requirement for
receiving a diploma under section 3313.611 of the Revised Code.
The determination of whether to excuse the person from any such
test shall be made in the same manner as it would be for students
enrolled in the district who are receiving special education under
Chapter 3323. of the Revised Code.

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

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

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

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

(2) Geography, the history of the United States and of Ohio,
and national, state, and local government in the United States,

| | |
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| including a balanced presentation of the relevant contributions to | 1790 |
| society of men and women of African, Mexican, Puerto Rican, and | 1791 |
| American Indian descent as well as other ethnic and racial groups | 1792 |
| in Ohio and the United States; | 1793 |
| (3) Mathematics; | 1794 |
| (4) Natural science, including instruction in the | 1795 |
| conservation of natural resources; | 1796 |
| (5) Health education, which shall include instruction in: | 1797 |
| (a) The nutritive value of foods, including natural and | 1798 |
| organically produced foods, the relation of nutrition to health, | 1799 |
| the use and effects of food additives; | 1800 |
| (b) The harmful effects of and legal restrictions against the | 1801 |
| use of drugs of abuse, alcoholic beverages, and tobacco; | 1802 |
| (c) Venereal disease education, except that upon written | 1803 |
| request of his <u>the student's</u> parent or guardian, a student shall | 1804 |
| be excused from taking instruction in venereal disease education; | 1805 |
| (d) In grades kindergarten through six, instruction in | 1806 |
| personal safety and assault prevention, except that upon written | 1807 |
| request of his <u>the student's</u> parent or guardian, a student shall | 1808 |
| be excused from taking instruction in personal safety and assault | 1809 |
| prevention. | 1810 |
| (6) Physical education; | 1811 |
| (7) The fine arts, including music; | 1812 |
| (8) First aid, including a training program in | 1813 |
| cardiopulmonary resuscitation, safety, and fire prevention, except | 1814 |
| that upon written request of his <u>the student's</u> parent or guardian, | 1815 |
| a student shall be excused from taking instruction in | 1816 |
| cardiopulmonary resuscitation. | 1817 |
| (B) Except as provided in division (E) of this section, every | 1818 |

school or school district shall include in the requirements for 1819
promotion from the eighth grade to the ninth grade one year's 1820
course of study of American history. 1821

(C) Except as provided in division (E) of this section, every 1822
high school shall include in the requirements for graduation from 1823
any curriculum one unit of American history and government, 1824
including a study of the constitutions of the United States and of 1825
Ohio. 1826

(D) Except as provided in division (E) of this section, basic 1827
instruction in geography, United States history, the government of 1828
the United States, the government of the state of Ohio, local 1829
government in Ohio, the Declaration of Independence, the United 1830
States Constitution, and the Constitution of the state of Ohio 1831
shall be required before pupils may participate in courses 1832
involving the study of social problems, economics, foreign 1833
affairs, United Nations, world government, socialism and 1834
communism. 1835

(E) For each cooperative education school district 1836
established pursuant to section 3311.521 of the Revised Code and 1837
each city, exempted village, and local school district that has 1838
territory within such a cooperative district, the curriculum 1839
adopted pursuant to divisions (A) to (D) of this section shall 1840
only include the study of the subjects that apply to the grades 1841
operated by each such school district. The curriculums for such 1842
schools, when combined, shall provide to each student of these 1843
districts all of the subjects required under divisions (A) to (D) 1844
of this section. 1845

(F) The board of education of any cooperative education 1846
school district established pursuant to divisions (A) to (C) of 1847
section 3311.52 of the Revised Code shall prescribe a curriculum 1848
for the subject areas and grade levels offered in any school under 1849
its control. 1850

Sec. 3313.603. (A) As used in this section: 1851

(1) "One unit" means a minimum of one hundred twenty hours of 1852
course instruction, except that for a laboratory course, "one 1853
unit" means a minimum of one hundred fifty hours of course 1854
instruction. 1855

(2) "One-half unit" means a minimum of sixty hours of course 1856
instruction, except that for physical education courses, "one-half 1857
unit" means a minimum of one hundred twenty hours of course 1858
instruction. 1859

(B) Beginning September 15, 2001, except as required in 1860
division (C) of section 3313.614 of the Revised Code, the 1861
requirements for graduation from every high school shall include 1862
twenty-one units earned in grades nine through twelve and shall be 1863
distributed as follows: 1864

(1) English language arts, four units; 1865

(2) Health, one-half unit; 1866

(3) Mathematics, three units; 1867

(4) Physical education, one-half unit; 1868

(5) Science, two units until September 15, 2003, and three 1869
units thereafter, which at all times shall include both of the 1870
following: 1871

(a) Biological sciences, one unit; 1872

(b) Physical sciences, one unit. 1873

(6) Social studies, three units, which shall include both of 1874
the following: 1875

(a) American history, one-half unit; 1876

(b) American government, one-half unit. 1877

(7) Elective units, eight units until September 15, 2003, and 1878

seven units thereafter. 1879

Each student's electives shall include at least one unit, or 1880
two half units, chosen from among the areas of 1881
business/technology, fine arts, and/or foreign language. 1882

(C) Every high school may permit students below the ninth 1883
grade to take advanced work for credit. A high school shall count 1884
such advanced work toward the graduation requirements of division 1885
(B) of this section if the advanced work was both: 1886

(1) Taught by a person who possesses a license or certificate 1887
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 1888
Code that is valid for teaching high school; 1889

(2) Designated by the board of education of the city, local, 1890
or exempted village school district, the board of the cooperative 1891
education school district, or the governing authority of the 1892
chartered nonpublic school as meeting the high school curriculum 1893
requirements. 1894

(D) Units earned in English language arts, mathematics, 1895
science, and social studies that are delivered through integrated 1896
academic and technical instruction are eligible to meet the 1897
graduation requirements of division (B) of this section. 1898

Sec. 3313.608. (A) This section does not apply to students 1899
who enter the fourth grade after July 1, 2003. 1900

(A) For each school year prior to July 1, 2004, for the test 1901
to measure skill in reading prescribed by former division (A)(1) 1902
of section 3301.0710 of the Revised Code, the state board of 1903
education shall establish at least four ranges of scores to 1904
measure the following levels of skill: 1905

(1) An advanced level of skill; 1906

(2) A proficient level of skill; 1907

| | |
|---|--|
| <u>(3) A basic level of skill;</u> | 1908 |
| <u>(4) A below basic level of skill.</u> | 1909 |
| <u>(B) Beginning with students who enter fourth grade in the school year that starts July 1, 2001, no city, exempted village, or local school district shall promote to fifth grade any student who fails to attain the score designated under division (A)(1) of section 3301.0710 of the Revised Code on the test prescribed under that division to measure skill in reading, unless either of the following applies:</u> | 1910 1911 1912 1913 1914 1915 1916 |
| <u>(1) The pupil was excused from taking the test under division (C)(1) of section 3301.0711 of the Revised Code;</u> | 1917 1918 |
| <u>(2) The pupil's principal and reading teacher agree that the pupil is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade.</u> | 1919 1920 1921 1922 |
| <u>(B) for any student who attains a score in the range designated under division (A)(4) of this section on such reading test, each school district shall do one of the following:</u> | 1923 1924 1925 |
| <u>(1) Promote the student to fifth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade;</u> | 1926 1927 1928 1929 1930 1931 |
| <u>(2) Promote the student to fifth grade but provide the student with intensive intervention services in fifth grade;</u> | 1932 1933 |
| <u>(3) Retain the student in fourth grade.</u> | 1934 |
| <u>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.</u> | 1935 1936 1937 |

~~(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.

(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.

