

# As Reported by the House Education Committee

124th General Assembly

Regular Session

2001-2002

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

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

**Section 1.** That sections 307.031, 3301.07, 3301.0710, 20

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

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

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

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

(1) From moneys appropriated for the purposes of this 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<sub>7,i</sub>

(b) Fifteen thousand dollars.

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

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

(b) Fifteen thousand dollars. 93

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

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

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

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

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

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

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

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

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

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

## As Reported by the House Education Committee

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

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

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

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

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

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

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

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



Revised Code. 241

(J) In accordance with Chapter 119. of the Revised Code, 242  
adopt procedures, standards, and guidelines for the education of 243  
handicapped children pursuant to Chapter 3323. of the Revised 244  
Code, including procedures, standards, and guidelines governing 245  
programs and services operated by county boards of mental 246  
retardation and developmental disabilities pursuant to section 247  
3323.09 of the Revised Code; 248

(K) For the purpose of encouraging the development of special 249  
programs of education for academically gifted children, employ 250  
competent persons to analyze and publish data, promote research, 251  
advise and counsel with boards of education, and encourage the 252  
training of teachers in the special instruction of gifted 253  
children. The board may provide financial assistance out of any 254  
funds appropriated for this purpose to boards of education and 255  
educational service center governing boards for developing and 256  
conducting programs of education for academically gifted children. 257

(L) Require that all public schools emphasize and encourage, 258  
within existing units of study, the teaching of energy and 259  
resource conservation as recommended to each district board of 260  
education by leading business persons involved in energy 261  
production and conservation, beginning in the primary grades; 262

(M) Formulate and prescribe minimum standards requiring the 263  
use of phonics as a technique in the teaching of reading in grades 264  
kindergarten through three. In addition, the state board shall 265  
provide in-service training programs for teachers on the use of 266  
phonics as a technique in the teaching of reading in grades 267  
kindergarten through three. 268

(N) Develop and modify as necessary a state plan for 269  
technology to encourage and promote the use of technological 270  
advancements in educational settings. 271

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

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

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

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

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

for instruction in that subject area for each of grades  
kindergarten through twelve that is sufficient to meet the needs  
of students in every community. The model curriculum shall be  
aligned 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.

School districts declared to be in a state of academic  
emergency under section 3302.03 of the Revised Code shall adopt  
the model curriculum established by the state board. All other  
school districts may utilize that model curriculum, 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.

(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.

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.

(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  
related skills for the relevant subject area and grade level. Any  
diagnostic assessment shall not include components to identify  
gifted students. Blank copies of diagnostic tests shall be public  
records.

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

(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.

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

(F) Not later than forty-five days prior to any deadline  
established under division (A) or (B) of this section for the  
adoption of academic standards or model curricula, the  
superintendent of public instruction shall present the relevant  
academic standards or curricula to a joint meeting of the house of  
representatives and senate committees with jurisdiction over

education legislation.

366

**Sec. 3301.0710.** The state board of education shall adopt  
rules establishing a statewide program to test student ~~proficiency~~  
~~for the purpose of ensuring achievement.~~ The state board shall  
ensure that all tests administered under the testing program are  
aligned with the academic standards and model curricula adopted by  
the state board and are created with input from Ohio parents, Ohio  
classroom teachers, Ohio school administrators, and other Ohio  
school personnel pursuant to section 3301.079 of the Revised Code.

367

368

369

370

371

372

373

374

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

375

376

377

378

379

380

381

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

382

383

384

385

386

387

388

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

389

390

391

392

393

394

(3) ~~The state board shall prescribe five statewide~~  
~~proficiency tests, one each designed to measure skill in reading,~~

395

396

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

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

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

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

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

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

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

(a) An advanced level of skill;

(b) A proficient level of skill;

(c) A basic level of skill;

(d) A below basic level of skill.

(B) The tests prescribed under this division shall 427  
collectively be known as the Ohio graduation tests. The state 428  
board shall prescribe five statewide high school ~~proficiency~~ 429  
achievement tests, one each designed to measure ~~skill in the level~~ 430  
of reading, writing, mathematics, science, and citizenship social 431  
studies skill expected at the end of tenth grade, and shall 432  
determine and designate the score on each such test that shall be 433  
deemed to demonstrate that any student attaining such score has 434  
achieved at least ~~the~~ a proficient level of ~~proficiency in the~~ 435  
~~measured~~ skill appropriate for tenth grade. 436

The state board may enter into a reciprocal agreement with 437  
the appropriate body or agency of any other state that has similar 438  
statewide ~~proficiency~~ achievement testing requirements for 439  
receiving high school diplomas, under which any student who has 440  
met ~~a proficiency~~ an achievement testing requirement of one state 441  
is recognized as having met the similar ~~proficiency~~ achievement 442  
testing requirement of the other state for purposes of receiving a 443  
high school diploma. For purposes of this section and sections 444  
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 445  
any public high school in this state ~~and~~ who has met ~~a proficiency~~ 446  
an achievement testing requirement specified in a reciprocal 447  
agreement entered into under this division shall be deemed to have 448  
attained at least the applicable score designated under this 449  
division on each test required by this division that is specified 450  
in the agreement. 451

(C) The state board shall annually designate as follows the 452  
dates on which the tests prescribed under this section shall be 453  
administered: 454

(1) For the test prescribed under division (A)(1)(a) of this 455  
section ~~to measure skill in reading,~~ as follows: 456

(a) ~~For students entering fourth grade in school years that~~ 457  
~~start prior to July 1, 2001, the same dates prescribed under~~ 458

~~division (C)(2) of this section for the tests prescribed under~~ 459  
~~division (A)(1) of this section to measure skill in writing,~~ 460  
~~mathematics, science, and citizenship;~~ 461

~~(b) For students entering fourth grade beginning with the~~ 462  
~~school year that starts July 1, 2001;~~ 463

~~(i) One date prior to the thirty-first day of December each~~ 464  
~~school year;~~ 465

~~(ii) Any dates prescribed under division (C)(2) of this~~ 466  
~~section for the tests prescribed under division (A)(1) of this~~ 467  
~~section to measure skill in writing, mathematics, science, and~~ 468  
~~citizenship;~~ 469

~~(iii)(b) At least one date of each school year that is not~~ 470  
~~earlier than Monday of the week containing the eighth day of~~ 471  
~~March;~~ 472

~~(c) One date during the summer for students receiving summer~~ 473  
~~remediation services under division (B)(3) of section 3313.608 of~~ 474  
~~the Revised Code.~~ 475

~~(2) For the tests prescribed under division divisions~~ 476  
~~(A)(1)(b), (c), (d), and (e) of this section to measure skill in~~ 477  
~~writing, mathematics, science, and citizenship and the tests~~ 478  
~~prescribed under division (A)(2) of this section, at least one~~ 479  
~~date of each school year that is not earlier than Monday of the~~ 480  
~~week containing the fifteenth eighth day of March;~~ 481

~~(3) For the tests prescribed under division (A)(3) of this~~ 482  
~~section, at least one date subsequent to the thirty-first day of~~ 483  
~~December but prior to the thirty-first day of March of each school~~ 484  
~~year;~~ 485

~~(4) For the tests prescribed under division (B) of this~~ 486  
~~section, at least one date in each school year that is not earlier~~ 487  
~~than Monday of the week containing the fifteenth day of March for~~ 488  
~~all tenth grade students and at least one date prior to the~~ 489



thirty-first day of December and at least one date subsequent to 490  
that date but prior to the thirty-first day of March of each 491  
school year for eleventh and twelfth grade students. 492

(D) In prescribing test dates pursuant to division (C)~~(4)~~(3) 493  
of this section, the board shall, to the greatest extent 494  
practicable, provide options to school districts in the case of 495  
tests administered under that division to eleventh and twelfth 496  
grade students and in the case of tests administered to students 497  
pursuant to division (C)(2) of section 3301.0711 of the Revised 498  
Code. Such options shall include at least an opportunity for 499  
school districts to give such tests outside of regular school 500  
hours. 501

(E) In prescribing test dates pursuant to this section, the 502  
state board of education shall designate the dates in such a way 503  
as to allow a reasonable length of time between the administration 504  
of tests prescribed under this section and any administration of 505  
the National Assessment of Education Progress Test given to 506  
students in the same grade level pursuant to section 3301.27 of 507  
the Revised Code. 508

**Sec. 3301.0711.** (A) The department of education shall: 509

(1) Annually furnish to, grade, and score all tests required 510  
by section 3301.0710 of the Revised Code to be administered by 511  
city, local, ~~and~~ exempted village, and joint vocational school 512  
districts~~+~~. In awarding contracts for grading tests, the 513  
department shall give preference to Ohio-based entities employing 514  
Ohio residents. 515

(2) Adopt rules for the ethical use of tests and prescribing 516  
the manner in which the tests prescribed by section 3301.0710 of 517  
the Revised Code shall be administered to students. 518

(B) Except as provided in divisions (C) and (J)~~(2)~~ of this 519  
section, the board of education of each city, local, and exempted 520

village school district shall, in accordance with rules adopted 521  
under division (A) of this section: 522

(1) Administer the test prescribed under division (A)(1)(a) 523  
of section 3301.0710 of the Revised Code ~~to measure skill in~~ 524  
~~reading as follows:~~ 525

~~(a) For students entering fourth grade in school years that~~ 526  
~~start prior to July 1, 2001, at least once annually to all~~ 527  
~~students in the fourth grade;~~ 528

~~(b) For students entering fourth grade beginning with the~~ 529  
~~school year that starts July 1, 2001, twice annually to all~~ 530  
students in the ~~fourth~~ third grade who have not attained the score 531  
designated for that test under division (A)~~(1)~~(2)(b) of section 532  
3301.0710 of the Revised Code and once each summer to students 533  
receiving summer remediation services under ~~division (B)(3) of~~ 534  
section 3313.608 of the Revised Code. 535

(2) Administer the tests prescribed under division (A)(1)(b) 536  
of section 3301.0710 of the Revised Code ~~to measure skill in~~ 537  
~~writing, mathematics, science, and citizenship~~ at least once 538  
annually to all students in the fourth grade. 539

(3) Administer the tests prescribed under division 540  
(A)~~(2)~~(1)(c) of section 3301.0710 of the Revised Code at least 541  
once annually to all students in the ~~sixth~~ fifth grade. 542

(4) Administer ~~any~~ the tests prescribed under division 543  
(A)~~(3)~~(1)(d) of section 3301.0710 of the Revised Code at least 544  
once annually to ~~any student~~ all students in the ~~twelfth~~ seventh 545  
grade ~~who, on all the tests prescribed under division (B) of that~~ 546  
~~section, has attained the applicable scores designated under such~~ 547  
~~division prior to the first day of January of that year.~~ 548

(5) Administer the tests prescribed under division (A)(1)(e) 549  
of section 3301.0710 of the Revised Code at least once annually to 550  
all students in the eighth grade. 551

(6) Except as provided in division (B)(7) of this sections, 552  
administer any test prescribed under division (B) of section 553  
3301.0710 of the Revised Code as follows: 554

(a) At least once annually to all tenth grade students and at 555  
least twice annually to all students in eleventh or twelfth grade 556  
who have not yet attained the score on that test designated under 557  
that division; 558

(b) To any person who has successfully completed the 559  
curriculum in any high school or the individualized education 560  
program developed for the person by any high school pursuant to 561  
section 3323.08 of the Revised Code but has not received a high 562  
school diploma and who requests to take such test, at any time 563  
such test is administered in the district. 564

(7) In lieu of the board of education of any city, local, or 565  
exempted village school district in which the student is also 566  
enrolled, the board of a joint vocational school district shall 567  
administer any test prescribed under division (B) of section 568  
3301.0710 of the Revised Code at least twice annually to any 569  
student enrolled in the joint vocational school district who has 570  
not yet attained the score on that test designated under that 571  
division. A board of a joint vocational school district may also 572  
administer such a test to any student described in division 573  
(B)(6)(b) of this section. 574

(C)(1)(a) Any student receiving special education services 575  
under Chapter 3323. of the Revised Code ~~shall~~ may be excused from 576  
taking any particular test required to be administered under this 577  
section if the individualized education program developed for the 578  
student pursuant to section 3323.08 of the Revised Code excuses 579  
the student from taking that test. ~~In the case of any student so~~ 580  
~~excused from taking a test, the school district board of education~~ 581  
~~shall not prohibit the student from taking the test. Any and~~ 582  
instead specifies an alternate assessment method approved by the 583

department of education as conforming to requirements of federal 584  
law for receipt of federal funds for disadvantaged pupils. To the 585  
extent possible, the individualized education program shall not 586  
excuse the student from taking a test unless no reasonable 587  
accommodation can be made to enable the student to take the test. 588

(b) Any alternate assessment approved by the department for a 589  
student under this division shall produce measurable results 590  
comparable to those produced by the tests which the alternate 591  
assessments are replacing in order to allow for the student's 592  
assessment results to be included in the data compiled for a 593  
school district under section 3302.03 of the Revised Code. 594

(c) Any student enrolled in a chartered nonpublic school who 595  
has been identified, based on an evaluation conducted in 596  
accordance with section 3323.03 of the Revised Code or section 504 597  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 598  
794, as amended, as a child with a disability shall be excused 599  
from taking any particular test required to be administered under 600  
this section if a plan developed for the student pursuant to rules 601  
adopted by the state board excuses the student from taking that 602  
test. In the case of any student so excused from taking a test, 603  
the chartered nonpublic school shall not prohibit the student from 604  
taking the test. 605

(2) A district board may, for medical reasons or other good 606  
cause, excuse a student from taking a test administered under this 607  
section on the date scheduled, but any such test shall be 608  
administered to such excused student not later than nine days 609  
following the scheduled date. The board shall annually report the 610  
number of students who have not taken one or more of the tests 611  
required by this section to the state board of education not later 612  
than the thirtieth day of June. 613

(3) As used in this division, "English-limited student" means 614  
a student whose primary language is not English ~~and~~, who has been 615

enrolled in United States schools for less than ~~two~~ three full 616  
school years, and who within the school year has been identified, 617  
in accordance with criteria provided by the department of 618  
education, as lacking adequate proficiency in English for a test 619  
under this section to produce valid results with respect to that 620  
student's academic progress. 621

A school district board or governing authority of a nonpublic 622  
school may grant a temporary, one-year exemption from any test 623  
administered under this section to an English-limited student. Not 624  
more than three temporary one-year exemptions may be granted to 625  
any student. During any school year in which a student is excused 626  
from taking one or more tests administered under this section, the 627  
school district shall assess that student's progress in learning 628  
English, in accordance with procedures approved by the department. 629

~~No English-limited student shall be required to take any test~~ 630  
~~administered under this section. However, no~~ district board or 631  
governing authority of a chartered nonpublic school shall prohibit 632  
an English-limited student from taking a test under this section. 633

(D) In the school year next succeeding the school year in 634  
which the tests prescribed by division (A)(1) of section 3301.0710 635  
of the Revised Code or former division (A)(1) or (B) of section 636  
3301.0710 of the Revised Code as it existed prior to the effective 637  
date of this amendment are administered to any student, the board 638  
of education of any school district in which the student is 639  
enrolled in that year shall provide to the student intervention 640  
~~services to the student~~ commensurate with the student's test 641  
performance, including any intensive intervention required under 642  
section 3313.608 of the Revised Code, in any skill in which the 643  
student failed ~~on those tests~~ to demonstrate at least ~~fourth-grade~~ 644  
~~levels of literacy and basic competency~~ a score at the proficient 645  
level on a proficiency test or a score in the basic range on an 646  
achievement test. This division does not apply to any student 647

receiving services pursuant to an individualized education program 648  
developed for the student pursuant to section 3323.08 of the 649  
Revised Code. 650

(E) Except as provided in section 3313.608 of the Revised 651  
Code and division (M) of this section, no school district board of 652  
education shall ~~permit~~ utilize any ~~student to be denied promotion~~ 653  
~~to a higher grade level solely because of the~~ student's failure to 654  
attain a specified score on any test administered under this 655  
section as a factor in any decision to deny the student promotion 656  
to a higher grade level. However, a district board may choose not 657  
to promote to the next grade level any student who does not take 658  
any ~~proficiency~~ test administered under this section or make up 659  
such test as provided by division (C)(2) of this section and who 660  
is not exempted from the requirement to take the test under 661  
division (C)(1) or (3) of this section. 662

(F) No person shall be charged a fee for taking any test 663  
administered under this section. 664

(G) Not later than sixty days after any administration of any 665  
test prescribed by section 3301.0710 of the Revised Code, the 666  
department shall send to each school district board a list of the 667  
individual test scores of all persons taking the test. For any 668  
tests administered under this section by a joint vocational school 669  
district, the department shall also send to each city, local, or 670  
exempted village school district a list of the individual test 671  
scores of any students of such city, local, or exempted village 672  
school district who are attending school in the joint vocational 673  
school district. 674

(H) Individual test scores on any tests administered under 675  
this section shall be released by a district board only in 676  
accordance with section 3319.321 of the Revised Code and the rules 677  
adopted under division (A) of this section. No district board or 678  
its employees shall utilize individual or aggregate test results 679

in any manner that conflicts with rules for the ethical use of  
tests adopted pursuant to division (A) of this section.

(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.

(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.

(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.

(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:

(a) Students who are attending school in the cooperative

district and who, if the cooperative district were not  
established, would be entitled to attend school in the city,  
local, or exempted village school district pursuant to section  
3313.64 or 3313.65 of the Revised Code;

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

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

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

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

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



division (C)(1)(a) of this section. 742

(2) The department of education shall furnish the tests 743  
described by section 3301.0710 of the Revised Code to each 744  
superintendent. 745

~~(3) Any student enrolled in the state school for the blind or 746  
the state school for the deaf shall be excused from taking any 747  
particular test required to be administered under division (L)(1) 748  
of this section if the individualized education program developed 749  
for the student pursuant to section 3323.08 of the Revised Code 750  
excuses the student from taking that test. In the case of any 751  
student so excused from taking a test, the superintendent of the 752  
school shall not prohibit the student from taking the test. 753~~

(M) Notwithstanding division (E) of this section, beginning 754  
~~July 1, 1999, a school district may retain any student for an 755  
additional year in such student's current grade level if such 756  
student has failed to attain the designated scores on three or 757  
more of the five~~ use a student's failure to attain a score in at 758  
least the basic range on any of the tests described by division 759  
(A)(1) ~~or (2)(b), (c), (d), or (e)~~ of section 3301.0710 of the 760  
Revised Code as a factor in retaining that student in the current 761  
grade level. 762

~~This division does not supersede the requirements of section 763  
3313.608 of the Revised Code. 764~~

(N)(1) All ~~proficiency~~ tests required by section 3301.0710 of 765  
the Revised Code shall become public records pursuant to section 766  
149.43 of the Revised Code on the first day of July following the 767  
school year that the test was administered. 768

(2) The department may field test proposed ~~proficiency~~ test 769  
questions with samples of students to determine the validity, 770  
reliability, or appropriateness of test questions for possible 771  
inclusion in a future year's ~~proficiency~~ test. 772

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

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

**Sec. 3301.0712.** (A) Notwithstanding sections 3301.0710 and 3301.0711 of the Revised Code, the state board of education shall continue to prescribe and the department of education and each school district shall continue to administer any proficiency test as required by those former sections until the applicable achievement test, as indicated on the chart below, has been developed and made available in accordance with section 3301.079 of the Revised Code. Thereafter, such achievement test shall be administered to students under sections 3301.0710 and 3301.0711 of the Revised Code. School districts shall continue to provide intervention services as required under former division (D) of section 3301.0711 of the Revised Code to students who fail to attain a score in the proficient range on a fourth grade proficiency test.

		<u>First administration</u>	
<u>Proficiency</u>	<u>Achievement</u>	<u>in school year</u>	
<u>Test</u>	<u>Test</u>	<u>beginning July 1 of</u>	
<u>4th grade reading</u>	<u>3rd grade reading</u>		
<u>test</u>	<u>test</u>	<u>2003</u>	
<u>4th grade writing</u>	<u>4th grade writing</u>		
<u>test</u>	<u>test</u>	<u>2004</u>	
<u>4th grade mathematics</u>	<u>4th grade mathematics</u>		
<u>test</u>	<u>test</u>	<u>2004</u>	

## As Reported by the House Education Committee

<u>4th grade science</u>	<u>5th grade science</u>		805
<u>test</u>	<u>test</u>	<u>2005</u>	806
<u>4th grade citizenship</u>	<u>5th grade social</u>		807
<u>test</u>	<u>studies test</u>	<u>2005</u>	808
<u>6th grade reading</u>	<u>7th grade reading</u>		809
<u>test</u>	<u>test</u>	<u>2006</u>	810
<u>6th grade writing</u>	<u>7th grade writing</u>		811
<u>test</u>	<u>test</u>	<u>2006</u>	812
<u>6th grade mathematics</u>	<u>7th grade mathematics</u>		813
<u>test</u>	<u>test</u>	<u>2006</u>	814
<u>6th grade science</u>	<u>8th grade science</u>		815
<u>test</u>	<u>test</u>	<u>2006</u>	816
<u>6th grade citizenship</u>	<u>8th grade social</u>		817
<u>test</u>	<u>studies test</u>	<u>2006</u>	818
<u>9th grade reading test</u>	<u>Ohio graduation test</u>	<u>2004</u>	819
	<u>in reading</u>		
<u>9th grade writing test</u>	<u>Ohio graduation test</u>	<u>2004</u>	820
	<u>in writing</u>		
<u>9th grade mathematics</u>	<u>Ohio graduation test</u>	<u>2004</u>	821
<u>test</u>	<u>in mathematics</u>		
<u>9th grade science test</u>	<u>Ohio graduation test</u>	<u>2004</u>	822
	<u>in science</u>		
<u>9th grade citizenship</u>	<u>Ohio graduation test</u>	<u>2004</u>	823
<u>test</u>	<u>in social studies</u>		

(B) The state board shall continue to prescribe and school 824  
districts and chartered nonpublic schools shall continue to 825  
administer ninth grade proficiency tests in reading, writing, 826  
mathematics, science, and citizenship to students who enter ninth 827  
grade prior to July 1, 2003, for as long as those students remain 828  
eligible under section 3313.614 of the Revised Code to receive 829  
their high school diplomas based on passage of those ninth grade 830  
proficiency tests. No student who enters ninth grade prior to July 831  
1, 2003, is required to take any Ohio graduation test, even if any 832

are administered to the student's grade level, until the student  
is required by section 3313.614 of the Revised Code to pass Ohio  
graduation tests to receive a high school diploma.

**Sec. 3301.0713.** (A) 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.

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

(1) Business;

(2) Labor;

(3) Career-technical education workforce development  
teachers;

(4) Career-technical education administrators represented by  
a superintendent of a joint vocational school district;

(5) Career-technical education administrators represented by  
a director of a city career-technical education school;

(6) Parents;

(7) Career-technical education student organizations;

(8) Alumni of career-technical education workforce

development programs.

862

In developing its recommendations, the committee shall  
consider the feasibility of substituting industry, state, or  
national certification examinations, when available, for  
end-of-program assessments for career-technical education  
programs. The committee shall also consider appropriate measures  
of student performance for career-technical education programs and  
methods of reporting such data to the public.

863

864

865

866

867

868

869

(C) The department of education shall fund all development  
costs associated with any career-technical education  
end-of-program assessment recommendations made pursuant to  
division (B) of this section. In the event that such assessments  
are adopted as an alternative for the Ohio graduation tests  
required under division (B) of section 3301.0710 of the Revised  
Code, the department shall fund all implementation and  
administration costs associated with those assessments.

870

871

872

873

874

875

876

877

**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:

878

879

880

881

882

883

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

884

885

886

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

887

888

889

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

890

891

(4) Procedures for annually reporting the data to the public 892  
in accordance with division (H) of this section. 893

(B) The guidelines adopted under this section shall require 894  
the data maintained in the education management information system 895  
to include at least the following: 896

(1) Student participation and performance data, for each 897  
grade in each school district as a whole and for each grade in 898  
each school building in each school district, that includes: 899

(a) The numbers of students receiving each category of 900  
instructional service offered by the school district, such as 901  
regular education instruction, vocational education instruction, 902  
specialized instruction programs or enrichment instruction that is 903  
part of the educational curriculum, instruction for gifted 904  
students, instruction for handicapped students, and remedial 905  
instruction. The guidelines shall require instructional services 906  
under this division to be divided into discrete categories if an 907  
instructional service is limited to a specific subject, a specific 908  
type of student, or both, such as regular instructional services 909  
in mathematics, remedial reading instructional services, 910  
instructional services specifically for students gifted in 911  
mathematics or some other subject area, or instructional services 912  
for students with a specific type of handicap. The categories of 913  
instructional services required by the guidelines under this 914  
division shall be the same as the categories of instructional 915  
services used in determining cost units pursuant to division 916  
(C)(3) of this section. 917

(b) The numbers of students receiving support or 918  
extracurricular services for each of the support services or 919  
extracurricular programs offered by the school district, such as 920  
counseling services, health services, and extracurricular sports 921  
and fine arts programs. The categories of services required by the 922  
guidelines under this division shall be the same as the categories 923

of services used in determining cost units pursuant to division 924  
(C)(4)(a) of this section. 925

(c) Average student grades in each subject in grades nine 926  
through twelve; 927

~~(d) Academic achievement levels in grades one through eight 928  
as assessed by the locally developed competency programs required 929  
by division (D) of section 3301.07 of the Revised Code; 930~~

~~(e)~~ Academic achievement levels as assessed by the testing of 931  
student proficiency achievement under sections 3301.0710 and 932  
3301.0711 of the Revised Code; 933

~~(f)~~(e) The number of students designated as having a 934  
handicapping condition pursuant to division (C)(1) of section 935  
3301.0711 of the Revised Code; 936

~~(g)~~(f) The numbers of students reported to the state board 937  
pursuant to division (C)(2) of section 3301.0711 of the Revised 938  
Code; 939

~~(h)~~(g) Attendance rates and the average daily attendance for 940  
the year~~+~~. For purposes of this division, a student shall be 941  
counted as present for any field trip that is approved by the 942  
school administration. 943

~~(i)~~(h) Expulsion rates; 944

~~(j)~~(i) Suspension rates; 945

~~(k)~~(j) The percentage of students receiving corporal 946  
punishment; 947

~~(l)~~(k) Dropout rates; 948

~~(m)~~(l) Rates of retention in grade; 949

~~(n)~~(m) For pupils in grades nine through twelve, the average 950  
number of carnegie units, as calculated in accordance with state 951  
board of education rules; 952

~~(o)~~(n) Graduation rates, to be calculated in a manner 953  
specified by the department of education that reflects the rate at 954  
which students who were in the ninth grade three years prior to 955  
the current year complete school and that is consistent with 956  
nationally accepted reporting requirements; 957

(o) Results of diagnostic assessments administered to 958  
kindergarten students as required under section 3301.0715 of the 959  
Revised Code to permit a comparison of the academic readiness of 960  
kindergarten students. However, no district shall be required to 961  
report to the department the results of any diagnostic assessment 962  
administered to a kindergarten student if the parent of that 963  
student requests the district not to report those results. 964

(2) Personnel and classroom enrollment data for each school 965  
district, including: 966

(a) The total numbers of licensed employees and nonlicensed 967  
employees and the numbers of full-time equivalent licensed 968  
employees and nonlicensed employees providing each category of 969  
instructional service, instructional support service, and 970  
administrative support service used pursuant to division (C)(3) of 971  
this section. The guidelines adopted under this section shall 972  
require these categories of data to be maintained for the school 973  
district as a whole and, wherever applicable, for each grade in 974  
the school district as a whole, for each school building as a 975  
whole, and for each grade in each school building. 976

(b) The total number of employees and the number of full-time 977  
equivalent employees providing each category of service used 978  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 979  
total numbers of licensed employees and nonlicensed employees and 980  
the numbers of full-time equivalent licensed employees and 981  
nonlicensed employees providing each category used pursuant to 982  
division (C)(4)(c) of this section. The guidelines adopted under 983  
this section shall require these categories of data to be 984



maintained for the school district as a whole and, wherever  
applicable, for each grade in the school district as a whole, for  
each school building as a whole, and for each grade in each school  
building.

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

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

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

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

the following:

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

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

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

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

(b) The cost of the instructional support services, such as  
services provided by a speech-language pathologist, classroom  
aide, multimedia aide, or librarian, provided directly to students

in conjunction with each instructional services category; 1048

(c) The cost of the administrative support services related 1049  
to each instructional services category, such as the cost of 1050  
personnel that develop the curriculum for the instructional 1051  
services category and the cost of personnel supervising or 1052  
coordinating the delivery of the instructional services category. 1053

(4) Support or extracurricular services costs for each 1054  
category of service directly provided to students and required by 1055  
guidelines adopted pursuant to division (B)(1)(b) of this section. 1056  
The guidelines shall require the cost units under division (C)(4) 1057  
of this section to be designed so that each of them may be 1058  
compiled and reported in terms of average expenditure per pupil 1059  
receiving the service in the school district as a whole and 1060  
average expenditure per pupil receiving the service in each 1061  
building in the school district and in terms of a total cost for 1062  
each category of service and, as a breakdown of the total cost, a 1063  
cost for each of the following components: 1064

(a) The cost of each support or extracurricular services 1065  
category required by guidelines adopted under division (B)(1)(b) 1066  
of this section that is provided directly to students by a 1067  
licensed employee, such as services provided by a guidance 1068  
counselor or any services provided by a licensed employee under a 1069  
supplemental contract; 1070

(b) The cost of each such services category provided directly 1071  
to students by a nonlicensed employee, such as janitorial 1072  
services, cafeteria services, or services of a sports trainer; 1073

(c) The cost of the administrative services related to each 1074  
services category in division (C)(4)(a) or (b) of this section, 1075  
such as the cost of any licensed or nonlicensed employees that 1076  
develop, supervise, coordinate, or otherwise are involved in 1077  
administering or aiding the delivery of each services category. 1078

(D)(1) The guidelines adopted under this section shall 1079  
require school districts to collect information about individual 1080  
students, staff members, or both in connection with any data 1081  
required by division (B) or (C) of this section or other reporting 1082  
requirements established in the Revised Code. The guidelines may 1083  
also require school districts to report information about 1084  
individual staff members in connection with any data required by 1085  
division (B) or (C) of this section or other reporting 1086  
requirements established in the Revised Code. The guidelines ~~may~~ 1087  
shall not authorize school districts to request social security 1088  
numbers of individual students ~~so that school districts and the~~ 1089  
~~data acquisition sites operated under section 3301.075 of the~~ 1090  
~~Revised Code can assure accuracy and avoid errors in collecting~~ 1091  
~~the data. However, the~~ The guidelines shall prohibit the reporting 1092  
under this section of any personally identifiable information 1093  
about any student, including a student's ~~social security number,~~ 1094  
~~name,~~ or address, to the state board of education or the 1095  
department of education or to any other person unless such person 1096  
is employed by the school district or the data acquisition site 1097  
and is authorized by the district or acquisition site to have 1098  
access to such information. The guidelines may require school 1099  
districts to provide the social security numbers of individual 1100  
staff members. 1101

(2) The guidelines shall provide for each school district or 1102  
community school to assign a data verification code to each 1103  
student whose initial Ohio enrollment is in that district or 1104  
school and to report all required individual student data for that 1105  
student utilizing such code. The guidelines shall also provide for 1106  
assigning data verification codes to all students enrolled in 1107  
districts or community schools on the effective date of the 1108  
guidelines established under this section. 1109

Individual student data shall be reported to the department 1110

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  
code is included in the student's records reported to any  
subsequent school district or community school in which the  
student enrolls and shall remove all references to the code in any  
records retained in the district or school that pertain to any  
student no longer enrolled. Any such subsequent district or school  
shall utilize the same identifier in its reporting of data under  
this section.