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

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

~~(D)~~ Beginning in the summer of 1999, in (E) In addition to

the remediation requirements of ~~divisions (B) and~~ division (C) of 1970
this section, every city, exempted village, or local school 1971
district shall offer summer remediation to any student who has 1972
failed to attain the designated scores indicating proficiency on 1973
three or more of the five tests described by former division 1974
(A)(1) or (2) of section 3301.0710 of the Revised Code. 1975

~~(E)~~(F) Any summer remediation services funded in whole or in 1976
part by the state and offered by school districts to students 1977
under this section shall meet the following conditions: 1978

(1) The remediation methods are based on reliable educational 1979
research. 1980

(2) The school districts conduct testing before and after 1981
students participate in the program to facilitate monitoring 1982
results of the remediation services. 1983

(3) The parents of participating students are involved in 1984
programming decisions. 1985

(4) The services are conducted in a school building or 1986
community center and not on an at-home basis. 1987

(G) This section does not create a new cause of action or a 1988
substantive legal right for any person. 1989

Sec. 3313.6011. (A) As used in this section, "sexual 1990
activity" has the same meaning as in section 2907.01 of the 1991
Revised Code. 1992

(B) Instruction in venereal disease education pursuant to 1993
division(A)(5)(c) of section 3313.60 of the Revised Code shall 1994
emphasize that abstinence from sexual activity is the only 1995
protection that is one hundred per cent effective against unwanted 1996
pregnancy, sexually transmitted disease, and the sexual 1997
transmission of a virus that causes acquired immunodeficiency 1998
syndrome. 1999

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

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

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

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

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

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

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

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

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

Sec. 3313.6012. (A) The board of education of each city, 2030
exempted village, and local school district shall adopt a policy 2031
governing the conduct of academic prevention/intervention services 2032
for all grades and all schools throughout the district. The board 2033
shall update the policy annually. The policy shall include any 2034
prevention/intervention services required under sections 2035
3301.0711, 3301.0715, and 3313.608 of the Revised Code. 2036

(B) In accordance with the policy adopted under division (A) 2037
of this section, each school district shall provide 2038
prevention/intervention services in pertinent subject areas to 2039
students who score below the proficient level on a proficiency or 2040
achievement test or who do not demonstrate academic performance at 2041
their grade level based on the results of a diagnostic assessment. 2042

Sec. 3313.61. (A) A diploma shall be granted by the board of 2043
education of any city, exempted village, or local school district 2044
that operates a high school to any person to whom all of the 2045
following apply: 2046

(1) The person has successfully completed the curriculum in 2047
any high school or the individualized education program developed 2048
for the person by any high school pursuant to section 3323.08 of 2049
the Revised Code; 2050

(2) The Subject to section 3313.614 of the Revised Code, the 2051
person ~~has~~ either: 2052

(a) Has attained at least the applicable scores designated 2053
under division (B) of section 3301.0710 of the Revised Code on all 2054
the tests required by that division unless the person was excused 2055
from taking any such test pursuant to ~~division (C)(1) of section~~ 2056
~~3301.0711~~ or section 3313.532 of the Revised Code or unless 2057
division (H) or (L) of this section applies to the person; 2058

(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 2059
2060

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section. 2061
2062

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. 2063
2064
2065

(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. 2066
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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 2083
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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.

(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.

(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.

(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 2123
the institution, and by the person serving as principal of the 2124
institution's high school and shall bear the date of issue. 2125

(F) Persons who are not residents of Ohio but who are inmates 2126
of correctional institutions operated by the state or any 2127
political subdivision thereof, and who are eligible under state 2128
board of education minimum standards to receive a high school 2129
diploma based in whole or in part on credits earned while an 2130
inmate of the correctional institution, shall be granted a diploma 2131
by the correctional institution offering the program in which the 2132
credits were earned. The diploma granted by the correctional 2133
institution shall be signed by the director of the institution and 2134
by the person serving as principal of the institution's high 2135
school and shall bear the date of issue. 2136

(G) The state board of education shall provide by rule for 2137
the administration of the tests required by section 3301.0710 of 2138
the Revised Code to inmates of correctional institutions. 2139

(H) Any person to whom all of the following apply shall be 2140
exempted from attaining the applicable score on the test in social 2141
studies designated under division (B) of section 3301.0710 of the 2142
Revised Code or the test in citizenship designated under former 2143
division (B) of section 3301.0710 of the Revised Code as it 2144
existed prior to the effective date of this amendment: 2145

(1) The person is not a citizen of the United States; 2146

(2) The person is not a permanent resident of the United 2147
States; 2148

(3) The person indicates no intention to reside in the United 2149
States after the completion of high school. 2150

(I) Notwithstanding division (D) of section 3311.19 and 2151
division (D) of section 3311.52 of the Revised Code, this section 2152
and section 3311.611 of the Revised Code do not apply to the board 2153

of education of any joint vocational school district or any 2154
cooperative education school district established pursuant to 2155
divisions (A) to (C) of section 3311.52 of the Revised Code. 2156

(J) Upon receipt of a notice under division (D) of section 2157
3325.08 of the Revised Code that a student has received a diploma 2158
under that section, the board of education receiving the notice 2159
may grant a high school diploma under this section to the student, 2160
except that such board shall grant the student a diploma if the 2161
student meets the graduation requirements that the student would 2162
otherwise have had to meet to receive a diploma from the district. 2163
The diploma granted under this section shall be of the same type 2164
the notice indicates the student received under section 3325.08 of 2165
the Revised Code. 2166

(K) As used in this division, "English-limited student" has 2167
the same meaning as in division (C)(3) of section 3301.0711 of the 2168
Revised Code. 2169

Notwithstanding the exemption for English-limited students 2170
provided in division (C)(3) of section 3301.0711 of the Revised 2171
Code, no English-limited student who has not attained the 2172
applicable scores designated under division (B) of section 2173
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2174
required by that division shall be awarded a diploma under this 2175
section. 2176

(L) Any student described by division (A)(1) of this section 2177
may be awarded a diploma without attaining the applicable scores 2178
designated on the tests prescribed under division (B) of section 2179
3301.0710 of the Revised Code provided an individualized education 2180
program specifically exempts the student from attaining such 2181
scores. This division does not negate the requirement for such a 2182
student to take all such tests or alternate assessments required 2183
by division (C)(1) of section 3301.0711 of the Revised Code for 2184
the purpose of assessing student progress as required by federal 2185

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 2215
from any such test pursuant to ~~division (C)(1) of section~~ 2216
~~3301.0711,~~ section 3313.532~~,~~ or division (H) or (L) of section 2217
3313.61 of the Revised Code; 2218

(b) Has satisfied the alternative conditions prescribed in 2219
section 3313.615 of the Revised Code. 2220

(4) The district board determines, in accordance with the 2221
standards adopted under division (A) of this section, that the 2222
applicant has attained sufficient high school credits, including 2223
equivalent credits awarded under such standards, to qualify as 2224
having successfully completed the curriculum required by the 2225
district for graduation. 2226

(C) If a district board determines that an applicant is not 2227
eligible for a diploma under division (B) of this section, it 2228
shall inform the applicant of the reason the applicant is 2229
ineligible and shall provide a list of any courses required for 2230
the diploma for which the applicant has not received credit. An 2231
applicant may reapply for a diploma under this section at any 2232
time. 2233

(D) If a district board awards an adult education diploma 2234
under this section, the president and treasurer of the board and 2235
the superintendent of schools shall sign it. Each diploma shall 2236
bear the date of its issuance, be in such form as the district 2237
board prescribes, and be paid for from the district's general 2238
fund, except that the state board may by rule prescribe standard 2239
language to be included on each diploma. 2240

(E) As used in this division, "English-limited student" has 2241
the same meaning as in division (C)(3) of section 3301.0711 of the 2242
Revised Code. 2243

Notwithstanding the exemption for English-limited students 2244
provided in division (C)(3) of section 3301.0711 of the Revised 2245

Code, no English-limited student who has not attained the 2246
applicable scores designated under division (B) of section 2247
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2248
required by that division shall be awarded a diploma under this 2249
section. 2250

Sec. 3313.612. ~~On and after September 15, 1998, no~~ (A) No 2251
nonpublic school chartered by the state board of education shall 2252
grant any high school diploma to any person unless the person has 2253
attained, subject to section 3313.614 of the Revised Code at least 2254
the applicable scores designated under division (B) of section 2255
3301.0710 of the Revised Code on all the tests required by that 2256
division ~~except as follows~~, or has satisfied the alternative 2257
conditions prescribed in section 3313.615 of the Revised Code. 2258