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

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

(G) The state board shall, in accordance with the procedures  
it adopts, annually compile the data reported by each school  
district pursuant to division (D) of this section. The state board

shall design formats for profiling each school district as a whole 1143  
and each school building within each district and shall compile 1144  
the data in accordance with these formats. These profile formats 1145  
shall: 1146

(1) Include all of the data gathered under this section in a 1147  
manner that facilitates comparison among school districts and 1148  
among school buildings within each school district; 1149

(2) Present the data on academic achievement levels as 1150  
assessed by the testing of student ~~proficiency~~ achievement 1151  
maintained pursuant to division (B)(1)(e) of this section so that 1152  
the academic achievement levels of students who are excused from 1153  
taking any such test pursuant to division (C)(1) of section 1154  
3301.0711 of the Revised Code are distinguished from the academic 1155  
achievement levels of students who are not so excused. 1156

(H)(1) The state board shall, in accordance with the 1157  
procedures it adopts, annually prepare a statewide report for all 1158  
school districts and the general public that includes the profile 1159  
of each of the school districts developed pursuant to division (G) 1160  
of this section. Copies of the report shall be sent to each school 1161  
district. 1162

(2) The state board shall, in accordance with the procedures 1163  
it adopts, annually prepare an individual report for each school 1164  
district and the general public that includes the profiles of each 1165  
of the school buildings in that school district developed pursuant 1166  
to division (G) of this section. Copies of the report shall be 1167  
sent to the superintendent of the district and to each member of 1168  
the district board of education. 1169

(3) Copies of the reports received from the state board under 1170  
divisions (H)(1) and (2) of this section shall be made available 1171  
to the general public at each school district's offices. Each 1172  
district board of education shall make copies of each report 1173

available to any person upon request and payment of a reasonable  
fee for the cost of reproducing the report. The board shall  
annually publish in a newspaper of general circulation in the  
school district, at least twice during the two weeks prior to the  
week in which the reports will first be available, a notice  
containing the address where the reports are available and the  
date on which the reports will be available.

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

(J) As used in this section:

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

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

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

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

(1) The school district fails to meet any deadline

established pursuant to this section for the reporting of any data 1205  
to the education management information system; 1206

(2) The school district fails to meet any deadline 1207  
established pursuant to this section for the correction of any 1208  
data reported to the education management information system; 1209

(3) The school district reports data to the education 1210  
management information system in a condition, as determined by the 1211  
department, that indicates that the district did not make a good 1212  
faith effort in reporting the data to the system. 1213

Any report made under this division shall include 1214  
recommendations for corrective action by the school district. 1215

Upon making a report for the first time in a fiscal year, the 1216  
department shall withhold ten per cent of the total amount due 1217  
during that fiscal year under Chapter 3317. of the Revised Code to 1218  
the school district to which the report applies. Upon making a 1219  
second report in a fiscal year, the department shall withhold an 1220  
additional twenty per cent of such total amount due during that 1221  
fiscal year to the school district to which the report applies. 1222  
The department shall not release such funds unless it determines 1223  
that the district has taken corrective action. However, no such 1224  
release of funds shall occur if the district fails to take 1225  
corrective action within ninety days of the date upon which the 1226  
report was made by the department. 1227

(M) The department of education, after consultation with the 1228  
Ohio education computer network, may provide at no cost to school 1229  
districts uniform computer software for use in reporting data to 1230  
the education management information system, provided that no 1231  
school district shall be required to utilize such software to 1232  
report data to the education management information system if such 1233  
district is so reporting data in an accurate, complete, and timely 1234  
manner in a format compatible with that required by the education 1235



management information system. 1236

(N) The state board of education, in accordance with sections 1237  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1238  
license as defined under division (A) of section 3319.31 of the 1239  
Revised Code that has been issued to any school district employee 1240  
found to have willfully reported erroneous, inaccurate, or 1241  
incomplete data to the education management information system. 1242

(O) No person shall release or maintain any information about 1243  
any student in violation of this section. Whoever violates this 1244  
division is guilty of a misdemeanor of the fourth degree. 1245

(P) The department shall disaggregate the data collected 1246  
under division (B)(1)(o) of this section according to the race and 1247  
socioeconomic status of the students assessed. No data collected 1248  
under that division shall be included on the report cards required 1249  
by section 3302.03 of the Revised Code. 1250

(Q) If the department cannot compile any of the information 1251  
required by division (D)(5) of section 3302.03 of the Revised Code 1252  
based upon the data collected under this section, the department 1253  
shall develop a plan and a reasonable timeline for the collection 1254  
of any data necessary to comply with that division. 1255

**Sec. 3301.0715.** (A) Except as provided in division (E) of 1256  
this section, the board of education of each city, local, and 1257  
exempted village school district shall administer each diagnostic 1258  
assessment developed and provided to the district in accordance 1259  
with section 3301.079 of the Revised Code to measure student 1260  
progress toward the attainment of academic standards for grades 1261  
kindergarten through two in reading, writing, and mathematics and 1262  
for grades three through eight in reading, writing, mathematics, 1263  
science, and social studies. 1264

(B) Each district board shall administer each diagnostic 1265

assessment as the board deems appropriate. However, the board  
shall administer any diagnostic assessment at least once annually  
to all students in the appropriate grade level. A district board  
may administer any diagnostic assessment in the fall and spring of  
a school year to measure the "value added" of the instruction  
received by students during that school year.

1266  
1267  
1268  
1269  
1270  
1271

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

1272  
1273  
1274  
1275  
1276  
1277  
1278  
1279  
1280  
1281  
1282  
1283  
1284

(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.

1285  
1286  
1287  
1288

(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.

1289  
1290  
1291  
1292

(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 each diagnostic assessment required  
under division (A) of this section to the student.

1293  
1294  
1295  
1296

**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;

(B) Reductions in the need for remedial courses;

(C) Reductions in the student dropout rate;

(D) Improvements in scores on standardized tests;

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

(F) Increases in American college test scores;

(G) Increases in the rate of college entry;

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

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.

**Sec. 3301.0718.** (A) After completing the required standards specified in section 3301.079 of the Revised Code, the state board of education shall adopt standards and model curricula for instruction in computer literacy for grades three through twelve and in fine arts and foreign language for grades kindergarten through twelve. The state board shall not adopt or revise any standards or curriculum in the area of health or physical education unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate

votes on a concurrent resolution approving health or physical 1325  
education standards, curriculum, or revisions, its standing 1326  
committee having jurisdiction over education legislation shall 1327  
conduct at least one public hearing on the standards, curriculum, 1328  
or revisions. 1329

(B) The state board shall not adopt a diagnostic assessment 1330  
or achievement test for any grade level or subject area other than 1331  
those specified in section 3301.079 of the Revised Code. 1332

**Sec. ~~3301.0712~~ 3301.0719.** (A) The state board of education 1333  
shall adopt minimum standards under which each governing board of 1334  
an educational service center shall develop a plan of service to 1335  
school districts within the center's territory. The standards 1336  
shall require that the plan of service include, but need not be 1337  
limited to, provisions that ensure: 1338

(1) The maximum involvement of boards of education of local 1339  
school districts in all aspects of the service plan; 1340

(2) Adequate and well-maintained physical facilities for the 1341  
offices of the county board; 1342

(3) Fiscal monitoring of the local districts by the 1343  
educational service center governing board; 1344

(4) The availability of qualified staff in sufficient numbers 1345  
to implement the service plan; 1346

(5) Supervision and evaluation of classroom activities in the 1347  
local districts; 1348

(6) The availability of in-service and continuing education 1349  
programs for all local district and educational service center 1350  
personnel; 1351

(7) The offering of specified curriculum services to the 1352  
local districts; 1353

(8) The development of research and development programs;	1354
(9) Regular and continuing communication among the	1355
educational service center governing board, local districts, and	1356
the community;	1357
(10) Continuing planning for the maximum utilization of	1358
existing school buildings and the development of new facilities;	1359
(11) Monitoring and enforcement of the compulsory attendance	1360
law;	1361
(12) Accurate recordkeeping in the local district schools;	1362
(13) Assistance to local districts in the provision of	1363
special accommodations and classes for handicapped students.	1364
(B) Each educational service center governing board shall,	1365
within one hundred eighty days of the effective date of the	1366
minimum standards adopted by the state board under division (A) of	1367
this section, submit to the state board a plan of service that	1368
meets these standards. The state board shall approve any plan of	1369
service that meets these standards and, upon approval of any such	1370
plan, shall issue a charter to that educational service center.	1371
(C) The state board shall conduct an evaluation every five	1372
years of each educational service center governing board and the	1373
services it provides. The evaluation shall include recommendations	1374
and shall be discussed in a public meeting held by the	1375
superintendent of the educational service center within thirty	1376
days of receipt of the evaluation report. The educational service	1377
center superintendent shall also submit a plan to the state board	1378
for correcting any violations specified in the evaluation within	1379
ninety days of receipt of the evaluation report. The state board	1380
shall approve any such plan that meets the minimum standards	1381
adopted by the state board under division (A) of this section.	1382
(D) The state board shall revoke the charter of any	1383

educational service center that fails to comply with the plan of 1384  
service approved by the state board under division (B) of this 1385  
section or with any plan for correcting violations approved by the 1386  
state board under division (C) of this section. 1387

(E) If any educational service center fails to submit a plan 1388  
of service in compliance with the provisions of division (B) of 1389  
this section or if the charter of any educational service center 1390  
is revoked pursuant to division (D) of this section, the state 1391  
board may dissolve the educational service center and pursuant to 1392  
this division transfer its territory to one or more adjacent 1393  
educational service centers. 1394

Prior to dissolving an educational service center pursuant to 1395  
this division, the state board shall notify the educational 1396  
service center governing board to be dissolved and the governing 1397  
boards of all adjacent educational service centers of its 1398  
intention to dissolve the educational service center. The 1399  
governing boards receiving such a notice may make recommendations 1400  
to the state board regarding the proposed dissolution and 1401  
subsequent transfer of territory. 1402

No order of the state board to transfer the territory of an 1403  
educational service center being dissolved pursuant to this 1404  
division shall divide the territory of a local school district 1405  
between two or more adjacent educational service centers. An 1406  
equitable division of the funds, property, and indebtedness of any 1407  
educational service center being dissolved pursuant to this 1408  
division shall be made by the state board among the educational 1409  
service centers receiving territory. The governing board of an 1410  
educational service center receiving territory shall accept such 1411  
territory pursuant to the order of the state board. Any transfer 1412  
of territory ordered by the state board shall become effective on 1413  
the date specified by the state board, but the date shall be at 1414  
least thirty days after the date on which the order was issued. 1415

(F) In issuing and revoking charters under this section, the 1416  
state board shall be governed by the provisions of Chapter 119. of 1417  
the Revised Code. 1418

**Sec. 3301.801.** (A) The Ohio SchoolNet commission shall create 1419  
and maintain a clearinghouse for classroom teachers, including any 1420  
classroom teachers employed by community schools established under 1421  
Chapter 3314. of the Revised Code, to easily obtain lesson plans 1422  
and materials and other practical resources for use in classroom 1423  
teaching. The commission shall develop a method of obtaining 1424  
submissions, from classroom teachers and others, of such plans, 1425  
materials, and other resources that have been used in the 1426  
classroom and that can be readily used and implemented by 1427  
classroom teachers in their regular teaching activities. The 1428  
commission also shall develop methods of informing classroom 1429  
teachers of both the availability of such plans, materials, and 1430  
other resources, and of the opportunity to submit such plans, 1431  
materials, and other resources and other classroom teaching ideas 1432  
to the clearinghouse. 1433

The department of education shall regularly identify 1434  
research-based practices concerned with scheduling and allotting 1435  
instructional time and submit such practices to the commission for 1436  
inclusion in the clearinghouse. 1437

The commission shall periodically report to the speaker and 1438  
minority leader of the house of representatives, the president and 1439  
minority leader of the senate, and the chairpersons and ranking 1440  
minority members of the education committees of the senate and the 1441  
house of representatives regarding the clearinghouse and make 1442  
recommendations for changes in state law or administrative rules 1443  
that may facilitate the usefulness of the clearinghouse. 1444

(B) Not later than one year after the effective date of this 1445  
amendment, the department of education shall identify research 1446

studies on academic intervention and prevention practices that 1447  
have been successful in improving the academic performance of 1448  
students from different ethnic and socioeconomic groups, develop 1449  
an annotated bibliography of such studies, and provide that 1450  
bibliography to the Ohio SchoolNet commission. The commission 1451  
shall promptly make the bibliography available to school districts 1452  
as a part of the clearinghouse established under this section. 1453

**Sec. 3301.91.** (A) The OhioReads council's responsibilities 1454  
include, but are not limited to, the following: 1455

(1) Advising and consenting to the superintendent of public 1456  
instruction's appointments to the position of executive director 1457  
of the OhioReads office; 1458

(2) Evaluating the effectiveness of the OhioReads initiative 1459  
established by this section and sections 3301.86 and 3301.87 of 1460  
the Revised Code and conducting annual evaluations beginning in 1461  
fiscal year 2002; 1462

(3) Developing a strategic plan for identifying, recruiting, 1463  
training, qualifying, and placing volunteers for the OhioReads 1464  
initiative; 1465

(4) Establishing standards for the awarding of classroom 1466  
reading grants under section 3301.86 of the Revised Code and 1467  
community reading grants under section 3301.87 of the Revised 1468  
Code, including eligibility criteria, grant amounts, purposes for 1469  
which grants may be used, and administrative, programmatic, and 1470  
reporting requirements; 1471

(5) Awarding classroom reading grants and community reading 1472  
grants to be paid by the OhioReads office under sections 3301.86 1473  
and 3301.87 of the Revised Code; 1474

(6) Establishing guidelines for and overseeing the general 1475  
responsibilities and mission of the executive director of the 1476



OhioReads office; 1477

(7) Adopting rules pursuant to Chapter 119. of the Revised 1478  
Code to establish standards required under sections 3301.86 and 1479  
3301.87 of the Revised Code. 1480

(B) In performing its duties, the council shall, to the 1481  
extent practicable: 1482

(1) Give primary consideration to the safety and well-being 1483  
of children participating in the OhioReads initiative; 1484

(2) Maximize the use of resources to improve reading 1485  
outcomes, especially the fourth grade reading proficiency test 1486  
established under former division (A)(1) of section 3301.0710 of 1487  
the Revised Code and the third grade reading achievement test 1488  
established under division (A)(1)(a) of section 3301.0710 of the 1489  
Revised Code; 1490

(3) Identify and maximize relevant federal and state 1491  
resources to leverage OhioReads resources and related programs; 1492

(4) Focus on early reading intervention strategies, 1493  
professional development, and parental involvement; 1494

(5) Give priority to programs recognized as promising 1495  
educational practices for accelerating student achievement, 1496  
including, but not limited to, programs primarily using volunteers 1497  
and programs that may have been reviewed by the education 1498  
commission of the states. 1499

~~Sec. 3302.02. The following are the expected state 1500  
performance standards for school districts: 1501~~

~~(A) A ninety per cent graduation rate; 1502~~

~~(B) At least seventy-five per cent of fourth graders 1503  
proficient on the mathematics test prescribed by division (A)(1) 1504  
of section 3301.0710 of the Revised Code; 1505~~

<del>(C) At least seventy-five per cent of fourth graders</del>	1506
<del>proficient on the reading test prescribed by division (A)(1) of</del>	1507
<del>section 3301.0710 of the Revised Code;</del>	1508
<del>(D) At least seventy-five per cent of fourth graders</del>	1509
<del>proficient on the writing test prescribed by division (A)(1) of</del>	1510
<del>section 3301.0710 of the Revised Code;</del>	1511
<del>(E) At least seventy-five per cent of fourth graders</del>	1512
<del>proficient on the citizenship test prescribed by division (A)(1)</del>	1513
<del>of section 3301.0710 of the Revised Code;</del>	1514
<del>(F) At least seventy-five per cent of ninth graders</del>	1515
<del>proficient on the mathematics test prescribed by division (B) of</del>	1516
<del>section 3301.0710 of the Revised Code;</del>	1517
<del>(G) At least seventy-five per cent of ninth graders</del>	1518
<del>proficient on the reading test prescribed by division (B) of</del>	1519
<del>section 3301.0710 of the Revised Code;</del>	1520
<del>(H) At least seventy-five per cent of ninth graders</del>	1521
<del>proficient on the writing test prescribed by division (B) of</del>	1522
<del>section 3301.0710 of the Revised Code;</del>	1523
<del>(I) At least seventy-five per cent of ninth graders</del>	1524
<del>proficient on the citizenship test prescribed by division (B) of</del>	1525
<del>section 3301.0710 of the Revised Code;</del>	1526
<del>(J) At least eighty-five per cent of tenth graders proficient</del>	1527
<del>on the mathematics test prescribed by division (B) of section</del>	1528
<del>3301.0710 of the Revised Code;</del>	1529
<del>(K) At least eighty-five per cent of tenth graders proficient</del>	1530
<del>on the reading test prescribed by division (B) of section</del>	1531
<del>3301.0710 of the Revised Code;</del>	1532
<del>(L) At least eighty-five per cent of tenth graders proficient</del>	1533
<del>on the writing test prescribed by division (B) of section</del>	1534
<del>3301.0710 of the Revised Code;</del>	1535

~~(M) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(N) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;~~

~~(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;~~

~~(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;~~

~~(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;~~

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

~~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~~

The state board of education annually through 2006, and every six years thereafter, shall 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 selected performance indicators at least two years before they are included in the report card.

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

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

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

When possible, the department shall also determine for each school building in a district the extent to which it meets any of

the performance indicators applicable to the grade levels of the  
students in that school building and whether the school building  
is an excellent school, an effective school, needs continuous  
improvement, is under an academic watch, or is in a state of  
academic emergency.

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

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

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

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

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

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

(C) Whenever feasible, the department shall utilize  
three-year averaging of the district's percentages on the  
performance standards specified in section 3302.02 of the Revised  
Code If the state board establishes more than seventeen

performance indicators under section 3302.02 of the Revised Code, 1629  
or if less than seventeen performance indicators are applicable to 1630  
a school building, the state board shall establish the number of 1631  
indicators that must be met in order for a district or building to 1632  
be designated as excellent, effective, needs continuous 1633  
improvement, is under an academic watch, or is in a state of 1634  
academic emergency. The number established for each such category 1635  
under this division shall bear a similar relationship to the total 1636  
number of indicators as the number of indicators required for the 1637  
respective categories stated in division (B) of this section bears 1638  
to seventeen. 1639

(D)(1) The department shall issue annual report cards for 1640  
each school district, each building within each district, and for 1641  
the state as a whole ~~based on~~ reflecting performance on the 1642  
indicators created by the state board under section 3302.02 of the 1643  
Revised Code. 1644

(2) The department shall include on the report card for each 1645  
district information pertaining to any change from the previous 1646  
year made by the school district or school buildings within the 1647  
district on any performance indicator. 1648

(3) When reporting data on student performance, the 1649  
department shall disaggregate that data according to the following 1650  
categories: 1651

(a) Performance of students by age group; 1652

(b) Performance of students by race and ethnic group; 1653

(c) Performance of students by gender; 1654

(d) Performance of students grouped by those who have been 1655  
enrolled in a district or school for three or more years; 1656

(e) Performance of students grouped by those who have been 1657  
enrolled in a district or school for more than one year and less 1658  
than three years; 1659

(f) Performance of students grouped by those who have been 1660  
enrolled in a district or school for one year or less; 1661

(g) Performance of students grouped by those who are 1662  
classified as vocational education students pursuant to guidelines 1663  
adopted by the department for purposes of this division; 1664

(h) Performance of students grouped by those who are 1665  
economically disadvantaged, to the extent that such data is 1666  
available from the education management information system 1667  
established under section 3301.0714 of the Revised Code. 1668

The department may disaggregate data on student performance 1669  
according to other categories that the department determines are 1670  
appropriate. 1671

In reporting data pursuant to division (D)(3) of this 1672  
section, the department shall not include in the report cards any 1673  
data statistical in nature that is statistically unreliable or 1674  
that could result in the identification of individual students. 1675

(4) The department may include with the report cards any 1676  
additional education and fiscal performance data it deems 1677  
valuable. 1678

(5) The department shall include on each report card a list 1679  
of additional information collected by the department that is 1680  
available regarding the district or building for which the report 1681  
card is issued. When available, such additional information shall 1682  
include student mobility data disaggregated by race and 1683  
socioeconomic status, college enrollment data, and the reports 1684  
prepared under section 3302.031 of the Revised Code. 1685

The department shall maintain a site on the world wide web. 1686  
The report card shall include the address of the site and shall 1687  
specify that such additional information is available to the 1688  
public at that site. The department shall also provide a copy of 1689  
each item on the list to the superintendent of each school 1690

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

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

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

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

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

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

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



(B) A school safety and discipline report which shall consist 1722  
of statistical information regarding student safety and discipline 1723  
in each school building, including the number of suspensions and 1724  
expulsions disaggregated according to race and gender; 1725

1726  
(C) A student equity report which shall consist of at least a 1727  
description of the status of teacher qualifications, library and 1728  
media resources, textbooks, classroom materials and supplies, and 1729  
technology resources for each district. To the extent possible, 1730  
the information included in the report required under this 1731  
division shall be disaggregated according to grade level, race, 1732  
gender, disability, and scores attained on tests required under 1733  
section 3301.0710 of the Revised Code. 1734

(D) A school enrollment report which shall consist of 1735  
information about the composition of classes within each district 1736  
by grade and subject disaggregated according to race, gender, and 1737  
scores attained on tests required under section 3301.0710 of the 1738  
Revised Code; 1739

(E) A student retention report which shall consist of the 1740  
number of students retained in their respective grade levels in 1741  
the district disaggregated by grade level, subject area, race, 1742  
gender, and disability. 1743

**Sec. 3302.04.** ~~(A) By March 1, 1998, the~~ The state board of 1744  
education shall ~~recommend to the general assembly~~ adopt a rule 1745  
establishing both of the following: 1746

(1) A standard unit of improvement that any building within a 1747  
district or school district would be required to achieve on a 1748  
specific performance ~~standard~~ indicator that it failed to meet in 1749  
order to be deemed to have made satisfactory improvement toward 1750  
meeting that ~~standard~~ indicator. 1751

(2) The percentage of those performance ~~standards~~ indicators 1752  
that a building within a district or a district did not meet, on 1753  
which a building or district would be required to achieve the 1754  
standard unit of improvement in order to be deemed to be making 1755  
overall progress toward becoming an ~~effective~~ excellent building 1756  
or district. 1757

~~Upon approval of the general assembly, the~~ The rule shall 1758  
apply to determinations of school district improvement under 1759  
division (B) of this section. 1760

(B) When a school district has been notified by the 1761  
department pursuant to division (A) of section 3302.03 of the 1762  
Revised Code that the district or a building within the district 1763  
needs continuous improvement, is under an academic watch, or is in 1764  
a state of academic emergency, the district shall develop a 1765  
three-year continuous improvement plan containing an analysis of 1766  
the reasons for the district's failure as a whole, or the failure 1767  
of any buildings, to meet any of the ~~standards it does~~ indicators 1768  
not ~~meet~~ met and specifying the strategies ~~it~~ the district will 1769  
use and the resources it will allocate to address the problem. 1770  
Copies of the plan shall be made available to the public. 1771

No three-year continuous improvement plan shall be developed 1772  
or adopted pursuant to this division unless at least one public 1773  
hearing is held within the ~~territory of the~~ affected school 1774  
district or building concerning the final draft of the plan. 1775  
Notice of the hearing shall be given two weeks prior to the 1776  
hearing by publication in one newspaper of general circulation 1777  
within the territory of the affected school district. 1778

(C) When a school district has been notified by the 1779  
department pursuant to division (A) of section 3302.03 of the 1780  
Revised Code that the district or a building within the district 1781  
is under an academic watch or in a state of academic emergency, 1782  
the district shall be subject to any rules establishing 1783

intervention in academic watch or emergency school districts that 1784  
have been recommended to the general assembly by the department of 1785  
education and approved by joint resolution of the general 1786  
assembly. ~~The department shall recommend such rules by July 1,~~ 1787  
~~1998.~~ 1788

(D)(1) Within one hundred twenty days after any school 1789  
district or building within the district is declared to be in a 1790  
state of academic emergency under section 3302.03 of the Revised 1791  
Code, the department shall initiate a site evaluation of the 1792  
building or school district. 1793

(2) If any school district that is declared to be in a state 1794  
of academic emergency or in a state of academic watch under 1795  
section 3302.03 of the Revised Code or encompasses a building that 1796  
is declared to be in a state of academic emergency or in a state 1797  
of academic watch fails to demonstrate to the department 1798  
satisfactory improvement of the district or applicable buildings 1799  
or fails to submit to the department any information required 1800  
under rules established by the state board of education, prior to 1801  
approving a three-year continuous improvement plan ~~for the school~~ 1802  
~~district~~ under rules established by the state board of education, 1803  
the department shall conduct a site evaluation of the school 1804  
district or applicable buildings to determine whether the school 1805  
district is in compliance with minimum standards established by 1806  
law or rule. 1807

(3) Site evaluations conducted under divisions (D)(1) and (2) 1808  
of this section shall include, but not be limited to, the 1809  
following: 1810

(a) Determining whether teachers are assigned to subject 1811  
areas for which they are licensed or certified; 1812

(b) Determining pupil-teacher ratios; 1813

(c) Examination of compliance with minimum instruction time 1814

requirements for each school day and for each school year; 1815

(d) Determining whether ~~the school district has~~ materials and 1816  
equipment necessary to implement the curriculum approved by the 1817  
school district board are available. 1818

(E)(1) If, after two years under a continuous improvement 1819  
plan developed pursuant to division (B) of this section, any 1820  
school district that is declared to be in a state of academic 1821  
emergency under section 3302.03 of the Revised Code has any 1822  
building within the district that is declared to be in a state of 1823  
academic emergency under section 3302.03 of the Revised Code and 1824  
that fails to attain the percentage of performance indicators 1825  
required under division (A)(2) of this section to make progress 1826  
toward becoming an excellent building, the district shall 1827  
implement at least one of the following options with respect to 1828  
that building: 1829

(a) Replace the building principal; 1830

(b) Reconstitute the building, including replacing teachers 1831  
or administrators, instituting a new schoolwide curriculum or 1832  
educational model, or altering the structure of the school day or 1833  
year; 1834

(c) Contract with departments of education at public and 1835  
private colleges in Ohio, educational service centers, or the 1836  
state department of education to operate the building, including 1837  
the provision of personnel, supplies, and equipment; 1838

(d) Grant priority over all other applicants to students from 1839  
the building who apply to attend another building within the 1840  
district under the intradistrict open enrollment policy adopted by 1841  
the district pursuant to section 3313.97 of the Revised Code; 1842

(e) Close the building and reassign its students to other 1843  
buildings within the district; 1844

(f) Upon the approval of the state board of education, take 1845  
any other comparable action designed to improve the overall 1846  
performance of the building. 1847

Any action taken under division (E)(1)(f) of this section may 1848  
include the establishment of a state intervention team to evaluate 1849  
all aspects of the building, including management, curriculum, 1850  
instructional methods, resource allocation, and scheduling. Any 1851  
such intervention team shall be appointed by the department and 1852  
shall include teachers and administrators recognized as 1853  
outstanding in their fields. The intervention team shall make 1854  
recommendations to the district regarding methods for improving 1855  
the performance of the building. The department shall not approve 1856  
a district's request for an intervention team if the department 1857  
cannot adequately fund the work of the team, unless the district 1858  
agrees to pay for the expenses of the team. 1859

(2) If any building subject to this division fails to attain 1860  
the percentage of performance indicators required under division 1861  
(A)(2) of this section to make progress toward becoming an 1862  
excellent building within two years following any action taken by 1863  
the district under this division, the district shall select 1864  
another option described by this division and implement such 1865  
option with respect to the building. 1866

**Sec. 3302.05.** ~~By March 1, 1998, the~~ The department of 1867  
education shall recommend rules to the general assembly freeing 1868  
school districts declared to be ~~effective~~ excellent under division 1869  
(B)(1) or ~~in need of continuous improvement~~ effective under 1870  
division (B)(2) of section 3302.03 of the Revised Code from 1871  
specified state mandates. Any mandates included in the recommended 1872  
rules shall be only those statutes or rules pertaining to state 1873  
education requirements. The rules shall take effect upon their 1874  
approval through passage of a joint resolution by the general 1875

assembly. 1876

**Sec. 3313.532.** (A) Any person twenty-two or more years of age 1877  
and enrolled in an adult high school continuation program 1878  
established pursuant to section 3313.531 of the Revised Code may 1879  
request the board of education operating the program to conduct an 1880  
evaluation in accordance with division (C) of this section. 1881

(B) Any applicant to a board of education for a diploma of 1882  
adult education under division (B) of section 3313.611 of the 1883  
Revised Code may request the board to conduct an evaluation in 1884  
accordance with division (C) of this section. 1885

(C) Upon the request of any person pursuant to division (A) 1886  
or (B) of this section, the board of education to which the 1887  
request is made shall evaluate the person to determine whether the 1888  
person is handicapped, in accordance with rules adopted by the 1889  
state board of education. If the evaluation indicates that the 1890  
person is handicapped, the board shall determine whether to excuse 1891  
the person from taking any of the tests required by division (B) 1892  
of section 3301.0710 of the Revised Code as a requirement for 1893  
receiving a diploma under section 3313.611 of the Revised Code. 1894  
The determination of whether to excuse the person from any such 1895  
test shall be made in the same manner as it would be for students 1896  
enrolled in the district who are receiving special education under 1897  
Chapter 3323. of the Revised Code. 1898

**Sec. 3313.60.** Notwithstanding division (D) of section 3311.52 1899  
of the Revised Code, divisions (A) to (E) of this section do not 1900  
apply to any cooperative education school district established 1901  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 1902  
Code. 1903

~~In adopting minimum standards under section 3301.07 of the~~ 1904  
~~Revised Code, the state board of education shall not require~~ 1905

~~chartered schools to utilize any model curriculum adopted pursuant~~ 1906  
~~to section 3301.0716 of the Revised Code.~~ 1907

(A) The board of education of each city and exempted village 1908  
school district, the governing board of each educational service 1909  
center, and the board of each cooperative education school 1910  
district established pursuant to section 3311.521 of the Revised 1911  
Code shall prescribe a curriculum for all schools under their 1912  
control. Except as provided in division (E) of this section, in 1913  
any such curriculum there shall be included the study of the 1914  
following subjects: 1915

(1) The language arts, including reading, writing, spelling, 1916  
oral and written English, and literature; 1917

(2) Geography, the history of the United States and of Ohio, 1918  
and national, state, and local government in the United States, 1919  
including a balanced presentation of the relevant contributions to 1920  
society of men and women of African, Mexican, Puerto Rican, and 1921  
American Indian descent as well as other ethnic and racial groups 1922  
in Ohio and the United States; 1923

(3) Mathematics; 1924

(4) Natural science, including instruction in the 1925  
conservation of natural resources; 1926

(5) Health education, which shall include instruction in: 1927

(a) The nutritive value of foods, including natural and 1928  
organically produced foods, the relation of nutrition to health, 1929  
the use and effects of food additives; 1930

(b) The harmful effects of and legal restrictions against the 1931  
use of drugs of abuse, alcoholic beverages, and tobacco; 1932

(c) Venereal disease education, except that upon written 1933  
request of ~~his~~ the student's parent or guardian, a student shall 1934  
be excused from taking instruction in venereal disease education; 1935

(d) In grades kindergarten through six, instruction in 1936  
personal safety and assault prevention, except that upon written 1937  
request of ~~his~~ the student's parent or guardian, a student shall 1938  
be excused from taking instruction in personal safety and assault 1939  
prevention. 1940

(6) Physical education; 1941

(7) The fine arts, including music; 1942

(8) First aid, including a training program in 1943  
cardiopulmonary resuscitation, safety, and fire prevention, except 1944  
that upon written request of ~~his~~ the student's parent or guardian, 1945  
a student shall be excused from taking instruction in 1946  
cardiopulmonary resuscitation. 1947

(B) Except as provided in division (E) of this section, every 1948  
school or school district shall include in the requirements for 1949  
promotion from the eighth grade to the ninth grade one year's 1950  
course of study of American history. 1951

(C) Except as provided in division (E) of this section, every 1952  
high school shall include in the requirements for graduation from 1953  
any curriculum one unit of American history and government, 1954  
including a study of the constitutions of the United States and of 1955  
Ohio. 1956

(D) Except as provided in division (E) of this section, basic 1957  
instruction in geography, United States history, the government of 1958  
the United States, the government of the state of Ohio, local 1959  
government in Ohio, the Declaration of Independence, the United 1960  
States Constitution, and the Constitution of the state of Ohio 1961  
shall be required before pupils may participate in courses 1962  
involving the study of social problems, economics, foreign 1963  
affairs, United Nations, world government, socialism and 1964  
communism. 1965

(E) For each cooperative education school district 1966



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

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

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

(1) Any survey or questionnaire, prior to its administration  
to the child;

(2) Any textbook, workbook, software, video, or other  
instructional materials being used by the district in connection  
with the instruction of the child;

(3) Any completed and graded test taken or survey or  
questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model  
curriculum developed pursuant to section 3301.079 of the Revised  
Code, which copies shall be available at all times during school  
hours in each district school building.