~~(A)~~(B) This ~~prohibition~~ section does not apply to ~~any~~ either 2259
of the following: 2260

(1) Any person with regard to any test from which the person 2261
was excused pursuant to division (C)(1)(c) of section 3301.0711 of 2262
the Revised Code; 2263

~~(B)~~ This ~~prohibition~~ ~~does not apply to any~~ (2) Any person 2264
with regard to the ~~citizenship~~ social studies test ~~or the~~ 2265
citizenship test under former division (B) of section 3301.0710 of 2266
the Revised Code as it existed prior to the effective date of this 2267
amendment if all of the following apply: 2268

~~(1)~~(a) The person is not a citizen of the United States; 2269

~~(2)~~(b) The person is not a permanent resident of the United 2270
States; 2271

~~(3)~~(c) The person indicates no intention to reside in the 2272
United States after completion of high school. 2273

(C) As used in this division, "English-limited student" has 2274
the same meaning as in division (C)(3) of section 3301.0711 of the 2275

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| Revised Code. | 2276 |
| Notwithstanding the exemption for English-limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English-limited student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all five proficiency <u>the</u> tests required by that division shall be awarded a diploma under this section. | 2277 2278 2279 2280 2281 2282 2283 |
| <u>Sec. 3313.614. (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time one of the following conditions is satisfied:</u> | 2284 2285 2286 |
| <u>(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered nonpublic school, or a correctional institution.</u> | 2287 2288 2289 |
| <u>(2) The person successfully completes the individualized education program developed for the person under section 3323.08 of the Revised Code.</u> | 2290 2291 2292 |
| <u>(3) A board of education issues its determination under section 3313.611 of the Revised Code that the person qualifies as having successfully completed the curriculum required by the district.</u> | 2293 2294 2295 2296 |
| <u>(B) This division specifies the testing requirements that must be fulfilled as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.</u> | 2297 2298 2299 2300 |
| <u>(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any proficiency test or achievement test in science as a condition to receiving a diploma.</u> | 2301 2302 2303 2304 |
| <u>(2) Except as provided in division (B)(3) of this section, a</u> | 2305 |

person who fulfills the curriculum requirement for a diploma prior 2306
to September 15, 2006, is not required to pass the tenth grade 2307
achievement test in any subject as a condition to receiving a 2308
diploma once the person has passed the ninth grade proficiency 2309
test in the same subject, so long as the person passed the ninth 2310
grade proficiency test prior to September 15, 2008. For this 2311
purpose, the ninth grade proficiency test in citizenship 2312
substitutes for the tenth grade achievement test in social 2313
studies. If a person fulfills the curriculum requirement for a 2314
diploma prior to September 15, 2006, but does not pass a ninth 2315
grade proficiency test in a particular subject before September 2316
15, 2008, and passage of a test in that subject is a condition for 2317
the person to receive a diploma, the person must pass the tenth 2318
grade achievement test in that subject to receive a diploma. 2319

(3) A person who begins tenth grade after July 1, 2004, in a 2320
school district, community school, or chartered nonpublic school 2321
is not eligible to receive a diploma based on passage of ninth 2322
grade proficiency tests. Each such person must pass tenth grade 2323
achievement tests to meet the testing requirements applicable to 2324
that person as a condition to receiving a diploma. 2325

(C) Once a person fulfills the curriculum requirement for a 2326
diploma, the person is never required, as a condition of receiving 2327
a diploma, to meet any different curriculum requirements that take 2328
effect pending the person's passage of proficiency or achievement 2329
tests, including changes mandated by section 3313.603 of the 2330
Revised Code, the state board, a school district board of 2331
education, or a governing authority of a community school or 2332
chartered nonpublic school. 2333

Sec. 3313.615. This section shall apply to diplomas awarded 2334
after September 15, 2006, to students who are required to take the 2335
five tenth grade achievement tests prescribed by division (B) of 2336

section 3301.0710 of the Revised Code. 2337

(A) As an alternative to the requirement that a person attain 2338
the scores designated under division (B) of section 3301.0710 of 2339
the Revised Code on all the tests required under that division in 2340
order to be eligible for a high school diploma or an honors 2341
diploma under sections 3313.61, 3313.612, or 3325.08 of the 2342
Revised Code or for a diploma of adult education under section 2343
3313.611 of the Revised Code, a person who has attained at least 2344
the applicable scores designated under division (B) of section 2345
3301.0710 of the Revised Code on all but one of the tests required 2346
by that division and from which the person was not excused or 2347
exempted, pursuant to division (H) or (L) of section 3313.61, 2348
division (B) of section 3313.612, or section 3313.532 of the 2349
Revised Code, may be awarded a diploma or honors diploma if the 2350
person has satisfied all of the following conditions: 2351

(1) On the one test required under division (B) of section 2352
3301.0710 of the Revised Code for which the person failed to 2353
attain the designated score, the person missed that score by ten 2354
points or less; 2355

(2) Has a ninety-seven per cent school attendance rate in 2356
each of the last four school years, excluding any excused 2357
absences; 2358

(3) Has not been suspended or expelled from school under 2359
section 3313.66 of the Revised Code in any of the last four school 2360
years, including any in-school suspensions; 2361

(4) Has a grade point average of at least 2.5 out of 4.0, or 2362
its equivalent as designated in rules adopted by the state board 2363
of education in the subject area of the test required under 2364
division (B) of section 3301.0710 of the Revised Code for which 2365
the person failed to attain the designated score; 2366

(5) Has completed the high school curriculum requirements 2367
prescribed in section 3313.603 of the Revised Code in the subject 2368
area described in division (A)(4) of this section; 2369

(6) Has taken advantage of any intervention programs provided 2370
by the school district or school in the subject area described in 2371
division (A)(4) of this section and has a ninety-seven per cent 2372
attendance rate, excluding any excused absences, in any of those 2373
programs that are provided at times beyond the normal school day, 2374
school week, or school year; 2375

(7) Holds a letter recommending graduation from each of the 2376
person's high school teachers in the subject area described in 2377
division (A)(4) of this section and from the person's high school 2378
principal. 2379

(B) The state board of education shall establish rules 2380
designating grade point averages equivalent to the average 2381
specified in division (A)(4) of this section for use by school 2382
districts and schools with different grading systems. 2383

Sec. 3313.978. (A) Annually by the first day of November, the 2384
superintendent of public instruction shall notify the pilot 2385
project school district of the number of initial scholarships that 2386
the state superintendent will be awarding in each of grades 2387
kindergarten through third. 2388

The state superintendent shall provide information about the 2389
scholarship program to all students residing in the district, 2390
shall accept applications from any such students until such date 2391
as shall be established by the state superintendent as a deadline 2392
for applications, and shall establish criteria for the selection 2393
of students to receive scholarships from among all those applying 2394
prior to the deadline, which criteria shall give preference to 2395
students from low-income families. For each student selected, the 2396
state superintendent shall also determine whether the student 2397

qualifies for seventy-five or ninety per cent of the scholarship amount. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the scholarship amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the scholarship amount. The state superintendent shall notify students of their selection prior to the fifteenth day of January and whether they qualify for seventy-five or ninety per cent of the scholarship amount.

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

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

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

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

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

(ii) Within one week of the decision to admit the student if

the student is admitted pursuant to division (C) of section 2429
3313.977 of the Revised Code. 2430

(c) The student actually enrolls in the registered private 2431
school to which the student was first admitted or in another 2432
registered private school in the district or in a public school in 2433
an adjacent school district. 2434

(B) The state superintendent shall also award in any school 2435
year tutorial assistance grants to a number of students equal to 2436
the number of students who receive scholarships under division (A) 2437
of this section. Tutorial assistance grants shall be awarded 2438
solely to students who are enrolled in the public schools of the 2439
district in a grade level covered by the pilot project. Tutorial 2440
assistance grants may be used solely to obtain tutorial assistance 2441
from a provider approved pursuant to division (D) of section 2442
3313.976 of the Revised Code. 2443

All students wishing to obtain tutorial assistance grants 2444
shall make application to the state superintendent by the first 2445
day of the school year in which the assistance will be used. The 2446
state superintendent shall award assistance grants in accordance 2447
with criteria the superintendent shall establish. For each student 2448
awarded a grant, the state superintendent shall also determine 2449
whether the student qualifies for seventy-five or ninety per cent 2450
of the grant amount and so notify the student. Students whose 2451
family income is at or above two hundred per cent of the maximum 2452
income level established by the state superintendent for 2453
low-income families shall qualify for seventy-five per cent of the 2454
grant amount and students whose family income is below two hundred 2455
per cent of that maximum income level shall qualify for ninety per 2456
cent of the grant amount. 2457

(C)(1) In the case of basic scholarships, the scholarship 2458
amount shall not exceed the lesser of the tuition charges of the 2459
alternative school the scholarship recipient attends or an amount 2460

established by the state superintendent not in excess of 2461
twenty-five hundred dollars. 2462

(2) The state superintendent shall provide for an increase in 2463
the basic scholarship amount in the case of any student who is a 2464
mainstreamed handicapped student and shall further increase such 2465
amount in the case of any separately educated handicapped child. 2466
Such increases shall take into account the instruction, related 2467
services, and transportation costs of educating such students. 2468

(3) In the case of tutorial assistance grants, the grant 2469
amount shall not exceed the lesser of the provider's actual 2470
charges for such assistance or a percentage established by the 2471
state superintendent, not to exceed twenty per cent, of the amount 2472
of the pilot project school district's average basic scholarship 2473
amount. 2474

(4) No scholarship or tutorial assistance grant shall be 2475
awarded unless the state superintendent determines that 2476
twenty-five or ten per cent, as applicable, of the amount 2477
specified for such scholarship or grant pursuant to division 2478
(C)(1), (2), or (3) of this section will be furnished by a 2479
political subdivision, a private nonprofit or for profit entity, 2480
or another person. Only seventy-five or ninety per cent of such 2481
amounts, as applicable, shall be paid from state funds pursuant to 2482
section 3313.979 of the Revised Code. 2483

(D)(1) Annually by the first day of November, the state 2484
superintendent shall estimate the maximum per-pupil scholarship 2485
amounts for the ensuing school year. The state superintendent 2486
shall make this estimate available to the general public at the 2487
offices of the district board of education together with the forms 2488
required by division (D)(2) of this section. 2489

(2) Annually by the fifteenth day of January, the chief 2490
administrator of each registered private school located in the 2491

pilot project district and the principal of each public school in 2492
such district shall complete a parental information form and 2493
forward it to the president of the board of education. The 2494
parental information form shall be prescribed by the department of 2495
education and shall provide information about the grade levels 2496
offered, the numbers of students, tuition amounts, ~~proficiency~~ 2497
~~examination~~ achievement test results, and any sectarian or other 2498
organizational affiliations. 2499

Sec. 3314.03. (A) Each contract entered into under section 2500
3314.02 of the Revised Code between a sponsor and the governing 2501
authority of a community school shall specify the following: 2502

(1) That the school shall be established as a nonprofit 2503
corporation established under Chapter 1702. of the Revised Code; 2504

(2) The education program of the school, including the 2505
school's mission, the characteristics of the students the school 2506
is expected to attract, the ages and grades of students, and the 2507
focus of the curriculum; 2508

(3) The academic goals to be achieved and the method of 2509
measurement that will be used to determine progress toward those 2510
goals, which shall include the statewide ~~proficiency~~ achievement 2511
tests; 2512

(4) Performance standards by which the success of the school 2513
will be evaluated by the sponsor; 2514

(5) The admission standards of section 3314.06 of the Revised 2515
Code; 2516

(6) Dismissal procedures; 2517

(7) The ways by which the school will achieve racial and 2518
ethnic balance reflective of the community it serves; 2519

(8) Requirements and procedures for financial audits by the 2520

auditor of state. The contract shall require financial records of 2521
the school to be maintained in the same manner as are financial 2522
records of school districts, pursuant to rules of the auditor of 2523
state, and the audits shall be conducted in accordance with 2524
section 117.10 of the Revised Code. 2525

(9) The facilities to be used and their locations; 2526

(10) Qualifications of teachers, including a requirement that 2527
the school's classroom teachers be licensed in accordance with 2528
sections 3319.22 to 3319.31 of the Revised Code, except that a 2529
community school may engage noncertificated persons to teach up to 2530
twelve hours per week pursuant to section 3319.301 of the Revised 2531
Code; 2532

(11) That the school will comply with the following 2533
requirements: 2534

(a) The school will provide learning opportunities to a 2535
minimum of twenty-five students for a minimum of nine hundred 2536
twenty hours per school year; 2537

(b) The governing authority will purchase liability 2538
insurance, or otherwise provide for the potential liability of the 2539
school; 2540

(c) The school will be nonsectarian in its programs, 2541
admission policies, employment practices, and all other 2542
operations, and will not be operated by a sectarian school or 2543
religious institution; 2544

(d) The school will comply with divisions (A), (B), and (C) 2545
of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22, 2546
149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 2547
3301.0712, 3301.0714, 3313.50, 3313.643, 3313.66, 3313.661, 2548
3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2549
3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, 2550
and 4113.52 and Chapters 117., 1347., 2744., 3365., 4112., 4123., 2551

4141., and 4167. of the Revised Code as if it were a school district; 2552
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(e) The school shall comply with Chapter 102. of the Revised Code except that nothing in that chapter shall prohibit a member of the school's governing board from also being an employee of the school and nothing in that chapter or section 2921.42 of the Revised Code shall prohibit a member of the school's governing board from having an interest in a contract into which the governing board enters; 2554
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(f) The school will comply with sections 3313.61 ~~and~~, 3313.611, and 3313.614 of the Revised Code, except that the requirement in ~~those~~ sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the state board of education; 2561
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(g) The school governing authority will submit an annual report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor, the parents of all students enrolled in the school, and the legislative office of education oversight. The school will collect and provide any data that the legislative office of education oversight requests in furtherance of any study or research that the general assembly requires the office to conduct, including the studies required under Section 50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 2570
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(12) Arrangements for providing health and other benefits to employees; 2582
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| (13) The length of the contract, which shall begin at the beginning of an academic year and shall not exceed five years; | 2584 2585 |
| (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; | 2586 2587 |
| (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of disadvantaged pupil impact aid calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code. | 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 |
| (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; | 2600 2601 2602 |
| (17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; | 2603 2604 2605 2606 2607 2608 2609 2610 2611 |
| (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; | 2612 2613 2614 |

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

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

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

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

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract

between the governing authority and the sponsor.

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

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

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

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

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(D) The rules recommended under this section shall take 2676
effect upon approval of the general assembly through the passage 2677
of a joint resolution. 2678

Sec. 3317.012. (A) The general assembly, having analyzed 2679
school district expenditure and cost data for fiscal year 1996, 2680
performed the calculation described in division (B) of this 2681
section, and adjusted the results for inflation, hereby determines 2682
that the base cost of an adequate education per pupil for the 2683
fiscal year beginning July 1, 1998, is \$4,063. For the five 2684
following fiscal years, the base cost per pupil for each of those 2685
years, reflecting an annual rate of inflation of two and 2686
eight-tenths per cent, is \$4,177 for fiscal year 2000, \$4,294 for 2687
fiscal year 2001, \$4,414 for fiscal year 2002, \$4,538 for fiscal 2688
year 2003, and \$4,665 for fiscal year 2004. 2689

(B) In determining the base cost stated in division (A) of 2690
this section, capital and debt costs, costs paid for by federal 2691
funds, and costs covered by funds provided pursuant to sections 2692
3317.023 and 3317.024 of the Revised Code as they existed prior to 2693
July 1, 1998, for disadvantaged pupil impact aid and 2694
transportation were excluded, as were the effects on the 2695
districts' state funds of the application of the 2696
cost-of-doing-business factors, assuming an eighteen per cent 2697
variance. 2698