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

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

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

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

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

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

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

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

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, eight units until September 15, 2003, and seven units thereafter.

Each student's electives shall include at least one unit, or 2025  
two half units, chosen from among the areas of 2026  
business/technology, fine arts, and/or foreign language. 2027

(C) Every high school may permit students below the ninth 2028  
grade to take advanced work for credit. A high school shall count 2029  
such advanced work toward the graduation requirements of division 2030  
(B) of this section if the advanced work was both: 2031

(1) Taught by a person who possesses a license or certificate 2032  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 2033  
Code that is valid for teaching high school; 2034

(2) Designated by the board of education of the city, local, 2035  
or exempted village school district, the board of the cooperative 2036  
education school district, or the governing authority of the 2037  
chartered nonpublic school as meeting the high school curriculum 2038  
requirements. 2039

(D) Units earned in English language arts, mathematics, 2040  
science, and social studies that are delivered through integrated 2041  
academic and technical instruction are eligible to meet the 2042  
graduation requirements of division (B) of this section. 2043

**Sec. 3313.608.** (A) This section does not apply to students 2044  
who enter the fourth grade after July 1, 2003. 2045

(A) For each school year prior to July 1, 2004, for the test 2046  
to measure skill in reading prescribed by former division (A)(1) 2047  
of section 3301.0710 of the Revised Code, the state board of 2048  
education shall establish at least four ranges of scores to 2049  
measure the following levels of skill: 2050

(1) An advanced level of skill; 2051

(2) A proficient level of skill; 2052

(3) A basic level of skill; 2053

(4) A below basic level of skill. 2054

(B) Beginning with students who enter fourth grade in the 2055  
school year that starts July 1, 2001, no city, exempted village, 2056  
or local school district shall promote to fifth grade any student 2057  
who fails to attain the score designated under division (A)(1) of 2058  
section 3301.0710 of the Revised Code on the test prescribed under 2059  
that division to measure skill in reading, unless either of the 2060  
following applies: 2061

(1) The pupil was excused from taking the test under division 2062  
(C)(1) of section 3301.0711 of the Revised Code; 2063

(2) The pupil's principal and reading teacher agree that the 2064  
pupil is academically prepared, as determined pursuant to the 2065  
district policy adopted under section 3313.609 of the Revised 2066  
Code, to be promoted to fifth grade. 2067

(B) for any student who attains a score in the range 2068  
designated under division (A)(4) of this section on such reading 2069  
test, each school district shall do one of the following: 2070

(1) Promote the student to fifth grade if the student's 2071  
principal and reading teacher agree that other evaluations of the 2072  
student's skill in reading demonstrate that the student is 2073  
academically prepared, as determined pursuant to the district 2074  
policy adopted under section 3313.609 of the Revised Code, to be 2075  
promoted to fifth grade; 2076

(2) Promote the student to fifth grade but provide the 2077  
student with intensive intervention services in fifth grade; 2078

(3) Retain the student in fourth grade. 2079

This section does not apply to any student excused from 2080  
taking such test under division (C)(1) of section 3301.0711 of the 2081  
Revised Code. 2082

(C)(1) To assist students in meeting this fourth grade 2083

guarantee established by this section, each ~~city, exempted~~ 2084  
~~village, and local~~ school district shall adopt policies and 2085  
procedures with which it shall, ~~beginning in the school year that~~ 2086  
~~starts July 1, 1998,~~ annually assess the reading skills of each 2087  
student at the end of first, second, and third grade and identify 2088  
students who are reading below their grade level. The policy and 2089  
procedures shall require the students' classroom teachers to be 2090  
involved in the assessment and the identification of students 2091  
reading below grade level. The district shall notify the parent or 2092  
guardian of each student whose reading skills are below grade 2093  
level and, in accordance with division ~~(C)~~(D) of this section, 2094  
provide intervention services to each student reading below grade 2095  
level. Such intervention services shall include instruction in 2096  
intensive, systematic phonetics pursuant to rules adopted by the 2097  
state board of education. 2098

(2) For each student identified as reading below grade level 2099  
at the end of third grade, the district shall offer intense 2100  
remediation services during the summer following third grade. 2101

(3) For each student entering fourth grade after July 1, 2102  
2001, who does not attain by the end of the fourth grade ~~the at~~ 2103  
least a score designated under division (A)(1) of section 2104  
3301.0710 of the Revised Code on the test prescribed under that 2105  
division to measure skill in reading in the range designated under 2106  
division (A)(2) of this section, the district also shall offer 2107  
intense remediation services, and another opportunity to take that 2108  
test, during the summer following fourth grade. 2109

~~(C)~~(D) For each student required to be offered ~~remediation~~ 2110  
intervention services under this section, the district shall 2111  
involve the student's parent or guardian and classroom teacher in 2112  
developing the intervention strategy, and shall offer to the 2113  
parent or guardian the opportunity to be involved in the 2114  
intervention services. 2115

~~(D) Beginning in the summer of 1999, in~~ (E) In addition to 2116  
the remediation requirements of ~~divisions (B) and~~ division (C) of 2117  
this section, every city, exempted village, or local school 2118  
district shall offer summer remediation to any student who has 2119  
failed to attain the designated scores indicating proficiency on 2120  
three or more of the five tests described by former division 2121  
(A)(1) or (2) of section 3301.0710 of the Revised Code. 2122

~~(E)~~(F) Any summer remediation services funded in whole or in 2123  
part by the state and offered by school districts to students 2124  
under this section shall meet the following conditions: 2125

(1) The remediation methods are based on reliable educational 2126  
research. 2127

(2) The school districts conduct testing before and after 2128  
students participate in the program to facilitate monitoring 2129  
results of the remediation services. 2130

(3) The parents of participating students are involved in 2131  
programming decisions. 2132

(4) The services are conducted in a school building or 2133  
community center and not on an at-home basis. 2134

(G) This section does not create a new cause of action or a 2135  
substantive legal right for any person. 2136

**Sec. 3313.6011.** (A) As used in this section, "sexual 2137  
activity" has the same meaning as in section 2907.01 of the 2138  
Revised Code. 2139

(B) Instruction in venereal disease education pursuant to 2140  
division(A)(5)(c) of section 3313.60 of the Revised Code shall 2141  
emphasize that abstinence from sexual activity is the only 2142  
protection that is one hundred per cent effective against unwanted 2143  
pregnancy, sexually transmitted disease, and the sexual 2144  
transmission of a virus that causes acquired immunodeficiency 2145

syndrome. 2146

(C) In adopting minimum standards under section 3301.07 of 2147  
the Revised Code, the state board of education shall require 2148  
course material and instruction in venereal disease education 2149  
courses taught pursuant to division (A)(5)(c) of section 3313.60 2150  
of the Revised Code to do all of the following: 2151

(1) Stress that students should abstain from sexual activity 2152  
until after marriage; 2153

(2) Teach the potential physical, psychological, emotional, 2154  
and social side effects of participating in sexual activity 2155  
outside of marriage; 2156

(3) Teach that conceiving children out of wedlock is likely 2157  
to have harmful consequences for the child, the child's parents, 2158  
and society; 2159

(4) Stress that sexually transmitted diseases are serious 2160  
possible hazards of sexual activity; 2161

(5) Advise students of the laws pertaining to financial 2162  
responsibility of parents to children born in and out of wedlock; 2163

(6) Advise students of the circumstances under which it is 2164  
criminal to have sexual contact with a person under the age of 2165  
sixteen pursuant to section 2907.04 of the Revised Code. 2166

(D) Any model ~~competency-based~~ education program for health 2167  
education the state board of education adopts ~~under section~~ 2168  
~~3301.0716 of the Revised Code~~ shall conform to the requirements of 2169  
this section. 2170

(E) On and after ~~the effective date of this section~~ March 18, 2171  
1999, and notwithstanding section 3302.07 of the Revised Code, the 2172  
superintendent of public instruction shall not approve, pursuant 2173  
to section 3302.07 of the Revised Code, any waiver of any 2174  
requirement of this section or of any rule adopted by the state 2175

board of education pursuant to this section.

2176

Sec. 3313.6012. (A) The board of education of each city,  
exempted village, and local school district shall adopt a policy  
governing the conduct of academic prevention/intervention services  
for all grades and all schools throughout the district. The board  
shall update the policy annually. The policy shall include, but  
not be limited to, all of the following:

2177

2178

2179

2180

2181

2182

(1) Procedures for using diagnostic assessments to measure  
student progress toward the attainment of academic standards and  
to identify students who may not attain the academic standards;

2183

2184

2185

(2) A plan for the design of classroom-based intervention  
services to meet the instructional needs of individual students as  
determined by the results of diagnostic assessments;

2186

2187

2188

(3) Procedures for the regular collection of student  
performance data;

2189

2190

(4) Procedures for using student performance data to evaluate  
the effectiveness of intervention services and, if necessary, to  
modify such services.

2191

2192

2193

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

2194

2195

2196

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

2197

2198

2199

2200

2201

2202

2203

2204

2205



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

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

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

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

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

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

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.

(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.

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  
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 2267  
been exempted or excused from any such test pursuant to division 2268  
(H) or (L) of this section ~~or division (C)(1) of section 3301.0711~~ 2269  
or section 3313.532 of the Revised Code. 2270

(D) Each diploma awarded under this section shall be signed 2271  
by the president and treasurer of the issuing board, the 2272  
superintendent of schools, and the principal of the high school. 2273  
Each diploma shall bear the date of its issue, be in such form as 2274  
the district board prescribes, and be paid for out of the 2275  
district's general fund. 2276

(E) A person who is a resident of Ohio and is eligible under 2277  
state board of education minimum standards to receive a high 2278  
school diploma based in whole or in part on credits earned while 2279  
an inmate of a correctional institution operated by the state or 2280  
any political subdivision thereof, shall be granted such diploma 2281  
by the correctional institution operating the programs in which 2282  
such credits were earned, and by the board of education of the 2283  
school district in which the inmate resided immediately prior to 2284  
the inmate's placement in the institution. The diploma granted by 2285  
the correctional institution shall be signed by the director of 2286  
the institution, and by the person serving as principal of the 2287  
institution's high school and shall bear the date of issue. 2288

(F) Persons who are not residents of Ohio but who are inmates 2289  
of correctional institutions operated by the state or any 2290  
political subdivision thereof, and who are eligible under state 2291  
board of education minimum standards to receive a high school 2292  
diploma based in whole or in part on credits earned while an 2293  
inmate of the correctional institution, shall be granted a diploma 2294  
by the correctional institution offering the program in which the 2295  
credits were earned. The diploma granted by the correctional 2296  
institution shall be signed by the director of the institution and 2297  
by the person serving as principal of the institution's high 2298

school and shall bear the date of issue. 2299

(G) The state board of education shall provide by rule for 2300  
the administration of the tests required by section 3301.0710 of 2301  
the Revised Code to inmates of correctional institutions. 2302

(H) Any person to whom all of the following apply shall be 2303  
exempted from attaining the applicable score on the test in social 2304  
studies designated under division (B) of section 3301.0710 of the 2305  
Revised Code or the test in citizenship designated under former 2306  
division (B) of section 3301.0710 of the Revised Code as it 2307  
existed prior to the effective date of this amendment: 2308

(1) The person is not a citizen of the United States; 2309

(2) The person is not a permanent resident of the United 2310  
States; 2311

(3) The person indicates no intention to reside in the United 2312  
States after the completion of high school. 2313

(I) Notwithstanding division (D) of section 3311.19 and 2314  
division (D) of section 3311.52 of the Revised Code, this section 2315  
and section 3311.611 of the Revised Code do not apply to the board 2316  
of education of any joint vocational school district or any 2317  
cooperative education school district established pursuant to 2318  
divisions (A) to (C) of section 3311.52 of the Revised Code. 2319

(J) Upon receipt of a notice under division (D) of section 2320  
3325.08 of the Revised Code that a student has received a diploma 2321  
under that section, the board of education receiving the notice 2322  
may grant a high school diploma under this section to the student, 2323  
except that such board shall grant the student a diploma if the 2324  
student meets the graduation requirements that the student would 2325  
otherwise have had to meet to receive a diploma from the district. 2326  
The diploma granted under this section shall be of the same type 2327  
the notice indicates the student received under section 3325.08 of 2328  
the Revised Code. 2329

(K) As used in this division, "English-limited student" has 2330  
the same meaning as in division (C)(3) of section 3301.0711 of the 2331  
Revised Code. 2332

Notwithstanding the exemption for English-limited students 2333  
provided in division (C)(3) of section 3301.0711 of the Revised 2334  
Code, no English-limited student who has not attained the 2335  
applicable scores designated under division (B) of section 2336  
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2337  
required by that division shall be awarded a diploma under this 2338  
section. 2339

(L) Any student described by division (A)(1) of this section 2340  
may be awarded a diploma without attaining the applicable scores 2341  
designated on the tests prescribed under division (B) of section 2342  
3301.0710 of the Revised Code provided an individualized education 2343  
program specifically exempts the student from attaining such 2344  
scores. This division does not negate the requirement for such a 2345  
student to take all such tests or alternate assessments required 2346  
by division (C)(1) of section 3301.0711 of the Revised Code for 2347  
the purpose of assessing student progress as required by federal 2348  
law. 2349

**Sec. 3313.611.** (A) The state board of education shall adopt, 2350  
by rule, standards for awarding high school credit equivalent to 2351  
credit for completion of high school academic and vocational 2352  
education courses to applicants for diplomas under this section. 2353  
The standards may permit high school credit to be granted to an 2354  
applicant for any of the following: 2355