The base cost for fiscal year 1996 was calculated as the 2699
unweighted average cost per student, on a school district basis, 2700
of educating students who were not receiving vocational education 2701
or services pursuant to Chapter 3323. of the Revised Code and who 2702
were enrolled in a city, exempted village, or local school 2703
district that in fiscal year 1994 met all of the following 2704
criteria: 2705

(1) The district met at least all but one of the following 2706

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| performance standards <u>indicators</u> : | 2707 |
| (a) A three per cent or lower dropout rate; | 2708 |
| (b) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code; | 2709 2710 2711 |
| (c) At least seventy-five per cent of fourth graders proficient on the reading test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code; | 2712 2713 2714 |
| (d) At least seventy-five per cent of fourth graders proficient on the writing test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code; | 2715 2716 2717 |
| (e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code; | 2718 2719 2720 |
| (f) At least seventy-five per cent of ninth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2721 2722 2723 |
| (g) At least seventy-five per cent of ninth graders proficient on the reading test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2724 2725 2726 |
| (h) At least seventy-five per cent of ninth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2727 2728 2729 |
| (i) At least seventy-five per cent of ninth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2730 2731 2732 |
| (j) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2733 2734 2735 |

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| (k) At least eighty-five per cent of tenth graders proficient on the reading test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2736 2737 2738 |
| (l) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2739 2740 2741 |
| (m) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code; | 2742 2743 2744 |
| (n) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code; | 2745 2746 2747 |
| (o) At least sixty per cent of twelfth graders proficient on the reading test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code; | 2748 2749 2750 |
| (p) At least sixty per cent of twelfth graders proficient on the writing test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code; | 2751 2752 2753 |
| (q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code; | 2754 2755 2756 |
| (r) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code. | 2757 2758 |
| (2) The district was not among the ten per cent of all districts with the highest income factors, as defined in section 3317.02 of the Revised Code, nor among the ten per cent of all districts with the lowest income factors. | 2759 2760 2761 2762 |
| (3) The district was not among the five per cent of all districts with the highest valuation per pupil in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it | 2763 2764 2765 |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) "Statewide average teacher salary" means forty thousand 2827
one hundred eighty-seven dollars in fiscal year 2000, and 2828
forty-one thousand three hundred twelve dollars in fiscal year 2829
2001, which includes an amount for the value of fringe benefits. 2830

(8) "All-day kindergarten" means a kindergarten class that is 2831
in session five days per week for not less than the same number of 2832
clock hours each day as for pupils in grades one through six. 2833

(9) "All-day kindergarten percentage" means the percentage of 2834
a district's actual total number of students enrolled in 2835
kindergarten who are enrolled in all-day kindergarten. 2836

(10) "Buildings with the highest concentration of need" means 2837
the school buildings in a district with percentages of students 2838
receiving family assistance in grades kindergarten through three 2839
at least as high as the district-wide percentage of students 2840
receiving family assistance. If, however, the information provided 2841
by the department of job and family services under section 3317.10 2842
of the Revised Code is insufficient to determine the family 2843
assistance percentage in each building, "buildings with the 2844
highest concentration of need" has the meaning given in rules that 2845
the department of education shall adopt. The rules shall base the 2846
definition of "buildings with the highest concentration of need" 2847
on family income of students in grades kindergarten through three 2848
in a manner that, to the extent possible with available data, 2849
approximates the intent of this division and division (G) of this 2850
section to designate buildings where the family assistance 2851
percentage in those grades equals or exceeds the district-wide 2852
family assistance percentage. 2853

(B) In addition to the amounts required to be paid to a 2854
school district under section 3317.022 of the Revised Code, a 2855
school district shall receive the greater of the amount the 2856
district received in fiscal year 1998 pursuant to division (B) of 2857
section 3317.023 of the Revised Code as it existed at that time or 2858

the sum of the computations made under divisions (C) to (E) of 2859
this section. 2860

(C) A supplemental payment that may be utilized for measures 2861
related to safety and security and for remediation or similar 2862
programs, calculated as follows: 2863

(1) If the DPIA index of the school district is greater than 2864
or equal to thirty-five-hundredths, but less than one, an amount 2865
obtained by multiplying the five-year average number of pupils in 2866
a district receiving family assistance by two hundred thirty 2867
dollars; 2868

(2) If the DPIA index of the school district is greater than 2869
or equal to one, an amount obtained by multiplying the DPIA index 2870
by two hundred thirty dollars and multiplying that product by the 2871
five-year average number of pupils in a district receiving family 2872
assistance. 2873

(D) A payment for all-day kindergarten if the DPIA index of 2874
the school district is greater than or equal to one or if the 2875
district's three-year average formula ADM exceeded seventeen 2876
thousand five hundred, calculated by multiplying the all-day 2877
kindergarten percentage by the kindergarten ADM and multiplying 2878
that product by the formula amount. 2879

(E) A class-size reduction payment based on calculating the 2880
number of new teachers necessary to achieve a lower 2881
student-teacher ratio, as follows: 2882

(1) Determine or calculate a formula number of teachers per 2883
one thousand students based on the DPIA index of the school 2884
district as follows: 2885

(a) If the DPIA index of the school district is less than 2886
six-tenths, the formula number of teachers is 43.478, which is the 2887
number of teachers per one thousand students at a student-teacher 2888
ratio of twenty-three to one; 2889

(b) If the DPIA index of the school district is greater than 2890
or equal to six-tenths, but less than two and one-half, the 2891
formula number of teachers is calculated as follows: 2892

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$
 2893

Where 43.478 is the number of teachers per one thousand 2894
students at a student-teacher ratio of twenty-three to one; 1.9 is 2895
the interval from a DPIA index of six-tenths to a DPIA index of 2896
two and one-half; and 23.188 is the difference in the number of 2897
teachers per one thousand students at a student-teacher ratio of 2898
fifteen to one and the number of teachers per one thousand 2899
students at a student-teacher ratio of twenty-three to one. 2900

(c) If the DPIA index of the school district is greater than 2901
or equal to two and one-half, the formula number of teachers is 2902
66.667, which is the number of teachers per one thousand students 2903
at a student-teacher ratio of fifteen to one. 2904

(2) Multiply the formula number of teachers determined or 2905
calculated in division (E)(1) of this section by the kindergarten 2906
through third grade ADM for the district and divide that product 2907
by one thousand; 2908

(3) Calculate the number of new teachers as follows: 2909

(a) Multiply the kindergarten through third grade ADM by 2910
43.478, which is the number of teachers per one thousand students 2911
at a student-teacher ratio of twenty-three to one, and divide that 2912
product by one thousand; 2913

(b) Subtract the quotient obtained in division (E)(3)(a) of 2914
this section from the product in division (E)(2) of this section. 2915

(4) Multiply the greater of the difference obtained under 2916
division (E)(3) of this section or zero by the statewide average 2917
teachers salary. 2918

(F) This division applies only to school districts whose DPIA 2919

index is one or greater. 2920

(1) Each school district subject to this division shall first 2921
utilize funds received under this section so that, when combined 2922
with other funds of the district, sufficient funds exist to 2923
provide all-day kindergarten to at least the number of children in 2924
the district's all-day kindergarten percentage. 2925

(2) Up to an amount equal to the district's DPIA index 2926
multiplied by the five-year average number of pupils in a district 2927
receiving family assistance multiplied by two hundred thirty 2928
dollars of the money distributed under this section may be 2929
utilized for one or both of the following: 2930

(a) Programs designed to ensure that schools are free of 2931
drugs and violence and have a disciplined environment conducive to 2932
learning; 2933

(b) Remediation for students who have failed or are in danger 2934
of failing any of the ~~proficiency~~ tests administered pursuant to 2935
section 3301.0710 of the Revised Code. 2936