(1) Work experiences or experiences as a volunteer; 2356

(2) Completion of academic, vocational, or self-improvement 2357  
courses offered to persons over the age of twenty-one by a 2358  
chartered public or nonpublic school; 2359

(3) Completion of academic, vocational, or self-improvement 2360  
courses offered by an organization, individual, or educational 2361  
institution other than a chartered public or nonpublic school; 2362

(4) Other life experiences considered by the board to provide 2363  
knowledge and learning experiences comparable to that gained in a 2364  
classroom setting. 2365

(B) The board of education of any city, exempted village, or 2366  
local school district that operates a high school shall grant a 2367  
diploma of adult education to any applicant if all of the 2368  
following apply: 2369

(1) The applicant is a resident of the district; 2370

(2) The applicant is over the age of twenty-one and has not 2371  
been issued a diploma as provided in section 3313.61 of the 2372  
Revised Code; 2373

(3) The Subject to section 3313.614 of the Revised Code, the 2374  
applicant ~~has~~ either: 2375

(a) Has attained the applicable scores designated under 2376  
division (B) of section 3301.0710 of the Revised Code on all of 2377  
the tests required by that division or was excused or exempted 2378  
from any such test pursuant to ~~division (C)(1) of section~~ 2379  
~~3301.0711~~, section 3313.532, or division (H) or (L) of section 2380  
3313.61 of the Revised Code; 2381

(b) Has satisfied the alternative conditions prescribed in 2382  
section 3313.615 of the Revised Code. 2383

(4) The district board determines, in accordance with the 2384  
standards adopted under division (A) of this section, that the 2385  
applicant has attained sufficient high school credits, including 2386  
equivalent credits awarded under such standards, to qualify as 2387  
having successfully completed the curriculum required by the 2388  
district for graduation. 2389

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

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

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

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

**Sec. 3313.612.** ~~On and after September 15, 1998, no~~ (A) No nonpublic school chartered by the state board of education shall grant any high school diploma to any person unless the person 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 ~~except as follows:~~, or has satisfied the alternative

conditions prescribed in section 3313.615 of the Revised Code. 2421

~~(A)(B)~~ This ~~prohibition section~~ does not apply to ~~any either~~ 2422  
of the following: 2423

(1) Any person with regard to any test from which the person 2424  
was excused pursuant to division (C)(1)(c) of section 3301.0711 of 2425  
the Revised Code; 2426

~~(B) This prohibition does not apply to any~~ (2) Any person 2427  
with regard to the ~~citizenship~~ social studies test or the 2428  
citizenship test under former division (B) of section 3301.0710 of 2429  
the Revised Code as it existed prior to the effective date of this 2430  
amendment if all of the following apply: 2431

~~(1)(a)~~ The person is not a citizen of the United States; 2432

~~(2)(b)~~ The person is not a permanent resident of the United 2433  
States; 2434

~~(3)(c)~~ The person indicates no intention to reside in the 2435  
United States after completion of high school. 2436

(C) As used in this division, "English-limited student" has 2437  
the same meaning as in division (C)(3) of section 3301.0711 of the 2438  
Revised Code. 2439

Notwithstanding the exemption for English-limited students 2440  
provided in division (C)(3) of section 3301.0711 of the Revised 2441  
Code, no English-limited student who has not attained the 2442  
applicable scores designated under division (B) of section 2443  
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2444  
required by that division shall be awarded a diploma under this 2445  
section. 2446

**Sec. 3313.614.** (A) As used in this section, a person 2447  
"fulfills the curriculum requirement for a diploma" at the time 2448  
one of the following conditions is satisfied: 2449



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

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

(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.

(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.

(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.

(2) Except as provided in division (B)(3) of this section, a person who fulfills the curriculum requirement for a diploma prior to September 15, 2006, is not required to pass the Ohio graduation test in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. For this purpose, the ninth grade proficiency test in citizenship substitutes for the Ohio graduation test in social studies. If a person fulfills the curriculum requirement for a diploma prior to September 15, 2006, but does not pass a ninth grade proficiency test in a particular subject before September 15, 2008, and passage of a test in that subject is a condition for the person to receive a diploma, the

person must pass the Ohio graduation test in that subject to  
receive a diploma.

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

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

**Sec. 3313.615.** This section shall apply to diplomas awarded  
after September 15, 2006, to students who are required to take the  
five Ohio graduation tests prescribed by division (B) of section  
3301.0710 of the Revised Code.

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

division (B) of section 3313.612, or section 3313.532 of the 2512  
Revised Code, may be awarded a diploma or honors diploma if the 2513  
person has satisfied all of the following conditions: 2514

(1) On the one test required under division (B) of section 2515  
3301.0710 of the Revised Code for which the person failed to 2516  
attain the designated score, the person missed that score by ten 2517  
points or less; 2518

(2) Has a ninety-seven per cent school attendance rate in 2519  
each of the last four school years, excluding any excused 2520  
absences; 2521

(3) Has not been expelled from school under section 3313.66 2522  
of the Revised Code in any of the last four school years; 2523

(4) Has a grade point average of at least 2.5 out of 4.0, or 2524  
its equivalent as designated in rules adopted by the state board 2525  
of education in the subject area of the test required under 2526  
division (B) of section 3301.0710 of the Revised Code for which 2527  
the person failed to attain the designated score; 2528

(5) Has completed the high school curriculum requirements 2529  
prescribed in section 3313.603 of the Revised Code in the subject 2530  
area described in division (A)(4) of this section; 2531

(6) Has taken advantage of any intervention programs provided 2532  
by the school district or school in the subject area described in 2533  
division (A)(4) of this section and has a ninety-seven per cent 2534  
attendance rate, excluding any excused absences, in any of those 2535  
programs that are provided at times beyond the normal school day, 2536  
school week, or school year or has received comparable 2537  
intervention services from a source other than the school district 2538  
or school; 2539

(7) Holds a letter recommending graduation from each of the 2540  
person's high school teachers in the subject area described in 2541  
division (A)(4) of this section and from the person's high school 2542

principal. 2543

(B) The state board of education shall establish rules 2544  
designating grade point averages equivalent to the average 2545  
specified in division (A)(4) of this section for use by school 2546  
districts and schools with different grading systems. 2547

**Sec. 3313.978.** (A) Annually by the first day of November, the 2548  
superintendent of public instruction shall notify the pilot 2549  
project school district of the number of initial scholarships that 2550  
the state superintendent will be awarding in each of grades 2551  
kindergarten through third. 2552

The state superintendent shall provide information about the 2553  
scholarship program to all students residing in the district, 2554  
shall accept applications from any such students until such date 2555  
as shall be established by the state superintendent as a deadline 2556  
for applications, and shall establish criteria for the selection 2557  
of students to receive scholarships from among all those applying 2558  
prior to the deadline, which criteria shall give preference to 2559  
students from low-income families. For each student selected, the 2560  
state superintendent shall also determine whether the student 2561  
qualifies for seventy-five or ninety per cent of the scholarship 2562  
amount. Students whose family income is at or above two hundred 2563  
per cent of the maximum income level established by the state 2564  
superintendent for low-income families shall qualify for 2565  
seventy-five per cent of the scholarship amount and students whose 2566  
family income is below two hundred per cent of that maximum income 2567  
level shall qualify for ninety per cent of the scholarship amount. 2568  
The state superintendent shall notify students of their selection 2569  
prior to the fifteenth day of January and whether they qualify for 2570  
seventy-five or ninety per cent of the scholarship amount. 2571

(1) A student receiving a pilot project scholarship may 2572  
utilize it at an alternative public school by notifying the 2573

district superintendent, at any time before the beginning of the 2574  
school year, of the name of the public school in an adjacent 2575  
school district to which the student has been accepted pursuant to 2576  
section 3327.06 of the Revised Code. 2577

(2) A student may decide to utilize a pilot project 2578  
scholarship at a registered private school in the district if all 2579  
of the following conditions are met: 2580

(a) By the fifteenth day of February of the preceding school 2581  
year, or at any time prior to the start of the school year, the 2582  
parent makes an application on behalf of the student to a 2583  
registered private school. 2584

(b) The registered private school notifies the parent and the 2585  
state superintendent as follows that the student has been 2586  
admitted: 2587

(i) By the fifteenth day of March of the preceding school 2588  
year if the student filed an application by the fifteenth day of 2589  
February and was admitted by the school pursuant to division (A) 2590  
of section 3313.977 of the Revised Code; 2591

(ii) Within one week of the decision to admit the student if 2592  
the student is admitted pursuant to division (C) of section 2593  
3313.977 of the Revised Code. 2594

(c) The student actually enrolls in the registered private 2595  
school to which the student was first admitted or in another 2596  
registered private school in the district or in a public school in 2597  
an adjacent school district. 2598

(B) The state superintendent shall also award in any school 2599  
year tutorial assistance grants to a number of students equal to 2600  
the number of students who receive scholarships under division (A) 2601  
of this section. Tutorial assistance grants shall be awarded 2602  
solely to students who are enrolled in the public schools of the 2603  
district in a grade level covered by the pilot project. Tutorial 2604

assistance grants may be used solely to obtain tutorial assistance 2605  
from a provider approved pursuant to division (D) of section 2606  
3313.976 of the Revised Code. 2607

All students wishing to obtain tutorial assistance grants 2608  
shall make application to the state superintendent by the first 2609  
day of the school year in which the assistance will be used. The 2610  
state superintendent shall award assistance grants in accordance 2611  
with criteria the superintendent shall establish. For each student 2612  
awarded a grant, the state superintendent shall also determine 2613  
whether the student qualifies for seventy-five or ninety per cent 2614  
of the grant amount and so notify the student. Students whose 2615  
family income is at or above two hundred per cent of the maximum 2616  
income level established by the state superintendent for 2617  
low-income families shall qualify for seventy-five per cent of the 2618  
grant amount and students whose family income is below two hundred 2619  
per cent of that maximum income level shall qualify for ninety per 2620  
cent of the grant amount. 2621

(C)(1) In the case of basic scholarships, the scholarship 2622  
amount shall not exceed the lesser of the tuition charges of the 2623  
alternative school the scholarship recipient attends or an amount 2624  
established by the state superintendent not in excess of 2625  
twenty-five hundred dollars. 2626

(2) The state superintendent shall provide for an increase in 2627  
the basic scholarship amount in the case of any student who is a 2628  
mainstreamed handicapped student and shall further increase such 2629  
amount in the case of any separately educated handicapped child. 2630  
Such increases shall take into account the instruction, related 2631  
services, and transportation costs of educating such students. 2632

(3) In the case of tutorial assistance grants, the grant 2633  
amount shall not exceed the lesser of the provider's actual 2634  
charges for such assistance or a percentage established by the 2635  
state superintendent, not to exceed twenty per cent, of the amount 2636

of the pilot project school district's average basic scholarship  
amount. 2637  
2638

(4) No scholarship or tutorial assistance grant shall be 2639  
awarded unless the state superintendent determines that 2640  
twenty-five or ten per cent, as applicable, of the amount 2641  
specified for such scholarship or grant pursuant to division 2642  
(C)(1), (2), or (3) of this section will be furnished by a 2643  
political subdivision, a private nonprofit or for profit entity, 2644  
or another person. Only seventy-five or ninety per cent of such 2645  
amounts, as applicable, shall be paid from state funds pursuant to 2646  
section 3313.979 of the Revised Code. 2647

(D)(1) Annually by the first day of November, the state 2648  
superintendent shall estimate the maximum per-pupil scholarship 2649  
amounts for the ensuing school year. The state superintendent 2650  
shall make this estimate available to the general public at the 2651  
offices of the district board of education together with the forms 2652  
required by division (D)(2) of this section. 2653

(2) Annually by the fifteenth day of January, the chief 2654  
administrator of each registered private school located in the 2655  
pilot project district and the principal of each public school in 2656  
such district shall complete a parental information form and 2657  
forward it to the president of the board of education. The 2658  
parental information form shall be prescribed by the department of 2659  
education and shall provide information about the grade levels 2660  
offered, the numbers of students, tuition amounts, ~~proficiency~~ 2661  
~~examination~~ achievement test results, and any sectarian or other 2662  
organizational affiliations. 2663

**Sec. 3314.03.** (A) Each contract entered into under section 2664  
3314.02 of the Revised Code between a sponsor and the governing 2665  
authority of a community school shall specify the following: 2666

(1) That the school shall be established as a nonprofit 2667

corporation established under Chapter 1702. of the Revised Code; 2668

(2) The education program of the school, including the 2669  
school's mission, the characteristics of the students the school 2670  
is expected to attract, the ages and grades of students, and the 2671  
focus of the curriculum; 2672

(3) The academic goals to be achieved and the method of 2673  
measurement that will be used to determine progress toward those 2674  
goals, which shall include the statewide proficiency achievement 2675  
tests; 2676

(4) Performance standards by which the success of the school 2677  
will be evaluated by the sponsor; 2678

(5) The admission standards of section 3314.06 of the Revised 2679  
Code; 2680

(6) Dismissal procedures; 2681

(7) The ways by which the school will achieve racial and 2682  
ethnic balance reflective of the community it serves; 2683

(8) Requirements and procedures for financial audits by the 2684  
auditor of state. The contract shall require financial records of 2685  
the school to be maintained in the same manner as are financial 2686  
records of school districts, pursuant to rules of the auditor of 2687  
state, and the audits shall be conducted in accordance with 2688  
section 117.10 of the Revised Code. 2689

(9) The facilities to be used and their locations; 2690

(10) Qualifications of teachers, including a requirement that 2691  
the school's classroom teachers be licensed in accordance with 2692  
sections 3319.22 to 3319.31 of the Revised Code, except that a 2693  
community school may engage noncertificated persons to teach up to 2694  
twelve hours per week pursuant to section 3319.301 of the Revised 2695  
Code; 2696

(11) That the school will comply with the following 2697



requirements: 2698

(a) The school will provide learning opportunities to a 2699  
minimum of twenty-five students for a minimum of nine hundred 2700  
twenty hours per school year; 2701

(b) The governing authority will purchase liability 2702  
insurance, or otherwise provide for the potential liability of the 2703  
school; 2704

(c) The school will be nonsectarian in its programs, 2705  
admission policies, employment practices, and all other 2706  
operations, and will not be operated by a sectarian school or 2707  
religious institution; 2708

(d) The school will comply with divisions (A), (B), and (C) 2709  
of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22, 2710  
149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 2711  
3301.0712, 3301.0714, 3313.50, 3313.643, 3313.66, 3313.661, 2712  
3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2713  
3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, 2714  
and 4113.52 and Chapters 117., 1347., 2744., 3365., 4112., 4123., 2715  
4141., and 4167. of the Revised Code as if it were a school 2716  
district; 2717

(e) The school shall comply with Chapter 102. of the Revised 2718  
Code except that nothing in that chapter shall prohibit a member 2719  
of the school's governing board from also being an employee of the 2720  
school and nothing in that chapter or section 2921.42 of the 2721  
Revised Code shall prohibit a member of the school's governing 2722  
board from having an interest in a contract into which the 2723  
governing board enters; 2724

(f) The school will comply with sections 3313.61 ~~and~~, 2725  
3313.611, and 3313.614 of the Revised Code, except that the 2726  
requirement in ~~those~~ sections 3313.61 and 3313.611 of the Revised 2727  
Code that a person must successfully complete the curriculum in 2728

any high school prior to receiving a high school diploma may be 2729  
met by completing the curriculum adopted by the governing 2730  
authority of the community school rather than the curriculum 2731  
specified in Title XXXIII of the Revised Code or any rules of the 2732  
state board of education; 2733

(g) The school governing authority will submit an annual 2734  
report of its activities and progress in meeting the goals and 2735  
standards of divisions (A)(3) and (4) of this section and its 2736  
financial status to the sponsor, the parents of all students 2737  
enrolled in the school, and the legislative office of education 2738  
oversight. The school will collect and provide any data that the 2739  
legislative office of education oversight requests in furtherance 2740  
of any study or research that the general assembly requires the 2741  
office to conduct, including the studies required under Section 2742  
50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and 2743  
Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general 2744  
assembly, as amended. 2745

(12) Arrangements for providing health and other benefits to 2746  
employees; 2747

(13) The length of the contract, which shall begin at the 2748  
beginning of an academic year and shall not exceed five years; 2749

(14) The governing authority of the school, which shall be 2750  
responsible for carrying out the provisions of the contract; 2751

(15) A financial plan detailing an estimated school budget 2752  
for each year of the period of the contract and specifying the 2753  
total estimated per pupil expenditure amount for each such year. 2754  
The plan shall specify for each year the base formula amount that 2755  
will be used for purposes of funding calculations under section 2756  
3314.08 of the Revised Code. This base formula amount for any year 2757  
shall not exceed the formula amount defined under section 3317.02 2758  
of the Revised Code. The plan may also specify for any year a 2759  
percentage figure to be used for reducing the per pupil amount of 2760

disadvantaged pupil impact aid calculated pursuant to section 2761  
3317.029 of the Revised Code the school is to receive that year 2762  
under section 3314.08 of the Revised Code. 2763

(16) Requirements and procedures regarding the disposition of 2764  
employees of the school in the event the contract is terminated or 2765  
not renewed pursuant to section 3314.07 of the Revised Code; 2766

(17) Whether the school is to be created by converting all or 2767  
part of an existing public school or is to be a new start-up 2768  
school, and if it is a converted public school, specification of 2769  
any duties or responsibilities of an employer that the board of 2770  
education that operated the school before conversion is delegating 2771  
to the governing board of the community school with respect to all 2772  
or any specified group of employees provided the delegation is not 2773  
prohibited by a collective bargaining agreement applicable to such 2774  
employees; 2775

(18) Provisions establishing procedures for resolving 2776  
disputes or differences of opinion between the sponsor and the 2777  
governing authority of the community school; 2778

(19) A provision requiring the governing authority to adopt a 2779  
policy regarding the admission of students who reside outside the 2780  
district in which the school is located. That policy shall comply 2781  
with the admissions procedures specified in section 3314.06 of the 2782  
Revised Code and, at the sole discretion of the authority, shall 2783  
do one of the following: 2784

(a) Prohibit the enrollment of students who reside outside 2785  
the district in which the school is located; 2786

(b) Permit the enrollment of students who reside in districts 2787  
adjacent to the district in which the school is located; 2788

(c) Permit the enrollment of students who reside in any other 2789  
district in the state. 2790

(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.

**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.

(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.

(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.

(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.

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

**Sec. 3317.012.** (A) The general assembly, having analyzed school district expenditure and cost data for fiscal year 1996, performed the calculation described in division (B) of this section, and adjusted the results for inflation, hereby determines that the base cost of an adequate education per pupil for the fiscal year beginning July 1, 1998, is \$4,063. For the five following fiscal years, the base cost per pupil for each of those years, reflecting an annual rate of inflation of two and

eight-tenths per cent, is \$4,177 for fiscal year 2000, \$4,294 for 2851  
fiscal year 2001, \$4,414 for fiscal year 2002, \$4,538 for fiscal 2852  
year 2003, and \$4,665 for fiscal year 2004. 2853

(B) In determining the base cost stated in division (A) of 2854  
this section, capital and debt costs, costs paid for by federal 2855  
funds, and costs covered by funds provided pursuant to sections 2856  
3317.023 and 3317.024 of the Revised Code as they existed prior to 2857  
July 1, 1998, for disadvantaged pupil impact aid and 2858  
transportation were excluded, as were the effects on the 2859  
districts' state funds of the application of the 2860  
cost-of-doing-business factors, assuming an eighteen per cent 2861  
variance. 2862

The base cost for fiscal year 1996 was calculated as the 2863  
unweighted average cost per student, on a school district basis, 2864  
of educating students who were not receiving vocational education 2865  
or services pursuant to Chapter 3323. of the Revised Code and who 2866  
were enrolled in a city, exempted village, or local school 2867  
district that in fiscal year 1994 met all of the following 2868  
criteria: 2869

(1) The district met at least all but one of the following 2870  
performance ~~standards~~ indicators: 2871

(a) A three per cent or lower dropout rate; 2872

(b) At least seventy-five per cent of fourth graders 2873  
proficient on the mathematics test prescribed under former 2874  
division (A)(1) of section 3301.0710 of the Revised Code; 2875

(c) At least seventy-five per cent of fourth graders 2876  
proficient on the reading test prescribed under former division 2877  
(A)(1) of section 3301.0710 of the Revised Code; 2878

(d) At least seventy-five per cent of fourth graders 2879  
proficient on the writing test prescribed under former division 2880  
(A)(1) of section 3301.0710 of the Revised Code; 2881

(e) At least seventy-five per cent of fourth graders	2882
proficient on the citizenship test prescribed under <u>former</u>	2883
division (A)(1) of section 3301.0710 of the Revised Code;	2884
(f) At least seventy-five per cent of ninth graders	2885
proficient on the mathematics test prescribed under former	2886
division (B) of section 3301.0710 of the Revised Code;	2887
(g) At least seventy-five per cent of ninth graders	2888
proficient on the reading test prescribed under former division	2889
(B) of section 3301.0710 of the Revised Code;	2890
(h) At least seventy-five per cent of ninth graders	2891
proficient on the writing test prescribed under former division	2892
(B) of section 3301.0710 of the Revised Code;	2893
(i) At least seventy-five per cent of ninth graders	2894
proficient on the citizenship test prescribed under former	2895
division (B) of section 3301.0710 of the Revised Code;	2896
(j) At least eighty-five per cent of tenth graders proficient	2897
on the mathematics test prescribed under former division (B) of	2898
section 3301.0710 of the Revised Code;	2899
(k) At least eighty-five per cent of tenth graders proficient	2900
on the reading test prescribed under former division (B) of	2901
section 3301.0710 of the Revised Code;	2902
(l) At least eighty-five per cent of tenth graders proficient	2903
on the writing test prescribed under former division (B) of	2904
section 3301.0710 of the Revised Code;	2905
(m) At least eighty-five per cent of tenth graders proficient	2906
on the citizenship test prescribed under former division (B) of	2907
section 3301.0710 of the Revised Code;	2908
(n) At least sixty per cent of twelfth graders proficient on	2909
the mathematics test prescribed under <u>former</u> division (A)(3) of	2910
section 3301.0710 of the Revised Code;	2911

(o) At least sixty per cent of twelfth graders proficient on 2912  
the reading test prescribed under former division (A)(3) of 2913  
section 3301.0710 of the Revised Code; 2914

(p) At least sixty per cent of twelfth graders proficient on 2915  
the writing test prescribed under former division (A)(3) of 2916  
section 3301.0710 of the Revised Code; 2917

(q) At least sixty per cent of twelfth graders proficient on 2918  
the citizenship test prescribed under former division (A)(3) of 2919  
section 3301.0710 of the Revised Code; 2920

(r) An attendance rate for the year of at least ninety-three 2921  
per cent as defined in section 3302.01 of the Revised Code. 2922

(2) The district was not among the ten per cent of all 2923  
districts with the highest income factors, as defined in section 2924  
3317.02 of the Revised Code, nor among the ten per cent of all 2925  
districts with the lowest income factors. 2926

(3) The district was not among the five per cent of all 2927  
districts with the highest valuation per pupil in ADM, as reported 2928  
under division (A) of section 3317.03 of the Revised Code as it 2929  
existed prior to July 1, 1998, nor among the five per cent of all 2930  
districts with the lowest valuation per pupil. 2931

(C) In July of 2000, and in July of every six years 2932  
thereafter, the speaker of the house of representatives and the 2933  
president of the senate shall each appoint three members to a 2934  
committee to reexamine the cost of an adequate education. No more 2935  
than two members from any political party shall represent each 2936  
house. The director of budget and management and the 2937  
superintendent of public instruction shall serve as nonvoting ex 2938  
officio members of the committee. 2939

The committee shall select a rational methodology for 2940  
calculating the costs of an adequate education system for the 2941  
ensuing six-year period, and shall report the methodology and the 2942



resulting costs to the general assembly. In performing its 2943  
function, the committee is not bound by any method used by 2944  
previous general assemblies to examine and calculate costs and 2945  
instead may utilize any rational method it deems suitable and 2946  
reasonable given the educational needs and requirements of the 2947  
state at that time. 2948

The methodology for determining the cost of an adequate 2949  
education system shall take into account the basic educational 2950  
costs that all districts incur in educating regular students, the 2951  
unique needs of special categories of students, and significant 2952  
special conditions encountered by certain classifications of 2953  
school districts. 2954

Any committee appointed pursuant to this section shall make 2955  
its report to the office of budget and management and the general 2956  
assembly within six months of its appointment so that the 2957  
information is available for use by the office and the general 2958  
assembly in preparing the next biennial appropriations act. 2959

**Sec. 3317.029.** (A) As used in this section: 2960

(1) "DPIA percentage" means the quotient obtained by dividing 2961  
the five-year average number of children ages five to seventeen 2962  
residing in the school district and living in a family receiving 2963  
family assistance, as certified or adjusted under section 3317.10 2964  
of the Revised Code, by the district's three-year average formula 2965  
ADM. 2966

(2) "Family assistance" means assistance received under the 2967  
Ohio works first program or, for the purpose of determining the 2968  
five-year average number of recipients of family assistance in 2969  
fiscal years 1999 through 2002, assistance received under an 2970  
antecedent program known as TANF or ADC. 2971

(3) "Statewide DPIA percentage" means the five-year average 2972

of the total number of children ages five to seventeen years 2973  
residing in the state and receiving family assistance, divided by 2974  
the sum of the three-year average formula ADMs for all school 2975  
districts in the state. 2976

(4) "DPIA index" means the quotient obtained by dividing the 2977  
school district's DPIA percentage by the statewide DPIA 2978  
percentage. 2979

(5) "Kindergarten ADM" means the number of students reported 2980  
under section 3317.03 of the Revised Code as enrolled in 2981  
kindergarten. 2982

(6) "Kindergarten through third grade ADM" means the amount 2983  
calculated as follows: 2984

(a) Multiply the kindergarten ADM by the sum of one plus the 2985  
all-day kindergarten percentage; 2986

(b) Add the number of students in grades one through three; 2987

(c) Subtract from the sum calculated under division (A)(6)(b) 2988  
of this section the number of special education students in grades 2989  
kindergarten through three. 2990

(7) "Statewide average teacher salary" means forty thousand 2991  
one hundred eighty-seven dollars in fiscal year 2000, and 2992  
forty-one thousand three hundred twelve dollars in fiscal year 2993  
2001, which includes an amount for the value of fringe benefits. 2994

(8) "All-day kindergarten" means a kindergarten class that is 2995  
in session five days per week for not less than the same number of 2996  
clock hours each day as for pupils in grades one through six. 2997

(9) "All-day kindergarten percentage" means the percentage of 2998  
a district's actual total number of students enrolled in 2999  
kindergarten who are enrolled in all-day kindergarten. 3000

(10) "Buildings with the highest concentration of need" means 3001  
the school buildings in a district with percentages of students 3002

receiving family assistance in grades kindergarten through three 3003  
at least as high as the district-wide percentage of students 3004  
receiving family assistance. If, however, the information provided 3005  
by the department of job and family services under section 3317.10 3006  
of the Revised Code is insufficient to determine the family 3007  
assistance percentage in each building, "buildings with the 3008  
highest concentration of need" has the meaning given in rules that 3009  
the department of education shall adopt. The rules shall base the 3010  
definition of "buildings with the highest concentration of need" 3011  
on family income of students in grades kindergarten through three 3012  
in a manner that, to the extent possible with available data, 3013  
approximates the intent of this division and division (G) of this 3014  
section to designate buildings where the family assistance 3015  
percentage in those grades equals or exceeds the district-wide 3016  
family assistance percentage. 3017

(B) In addition to the amounts required to be paid to a 3018  
school district under section 3317.022 of the Revised Code, a 3019  
school district shall receive the greater of the amount the 3020  
district received in fiscal year 1998 pursuant to division (B) of 3021  
section 3317.023 of the Revised Code as it existed at that time or 3022  
the sum of the computations made under divisions (C) to (E) of 3023  
this section. 3024

(C) A supplemental payment that may be utilized for measures 3025  
related to safety and security and for remediation or similar 3026  
programs, calculated as follows: 3027

(1) If the DPIA index of the school district is greater than 3028  
or equal to thirty-five-hundredths, but less than one, an amount 3029  
obtained by multiplying the five-year average number of pupils in 3030  
a district receiving family assistance by two hundred thirty 3031  
dollars; 3032

(2) If the DPIA index of the school district is greater than 3033  
or equal to one, an amount obtained by multiplying the DPIA index 3034

by two hundred thirty dollars and multiplying that product by the  
five-year average number of pupils in a district receiving family  
assistance.

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

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

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

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

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

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

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

(c) If the DPIA index of the school district is greater than

or equal to two and one-half, the formula number of teachers is 3066  
66.667, which is the number of teachers per one thousand students 3067  
at a student-teacher ratio of fifteen to one. 3068

(2) Multiply the formula number of teachers determined or 3069  
calculated in division (E)(1) of this section by the kindergarten 3070  
through third grade ADM for the district and divide that product 3071  
by one thousand; 3072

(3) Calculate the number of new teachers as follows: 3073

(a) Multiply the kindergarten through third grade ADM by 3074  
43.478, which is the number of teachers per one thousand students 3075  
at a student-teacher ratio of twenty-three to one, and divide that 3076  
product by one thousand; 3077

(b) Subtract the quotient obtained in division (E)(3)(a) of 3078  
this section from the product in division (E)(2) of this section. 3079

(4) Multiply the greater of the difference obtained under 3080  
division (E)(3) of this section or zero by the statewide average 3081  
teachers salary. 3082

(F) This division applies only to school districts whose DPIA 3083  
index is one or greater. 3084

(1) Each school district subject to this division shall first 3085  
utilize funds received under this section so that, when combined 3086  
with other funds of the district, sufficient funds exist to 3087  
provide all-day kindergarten to at least the number of children in 3088  
the district's all-day kindergarten percentage. 3089

(2) Up to an amount equal to the district's DPIA index 3090  
multiplied by the five-year average number of pupils in a district 3091  
receiving family assistance multiplied by two hundred thirty 3092  
dollars of the money distributed under this section may be 3093  
utilized for one or both of the following: 3094

(a) Programs designed to ensure that schools are free of 3095

drugs and violence and have a disciplined environment conducive to learning; 3096  
3097

(b) Remediation for students who have failed or are in danger of failing any of the ~~proficiency~~ tests administered pursuant to section 3301.0710 of the Revised Code. 3098  
3099  
3100

(3) Except as otherwise required by division (G) or permitted under division (K) of this section, all other funds distributed under this section to districts subject to this division shall be utilized for the purpose of the third grade guarantee. The third grade guarantee consists of increasing the amount of instructional attention received per pupil in kindergarten through third grade, either by reducing the ratio of students to instructional personnel or by increasing the amount of instruction and curriculum-related activities by extending the length of the school day or the school year. 3101  
3102  
3103  
3104  
3105  
3106  
3107  
3108  
3109  
3110

School districts may implement a reduction of the ratio of students to instructional personnel through any or all of the following methods: 3111  
3112  
3113

(a) Reducing the number of students in a classroom taught by a single teacher; 3114  
3115

(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code; 3116  
3117  
3118

(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom. 3119  
3120

Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. 3121  
3122  
3123  
3124  
3125  
3126

In accordance with section 3319.089 of the Revised Code, a  
district extending the school day pursuant to this division may  
utilize a participant of the work experience program who has a  
child enrolled in a public school in that district and who is  
fulfilling the work requirements of that program by volunteering  
or working in that public school. If the work experience program  
participant is compensated, the school district may use the funds  
distributed under this section for all or part of the  
compensation.