(3) Except as otherwise required by division (G) or permitted 2937
under division (K) of this section, all other funds distributed 2938
under this section to districts subject to this division shall be 2939
utilized for the purpose of the third grade guarantee. The third 2940
grade guarantee consists of increasing the amount of instructional 2941
attention received per pupil in kindergarten through third grade, 2942
either by reducing the ratio of students to instructional 2943
personnel or by increasing the amount of instruction and 2944
curriculum-related activities by extending the length of the 2945
school day or the school year. 2946

School districts may implement a reduction of the ratio of 2947
students to instructional personnel through any or all of the 2948
following methods: 2949

(a) Reducing the number of students in a classroom taught by 2950

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| a single teacher; | 2951 |
| (b) Employing full-time educational aides or educational | 2952 |
| paraprofessionals issued a permit or license under section | 2953 |
| 3319.088 of the Revised Code; | 2954 |
| (c) Instituting a team-teaching method that will result in a | 2955 |
| lower student-teacher ratio in a classroom. | 2956 |
| Districts may extend the school day either by increasing the | 2957 |
| amount of time allocated for each class, increasing the number of | 2958 |
| classes provided per day, offering optional academic-related | 2959 |
| after-school programs, providing curriculum-related extra | 2960 |
| curricular activities, or establishing tutoring or remedial | 2961 |
| services for students who have demonstrated an educational need. | 2962 |
| In accordance with section 3319.089 of the Revised Code, a | 2963 |
| district extending the school day pursuant to this division may | 2964 |
| utilize a participant of the work experience program who has a | 2965 |
| child enrolled in a public school in that district and who is | 2966 |
| fulfilling the work requirements of that program by volunteering | 2967 |
| or working in that public school. If the work experience program | 2968 |
| participant is compensated, the school district may use the funds | 2969 |
| distributed under this section for all or part of the | 2970 |
| compensation. | 2971 |
| Districts may extend the school year either through adding | 2972 |
| regular days of instruction to the school calendar or by providing | 2973 |
| summer programs. | 2974 |
| (G) Each district subject to division (F) of this section | 2975 |
| shall not expend any funds received under division (E) of this | 2976 |
| section in any school buildings that are not buildings with the | 2977 |
| highest concentration of need, unless there is a ratio of | 2978 |
| instructional personnel to students of no more than fifteen to one | 2979 |
| in each kindergarten and first grade class in all buildings with | 2980 |
| the highest concentration of need. This division does not require | 2981 |

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

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

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

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

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

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

learning; 3043

(12) Furnishing, free of charge, materials used in courses of 3044
instruction, except for the necessary textbooks or electronic 3045
textbooks required to be furnished without charge pursuant to 3046
section 3329.06 of the Revised Code, to pupils living in families 3047
participating in Ohio works first in accordance with section 3048
3313.642 of the Revised Code; 3049

(13) School breakfasts provided pursuant to section 3313.813 3050
of the Revised Code. 3051

Each district shall submit to the department, in such format 3052
and at such time as the department shall specify, a report on the 3053
programs for which it expended funds under this division. 3054

(J) If at any time the superintendent of public instruction 3055
determines that a school district receiving funds under division 3056
(D) of this section has enrolled less than the all-day 3057
kindergarten percentage reported for that fiscal year, the 3058
superintendent shall withhold from the funds otherwise due the 3059
district under this section a proportional amount as determined by 3060
the difference in the certified all-day kindergarten percentage 3061
and the percentage actually enrolled in all-day kindergarten. 3062

The superintendent shall also withhold an appropriate amount 3063
of funds otherwise due a district for any other misuse of funds 3064
not in accordance with this section. 3065

(K)(1) A district may use a portion of the funds calculated 3066
for it under division (D) of this section to modify or purchase 3067
classroom space to provide all-day kindergarten, if both of the 3068
following conditions are met: 3069

(a) The district certifies to the department, in a manner 3070
acceptable to the department, that it has a shortage of space for 3071
providing all-day kindergarten. 3072

(b) The district provides all-day kindergarten to the number 3073
of children in the all-day kindergarten percentage it certified 3074
under this section. 3075

(2) A district may use a portion of the funds described in 3076
division (F)(3) of this section to modify or purchase classroom 3077
space to enable it to further reduce class size in grades 3078
kindergarten through two with a goal of attaining class sizes of 3079
fifteen students per licensed teacher. To do so, the district must 3080
certify its need for additional space to the department, in a 3081
manner satisfactory to the department. 3082

Sec. 3319.19. (A) Upon request, the board of county 3083
commissioners shall provide and equip offices in the county for 3084
the use of the superintendent of an educational service center, 3085
and shall provide heat, light, water, and janitorial services for 3086
such offices. Such offices shall be the permanent headquarters of 3087
the superintendent and shall be used by the governing board of the 3088
service center when it is in session. Except as provided in 3089
division (B) of this section, such offices shall be located in the 3090
county seat or, upon the approval of the governing board, may be 3091
located outside of the county seat. 3092

(B) In the case of a service center formed under section 3093
3311.053 of the Revised Code, the governing board shall designate 3094
the site of its offices. The board of county commissioners of the 3095
county in which the designated site is located shall provide and 3096
equip the offices as under division (A) of this section, but the 3097
costs of such offices and equipment not covered by funds received 3098
under section 307.031 of the Revised Code shall be apportioned 3099
among the boards of county commissioners of all counties having 3100
any territory in the area under the control of the governing 3101
board, according to the proportion of pupils under the supervision 3102
of such board residing in the respective counties. Where there is 3103

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

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

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

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

(2) If funds received under division (B) of section 307.031 of the Revised Code are insufficient to provide for the actual cost of meeting the requirements of division (A) or (B) of this section ~~3319.19~~ and division (A)(2) of section ~~3301.0712~~ 3301.0719

of the Revised Code, to provide funds to meet such costs. 3136

Any service center superintendent intending to submit a 3137
proposal shall submit it to the board of county commissioners that 3138
provides and equips the office of the superintendent for approval 3139
at least twenty days before the date of submission to the 3140
superintendent of public instruction. The superintendent of public 3141
instruction shall evaluate the proposals and select those that 3142
will most benefit the local districts supervised by the governing 3143
boards under standards adopted by the state board. For each 3144
proposal selected for a grant, the superintendent of public 3145
instruction shall determine the grant amount and, with the 3146
approval of the superintendent and the board of county 3147
commissioners, may modify a grant proposal to reflect the amount 3148
of money available for the grant. The superintendent of public 3149
instruction shall notify the board of county commissioners and the 3150
tax commissioner of the selection of the proposal as submitted or 3151
modified and the amount of the grant. If, pursuant to division (C) 3152
of section 307.031 of the Revised Code, the board of county 3153
commissioners accepts the proposal and grant, it shall expend the 3154
funds as specified in the grant proposal. If the board of county 3155
commissioners rejects the proposal and grant, the superintendent 3156
of public instruction may select another proposal from among the 3157
district proposals that initially failed to be selected for a 3158
grant. 3159

The state board of education shall adopt rules to implement 3160
the requirements of this section. 3161

Sec. 3321.041. (A) If any school district requires as part of 3162
its educational program that specified students attend school at 3163
times beyond the normal school day, school week, or school year 3164
for the purpose of providing those students with intervention 3165
services under section 3301.0711, 3301.0715, or 3313.608 of the 3166
Revised Code, the parent of any student who is of compulsory 3167

school age and who under the district's specifications is required 3168
to attend school at such times for intervention services shall 3169
send the student to school at those times. The additional times 3170
that the district requires the student to attend school for 3171
intervention services shall be considered part of the student's 3172
and the student's parent's respective obligations under this 3173
chapter. 3174

(B) Any school district that requires students to attend 3175
intervention services under this section shall adopt a policy for 3176
exempting the parent of any such student from the requirements of 3177
division (A) of this section if the parent demonstrates that the 3178
student is receiving comparable intervention services from a 3179
source other than the school district in which the student attends 3180
school. 3181

Sec. 3321.38. (A) No parent, guardian, or other person having 3182
care of a child of compulsory school age shall violate any 3183
provision of section 3321.01, 3321.03, 3321.04, 3321.041, 3321.07, 3184
3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The 3185
juvenile court, which has exclusive original jurisdiction over any 3186
violation of this section pursuant to section 2151.23 of the 3187
Revised Code, may require a person convicted of violating this 3188
division to give bond in a sum of not more than five hundred 3189
dollars with sureties to the approval of the court, conditioned 3190
that the person will cause the child under the person's charge to 3191
attend upon instruction as provided by law, and remain as a pupil 3192
in the school or class during the term prescribed by law. If the 3193
juvenile court adjudicates the child as an unruly or delinquent 3194
child for being an habitual or chronic truant pursuant to section 3195
2151.35 of the Revised Code, the court shall warn the parent, 3196
guardian, or other person having care of the child that any 3197
subsequent adjudication of that nature involving the child may 3198
result in a criminal charge against the parent, guardian, or other 3199

person having care of the child for a violation of division (C) of 3200
section 2919.21 or section 2919.24 of the Revised Code. 3201

(B) This section does not relieve from prosecution and 3202
conviction any parent, guardian, or other person upon further 3203
violation of any provision in any of the sections specified in 3204
division (A) of this section, any provision of section 2919.222 or 3205
2919.24 of the Revised Code, or division (C) of section 2919.21 of 3206
the Revised Code. A forfeiture of the bond shall not relieve that 3207
parent, guardian, or other person from prosecution and conviction 3208
upon further violation of any provision in any of those sections 3209
or that division. 3210

(C) Section 4109.13 of the Revised Code applies to this 3211
section. 3212

Sec. 3324.02. (A) The department of education shall construct 3213
lists of existing assessment instruments it approves for use by 3214
school districts, including any diagnostic assessment developed in 3215
accordance with section 3301.079 of the Revised Code, and may 3216
include on the lists and make available to school districts 3217
additional assessment instruments developed by the department. 3218
Wherever possible, the department shall approve assessment 3219
instruments that utilize nationally recognized standards for 3220
scoring or are nationally normed. The lists of instruments shall 3221
include: 3222

(1) Initial screening instruments for use in selecting 3223
potentially gifted students for further assessment; 3224

(2) Instruments for identifying gifted students under section 3225
3324.03 of the Revised Code. 3226

(B) The department, under Chapter 119. of the Revised Code, 3227
shall also adopt rules for the administration of any tests or 3228
assessment instruments it approves on the list required by 3229
division (A) of this section and for establishing the scores or 3230

performance levels required under section 3324.03 of the Revised Code. 3231
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(C) The department shall ensure that the approved list of 3233
assessment instruments under this section includes instruments 3234
that allow for appropriate screening and identification of gifted 3235
minority and disadvantaged students, children with disabilities, 3236
and students for whom English is a second language. 3237

(D) Districts shall select screening and identification 3238
instruments from the approved lists for inclusion in their 3239
district policies. Districts may use any diagnostic assessment 3240
developed by the state board of education under section 3301.079 3241
of the Revised Code to identify gifted students in accordance with 3242
directions for such use provided by the department. 3243

(E) The department shall make initial lists of approved 3244
assessment instruments and the rules for the administration of the 3245
instruments available by September 1, 1999. 3246

Sec. 3324.03. The board of education of each school district 3247
shall identify gifted students in grades kindergarten through 3248
twelve as follows: 3249

(A) A student shall be identified as exhibiting "superior 3250
cognitive ability" if the student did either of the following 3251
within the preceding twenty-four months: 3252

(1) Scored two standard deviations above the mean, minus the 3253
standard error of measurement, on an approved individual 3254
standardized intelligence test administered by a licensed school 3255
psychologist or licensed psychologist; 3256

(2) Accomplished any one of the following: 3257

(a) Scored at least two standard deviations above the mean, 3258
minus the standard error of measurement, on an approved 3259
standardized group intelligence test; 3260

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

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

(d) Attained the appropriate results established by the department of education on the applicable group of diagnostic assessments in accordance with rules adopted under section 3301.0715 of the Revised Code.

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

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

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

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

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

(1) Attained a sufficient score, as established by the department of education, on an approved individual or group test

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| of creative ability; | 3291 |
| (2) Exhibited sufficient performance, as established by the department of education, on an approved checklist of creative behaviors. | 3292 3293 3294 |
| (D) A student shall be identified as exhibiting "visual or performing arts ability" superior to that of children of similar age if the student has done both of the following: | 3295 3296 3297 |
| (1) Demonstrated through a display of work, an audition, or other performance or exhibition, superior ability in a visual or performing arts area; | 3298 3299 3300 |
| (2) Exhibited sufficient performance, as established by the department of education, on an approved checklist of behaviors related to a specific arts area. | 3301 3302 3303 |
| Sec. 3325.08. (A) A diploma shall be granted by the superintendent of the state school for the blind and the superintendent of the state school for the deaf to any student enrolled in one of these state schools to whom all of the following apply: | 3304 3305 3306 3307 3308 |
| (1) The student has successfully completed the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code; | 3309 3310 3311 3312 |
| (2) <u>The Subject to section 3313.614 of the Revised Code, the student has either:</u> | 3313 3314 |
| (a) <u>Has</u> attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests prescribed by that division unless the student was excused from taking any such test pursuant to division (L)(3) of section 3301.0711 <u>3313.61</u> of the Revised Code <u>applies to the student;</u> | 3315 3316 3317 3318 3319 3320 |

(b) Has satisfied the alternative conditions prescribed in 3321
section 3313.615 of the Revised Code. 3322

(3) The student is not eligible to receive an honors diploma 3323
granted pursuant to division (B) of this section. 3324

No diploma shall be granted under this division to anyone 3325
except as provided under this division. 3326

(B) In lieu of a diploma granted under division (A) of this 3327
section, the superintendent of the state school for the blind and 3328
the superintendent of the state school for the deaf shall grant an 3329
honors diploma, in the same manner that the boards of education of 3330
school districts grant such diplomas under division (B) of section 3331
3313.61 of the Revised Code, to any student enrolled in one of 3332
these state schools who successfully completes the individualized 3333
education program developed for the student for the student's high 3334
school education pursuant to section 3323.08 of the Revised Code, 3335
who has attained subject to section 3313.614 of the Revised Code 3336
at least the applicable scores designated under division (B) of 3337
section 3301.0710 of the Revised Code on all the tests prescribed 3338
under that division, and who has met additional criteria for 3339
granting such a diploma. These additional criteria shall be the 3340
same as those prescribed by the state board under division (B) of 3341
section 3313.61 of the Revised Code for the granting of such 3342
diplomas by school districts. No honors diploma shall be granted 3343
to anyone failing to comply with this division and not more than 3344
one honors diploma shall be granted to any student under this 3345
division. 3346

(C) A diploma or honors diploma awarded under this section 3347
shall be signed by the superintendent of public instruction and 3348
the superintendent of the state school for the blind or the 3349
superintendent of the state school for the deaf, as applicable. 3350
Each diploma shall bear the date of its issue and be in such form 3351
as the school superintendent prescribes. 3352

(D) Upon granting a diploma to a student under this section, 3353
the superintendent of the state school in which the student is 3354
enrolled shall provide notice of receipt of the diploma to the 3355
board of education of the school district where the student is 3356
entitled to attend school under section 3313.64 or 3313.65 of the 3357
Revised Code when not residing at the state school for the blind 3358
or the state school for the deaf. The notice shall indicate the 3359
type of diploma granted. 3360

Sec. 3365.15. ~~No~~ This section does not apply to students 3361
enrolled in twelfth grade after July 1, 2001. 3362

No later than July 1, 1999, the board of regents shall adopt 3363
rules under which it shall award at least a five-hundred dollar 3364
scholarship to each student who both: 3365

(A) After July 1, 1998, and while the student attends twelfth 3366
grade, attains on all five tests at least the ~~applicable~~ scores 3367
designated under former division (A)(3) of section 3301.0710 of 3368
the Revised Code ~~on all five tests prescribed under that division;~~ 3369
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(B) Submits to the board of regents, in the form and manner 3371
and by any deadline prescribed by the rules, evidence of having 3372
enrolled in a state-assisted college or university, a nonprofit 3373
institution holding a certificate of authorization pursuant to 3374
Chapter 1713. of the Revised Code, or an institution registered by 3375
the state board of proprietary school registration that has 3376
program authorization to award an associate or bachelor's degree. 3377

The board of regents shall pay each scholarship awarded under 3378
this section to the student. It may be used to defray any 3379
educational expenses. 3380

Section 2. That existing sections 307.031, 3301.07, 3301.079, 3381
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0717, 3301.801, 3382

3301.91, 3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3383
3313.603, 3313.608, 3313.6011, 3313.61, 3313.611, 3313.612, 3384
3313.978, 3314.03, 3314.20, 3317.012, 3317.029, 3319.19, 3321.38, 3385
3324.02, 3324.03, 3325.08, and 3365.15 and sections 3301.0715 and 3386
3301.0716 of the Revised Code are hereby repealed. 3387

Section 3. That section 3313.608 of the Revised Code be 3388
amended to read as follows: 3389

Sec. 3313.608. ~~This section does not apply to students who 3390
enter the fourth grade after July 1, 2003. 3391~~

~~(A) For each school year prior to July 1, 2004, for the test 3392
to measure skill in reading prescribed by former division (A)(1) 3393
of section 3301.0710 of the Revised Code, the state board of 3394
education shall establish at least four ranges of scores to 3395
measure the following levels of skill: 3396~~

~~(1) An advanced level of skill; 3397~~

~~(2) A proficient level of skill; 3398~~

~~(3) A basic level of skill; 3399~~

~~(4) A below basic level of skill. 3400~~

~~(B) Beginning with students who enter fourth third grade in 3401
the school year that starts July 1, ~~2001~~ 2003, for any student who 3402
attains a score in the range designated under division 3403
(A)~~(4)~~(2)~~(d)~~ of this section 3301.0710 of the Revised Code on such 3404
reading the test prescribed under that section to measure skill in 3405
reading expected at the end of third grade, each school district, 3406
in accordance with the policy adopted under section 3313.609 of 3407
the Revised Code, shall do one of the following: 3408~~

~~(1) Promote the student to fifth fourth grade if the 3409
student's principal and reading teacher agree that other 3410
evaluations of the student's skill in reading demonstrate that the 3411~~

student is academically prepared to be promoted to ~~fifth~~ fourth grade; 3412
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(2) Promote the student to ~~fifth~~ fourth grade but provide the student with intensive intervention services in ~~fifth~~ fourth grade; 3414
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(3) Retain the student in ~~fourth~~ third grade. 3417

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. 3418
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~~(C)~~(B)(1) To assist students in meeting this ~~fourth~~ third grade guarantee established by this section, each school district shall adopt policies and procedures with which it shall annually assess the reading skills of each student at the end of first, and ~~second, and third~~ grade and identify students who are reading below their grade level. If the diagnostic assessment to measure reading ability for the appropriate grade level has been developed in accordance with division (D)(1) of section 3301.079 of the Revised Code, each school district shall use such diagnostic assessment to identify such students, except that any district declared 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. 3421
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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.~~ 3440
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~~(3)~~ For each student entering ~~fourth~~ third grade after July 1, ~~2001~~ 2003, who does not attain by the end of the ~~fourth~~ third grade at least a score in the range designated under division (A)(2)(b) of ~~this~~ section 3301.0710 of the Revised Code on the test prescribed under that section to measure skill in reading expected at the end of third grade, the district also shall offer intense remediation services, and another opportunity to take that test, during the summer following ~~fourth~~ third grade.

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

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

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

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

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

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

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

community center and not on an at-home basis.

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

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

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

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

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

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(1) Promote the student to fifth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared 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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(G) This section does not create a new cause of action or a

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substantive legal right for any person. 3504

Section 4. That existing section 3313.608 of the Revised Code 3505
is hereby repealed. 3506

Section 5. Sections 3 and 4 of this act shall take effect 3507
July 1, 2003. 3508

Section 6. That Section 4 of Am. Sub. S.B. 55 of the 122nd 3509
General Assembly is hereby repealed. 3510

Section 7. In each of the school years beginning on July 1, 3511
2002, and July 1, 2003, the State Board of Education shall 3512
prescribe and the Department of Education and each school district 3513
shall administer the tenth grade tests required under former 3514
division (B) of section 3301.0710 of the Revised Code to measure 3515
skill in reading and mathematics to all students in the tenth 3516
grade. The tests shall be used for the purposes of sections 3517
3302.02 and 3302.03 of the Revised Code and for the purposes of 3518
assessments required by federal law. No score on the tests shall 3519
be used to determine the eligibility of any student to receive a 3520
high school diploma. 3521

Section 8. (A) Notwithstanding sections 3301.0710, 3301.0711, 3522
and 3301.0712 of the Revised Code, as amended or enacted by this 3523
act, for any school year in which the total number of proficiency 3524
tests and achievement tests administered to students in grades 3525
four or six exceeds three, the State Board of Education shall 3526
designate the dates on which those tests shall be administered to 3527
students in accordance with the best interests of students. In 3528
doing so, the State Board may consider designating the dates so 3529
that all the tests are not administered to the relevant grade 3530
level in the same week. 3531

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

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

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

Section 11. There is hereby established the Governor's Commission on Successful Teachers. Membership and organization of the Commission shall be determined by the Governor. The Commission shall recommend policies for the preparation, recruiting, hiring, and retention of teachers and shall recommend pilot programs to address the shortage of teachers, such as paid internships in mathematics and science and salary bonuses in hard-to-staff school

districts or subject areas. The Commission shall issue a written 3562
report with its recommendations to the General Assembly not later 3563
than December 31, 2001. Upon issuance of its report the Commission 3564
shall cease to exist. 3565

In conducting its work the Commission shall study and include 3566
recommendations regarding the following issues: 3567

(A) How to develop college and university teacher preparation 3568
programs that ensure that teachers are qualified to teach the 3569
courses in grades kindergarten through twelve that are required by 3570
law; 3571

(B) How to develop and operate incentive programs to 3572
encourage teachers to work in underserved school districts, such 3573
as large urban districts or districts in rural Appalachia, and 3574
underserved subject areas, such as mathematics, science, special 3575
education, and English as a second language; 3576

(C) How to best implement professional development activities 3577
for all teachers, particularly how to design such activities so 3578
that teachers understand how to administer and interpret 3579
diagnostic assessments and achievement tests that will be 3580
developed by the State Board of Education under sections 3301.079 3581
and 3301.0710 of the Revised Code, as enacted and amended, 3582
respectively, by this act, and so that teachers understand how to 3583
develop effective intervention tools for students in need of 3584
assistance; 3585

(D) How best to implement professional development programs 3586
in terms of the amount of time allotted for such programs 3587
including, but not limited to, the number of days each school 3588
district should devote to the programs or to what extent the 3589
programs should be configured as half-day in-service programs, 3590
two-hour programs, or full-day seminars; 3591

(E) How to provide the most effective regional delivery of 3592

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| professional development services; | 3593 |
| (F) How to create building-level mentoring or advisory programs under which an experienced teacher would assist others in the building to increase their effectiveness; | 3594 3595 3596 |
| (G) How to increase Ohio's participation in certification activities conducted by the National Board for Professional Teaching Standards. | 3597 3598 3599 |
| Section 12. It is the intent of the General Assembly that upon its review of the recommendations of the Governor's Commission on Successful Teachers, as established under Section 11 of this act, that the General Assembly will enact laws to reallocate the funding for activities prescribed in that section based on the recommendations of the Commission. | 3600 3601 3602 3603 3604 3605 |
| Section 13. The amendment of section 3301.91 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section. | 3606 3607 3608 |
| Section 14. Section 3314.03 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 121 and Am. Sub. H.B. 282 of the 123rd General Assembly. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act. | 3609 3610 3611 3612 3613 3614 3615 3616 |