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

(G) Each district subject to division (F) of this section  
shall not expend any funds received under division (E) of this  
section in any school buildings that are not buildings with the  
highest concentration of need, unless there is a ratio of  
instructional personnel to students of no more than fifteen to one  
in each kindergarten and first grade class in all buildings with  
the highest concentration of need. This division does not require  
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. 3159

(2) Annually by the end of December, the department of 3160  
education, utilizing data from the information system established 3161  
under section 3301.0714 of the Revised Code and after consultation 3162  
with the legislative office of education oversight, shall 3163  
determine for each school district subject to division (F) of this 3164  
section whether in the preceding fiscal year the district's ratio 3165  
of instructional personnel to students and its number of 3166  
kindergarten students receiving all-day kindergarten appear 3167  
reasonable, given the amounts of money the district received for 3168  
that fiscal year pursuant to divisions (D) and (E) of this 3169  
section. If the department is unable to verify from the data 3170  
available that students are receiving reasonable amounts of 3171  
instructional attention and all-day kindergarten, given the funds 3172  
the district has received under this section and that class-size 3173  
reduction funds are being used in school buildings with the 3174  
highest concentration of need as required by division (G) of this 3175  
section, the department shall conduct a more intensive 3176  
investigation to ensure that funds have been expended as required 3177  
by this section. The department shall file an annual report of its 3178  
findings under this division with the chairpersons of the 3179  
committees in each house of the general assembly dealing with 3180  
finance and education. 3181

(I) Any school district with a DPIA index less than one and a 3182  
three-year average formula ADM exceeding seventeen thousand five 3183  
hundred shall first utilize funds received under this section so 3184  
that, when combined with other funds of the district, sufficient 3185  
funds exist to provide all-day kindergarten to at least the number 3186  
of children in the district's all-day kindergarten percentage. 3187  
Such a district shall expend at least seventy per cent of the 3188  
remaining funds received under this section, and any other 3189  
district with a DPIA index less than one shall expend at least 3190



seventy per cent of all funds received under this section, for any	3191
of the following purposes:	3192
(1) The purchase of technology for instructional purposes;	3193
(2) All-day kindergarten;	3194
(3) Reduction of class sizes;	3195
(4) Summer school remediation;	3196
(5) Dropout prevention programs;	3197
(6) Guaranteeing that all third graders are ready to progress	3198
to more advanced work;	3199
(7) Summer education and work programs;	3200
(8) Adolescent pregnancy programs;	3201
(9) Head start or preschool programs;	3202
(10) Reading improvement programs described by the department	3203
of education;	3204
(11) Programs designed to ensure that schools are free of	3205
drugs and violence and have a disciplined environment conducive to	3206
learning;	3207
(12) Furnishing, free of charge, materials used in courses of	3208
instruction, except for the necessary textbooks or electronic	3209
textbooks required to be furnished without charge pursuant to	3210
section 3329.06 of the Revised Code, to pupils living in families	3211
participating in Ohio works first in accordance with section	3212
3313.642 of the Revised Code;	3213
(13) School breakfasts provided pursuant to section 3313.813	3214
of the Revised Code.	3215
Each district shall submit to the department, in such format	3216
and at such time as the department shall specify, a report on the	3217
programs for which it expended funds under this division.	3218

(J) If at any time the superintendent of public instruction 3219  
determines that a school district receiving funds under division 3220  
(D) of this section has enrolled less than the all-day 3221  
kindergarten percentage reported for that fiscal year, the 3222  
superintendent shall withhold from the funds otherwise due the 3223  
district under this section a proportional amount as determined by 3224  
the difference in the certified all-day kindergarten percentage 3225  
and the percentage actually enrolled in all-day kindergarten. 3226

The superintendent shall also withhold an appropriate amount 3227  
of funds otherwise due a district for any other misuse of funds 3228  
not in accordance with this section. 3229

(K)(1) A district may use a portion of the funds calculated 3230  
for it under division (D) of this section to modify or purchase 3231  
classroom space to provide all-day kindergarten, if both of the 3232  
following conditions are met: 3233

(a) The district certifies to the department, in a manner 3234  
acceptable to the department, that it has a shortage of space for 3235  
providing all-day kindergarten. 3236

(b) The district provides all-day kindergarten to the number 3237  
of children in the all-day kindergarten percentage it certified 3238  
under this section. 3239

(2) A district may use a portion of the funds described in 3240  
division (F)(3) of this section to modify or purchase classroom 3241  
space to enable it to further reduce class size in grades 3242  
kindergarten through two with a goal of attaining class sizes of 3243  
fifteen students per licensed teacher. To do so, the district must 3244  
certify its need for additional space to the department, in a 3245  
manner satisfactory to the department. 3246

**Sec. 3319.19.** (A) Upon request, the board of county 3247  
commissioners shall provide and equip offices in the county for 3248

the use of the superintendent of an educational service center, 3249  
and shall provide heat, light, water, and janitorial services for 3250  
such offices. Such offices shall be the permanent headquarters of 3251  
the superintendent and shall be used by the governing board of the 3252  
service center when it is in session. Except as provided in 3253  
division (B) of this section, such offices shall be located in the 3254  
county seat or, upon the approval of the governing board, may be 3255  
located outside of the county seat. 3256

(B) In the case of a service center formed under section 3257  
3311.053 of the Revised Code, the governing board shall designate 3258  
the site of its offices. The board of county commissioners of the 3259  
county in which the designated site is located shall provide and 3260  
equip the offices as under division (A) of this section, but the 3261  
costs of such offices and equipment not covered by funds received 3262  
under section 307.031 of the Revised Code shall be apportioned 3263  
among the boards of county commissioners of all counties having 3264  
any territory in the area under the control of the governing 3265  
board, according to the proportion of pupils under the supervision 3266  
of such board residing in the respective counties. Where there is 3267  
a dispute as to the amount any board of county commissioners is 3268  
required to pay, the probate judge of the county in which the 3269  
greatest number of pupils under the supervision of the governing 3270  
board reside shall apportion such costs among the boards of county 3271  
commissioners and notify each such board of its share of the 3272  
costs. 3273

(C) By the first day of March of each year, the 3274  
superintendent of public instruction shall certify to the tax 3275  
commissioner the ADM and the number of full-time licensed 3276  
employees of each educational service center for the purposes of 3277  
the distribution of funds to boards of county commissioners 3278  
required under division (B) of section 307.031 of the Revised 3279  
Code. As used in this section, "ADM" means the formula ADMs of all 3280

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.

Any service center superintendent intending to submit a  
proposal shall submit it to the board of county commissioners that  
provides and equips the office of the superintendent for approval  
at least twenty days before the date of submission to the  
superintendent of public instruction. The superintendent of public  
instruction shall evaluate the proposals and select those that  
will most benefit the local districts supervised by the governing  
boards under standards adopted by the state board. For each  
proposal selected for a grant, the superintendent of public  
instruction shall determine the grant amount and, with the  
approval of the superintendent and the board of county  
commissioners, may modify a grant proposal to reflect the amount

of money available for the grant. The superintendent of public 3313  
instruction shall notify the board of county commissioners and the 3314  
tax commissioner of the selection of the proposal as submitted or 3315  
modified and the amount of the grant. If, pursuant to division (C) 3316  
of section 307.031 of the Revised Code, the board of county 3317  
commissioners accepts the proposal and grant, it shall expend the 3318  
funds as specified in the grant proposal. If the board of county 3319  
commissioners rejects the proposal and grant, the superintendent 3320  
of public instruction may select another proposal from among the 3321  
district proposals that initially failed to be selected for a 3322  
grant. 3323

The state board of education shall adopt rules to implement 3324  
the requirements of this section. 3325

**Sec. 3324.03.** The board of education of each school district 3326  
shall identify gifted students in grades kindergarten through 3327  
twelve as follows: 3328

(A) A student shall be identified as exhibiting "superior 3329  
cognitive ability" if the student did either of the following 3330  
within the preceding twenty-four months: 3331

(1) Scored two standard deviations above the mean, minus the 3332  
standard error of measurement, on an approved individual 3333  
standardized intelligence test administered by a licensed school 3334  
psychologist or licensed psychologist; 3335

(2) Accomplished any one of the following: 3336

(a) Scored at least two standard deviations above the mean, 3337  
minus the standard error of measurement, on an approved 3338  
standardized group intelligence test; 3339

(b) Performed at or above the ninety-fifth percentile on an 3340  
approved individual or group standardized basic or composite 3341  
battery of a nationally normed achievement test; 3342

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

(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 within the preceding twenty-four months the student performs 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. 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 of creative ability;

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

(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:

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

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

Sec. 3325.08. (A) A diploma shall be granted by the 3374  
superintendent of the state school for the blind and the 3375  
superintendent of the state school for the deaf to any student 3376  
enrolled in one of these state schools to whom all of the 3377  
following apply: 3378

(1) The student has successfully completed the individualized 3379  
education program developed for the student for the student's high 3380  
school education pursuant to section 3323.08 of the Revised Code; 3381  
3382

(2) The Subject to section 3313.614 of the Revised Code, the 3383  
student ~~has~~ either: 3384

(a) Has attained at least the applicable scores designated 3385  
under division (B) of section 3301.0710 of the Revised Code on all 3386  
the tests prescribed by that division unless ~~the student was~~ 3387  
~~excused from taking any such test pursuant to division (L)(3) of~~ 3388  
section ~~3301.0711~~ 3313.61 of the Revised Code applies to the 3389  
student; 3390

(b) Has satisfied the alternative conditions prescribed in 3391  
section 3313.615 of the Revised Code. 3392

(3) The student is not eligible to receive an honors diploma 3393  
granted pursuant to division (B) of this section. 3394

No diploma shall be granted under this division to anyone 3395  
except as provided under this division. 3396

(B) In lieu of a diploma granted under division (A) of this 3397  
section, the superintendent of the state school for the blind and 3398  
the superintendent of the state school for the deaf shall grant an 3399  
honors diploma, in the same manner that the boards of education of 3400  
school districts grant such diplomas under division (B) of section 3401  
3313.61 of the Revised Code, to any student enrolled in one of 3402  
these state schools who successfully completes the individualized 3403

education program developed for the student for the student's high 3404  
school education pursuant to section 3323.08 of the Revised Code, 3405  
who has attained subject to section 3313.614 of the Revised Code 3406  
at least the applicable scores designated under division (B) of 3407  
section 3301.0710 of the Revised Code on all the tests prescribed 3408  
under that division, and who has met additional criteria for 3409  
granting such a diploma. These additional criteria shall be the 3410  
same as those prescribed by the state board under division (B) of 3411  
section 3313.61 of the Revised Code for the granting of such 3412  
diplomas by school districts. No honors diploma shall be granted 3413  
to anyone failing to comply with this division and not more than 3414  
one honors diploma shall be granted to any student under this 3415  
division. 3416

(C) A diploma or honors diploma awarded under this section 3417  
shall be signed by the superintendent of public instruction and 3418  
the superintendent of the state school for the blind or the 3419  
superintendent of the state school for the deaf, as applicable. 3420  
Each diploma shall bear the date of its issue and be in such form 3421  
as the school superintendent prescribes. 3422

(D) Upon granting a diploma to a student under this section, 3423  
the superintendent of the state school in which the student is 3424  
enrolled shall provide notice of receipt of the diploma to the 3425  
board of education of the school district where the student is 3426  
entitled to attend school under section 3313.64 or 3313.65 of the 3427  
Revised Code when not residing at the state school for the blind 3428  
or the state school for the deaf. The notice shall indicate the 3429  
type of diploma granted. 3430

**Sec. 3365.15.** No This section does not apply to students 3431  
enrolled in twelfth grade after July 1, 2001. 3432

No later than July 1, 1999, the board of regents shall adopt 3433  
rules under which it shall award at least a five-hundred dollar 3434



scholarship to each student who both: 3435

(A) After July 1, 1998, and while the student attends twelfth 3436  
grade, attains on all five tests at least the ~~applicable~~ scores 3437  
designated under former division (A)(3) of section 3301.0710 of 3438  
the Revised Code ~~on all five tests prescribed under that division;~~ 3439  
3440

(B) Submits to the board of regents, in the form and manner 3441  
and by any deadline prescribed by the rules, evidence of having 3442  
enrolled in a state-assisted college or university, a nonprofit 3443  
institution holding a certificate of authorization pursuant to 3444  
Chapter 1713. of the Revised Code, or an institution registered by 3445  
the state board of proprietary school registration that has 3446  
program authorization to award an associate or bachelor's degree. 3447

The board of regents shall pay each scholarship awarded under 3448  
this section to the student. It may be used to defray any 3449  
educational expenses. 3450

**Section 2.** That existing sections 307.031, 3301.07, 3301.079, 3451  
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0717, 3301.801, 3452  
3301.91, 3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3453  
3313.603, 3313.608, 3313.6011, 3313.61, 3313.611, 3313.612, 3454  
3313.978, 3314.03, 3314.20, 3317.012, 3317.029, 3319.19, 3324.03, 3455  
3325.08, and 3365.15 and sections 3301.0715 and 3301.0716 of the 3456  
Revised Code are hereby repealed. 3457

**Section 3.** That section 3313.608 of the Revised Code be 3458  
amended to read as follows: 3459

**Sec. 3313.608.** ~~This section does not apply to students who~~ 3460  
~~enter the fourth grade after July 1, 2003.~~ 3461

(A) ~~For each school year prior to July 1, 2004, for the test~~ 3462  
~~to measure skill in reading prescribed by former division (A)(1)~~ 3463

~~of section 3301.0710 of the Revised Code, the state board of~~ 3464  
~~education shall establish at least four ranges of scores to~~ 3465  
~~measure the following levels of skill:~~ 3466

~~(1) An advanced level of skill;~~ 3467

~~(2) A proficient level of skill;~~ 3468

~~(3) A basic level of skill;~~ 3469

~~(4) A below basic level of skill.~~ 3470

~~(B)~~ Beginning with students who enter ~~fourth~~ third grade in 3471  
the school year that starts July 1, ~~2001~~ 2003, for any student who 3472  
attains a score in the range designated under division 3473  
(A)~~(4)~~(2)(d) of ~~this~~ section 3301.0710 of the Revised Code on ~~such~~ 3474  
reading the test prescribed under that section to measure skill in 3475  
reading expected at the end of third grade, each school district, 3476  
in accordance with the policy adopted under section 3313.609 of 3477  
the Revised Code, shall do one of the following: 3478

(1) Promote the student to ~~fifth~~ fourth grade if the 3479  
student's principal and reading teacher agree that other 3480  
evaluations of the student's skill in reading demonstrate that the 3481  
student is academically prepared to be promoted to ~~fifth~~ fourth 3482  
grade; 3483

(2) Promote the student to ~~fifth~~ fourth grade but provide the 3484  
student with intensive intervention services in ~~fifth~~ fourth 3485  
grade; 3486

(3) Retain the student in ~~fourth~~ third grade. 3487

This section does not apply to any student excused from 3488  
taking such test under division (C)(1) of section 3301.0711 of the 3489  
Revised Code. 3490

~~(C)~~(B)(1) To assist students in meeting this ~~fourth~~ third 3491  
grade guarantee established by this section, each school district 3492  
shall adopt policies and procedures with which it shall annually 3493

## As Reported by the House Education Committee

assess the reading skills of each student at the end of first, and 3494  
second, ~~and third~~ grade and identify students who are reading 3495  
below their grade level. If the diagnostic assessment to measure 3496  
reading ability for the appropriate grade level has been developed 3497  
in accordance with division (D)(1) of section 3301.079 of the 3498  
Revised Code, each school district shall use such diagnostic 3499  
assessment to identify such students, except that any district 3500  
declared excellent under division (B)(1) of section 3302.03 of the 3501  
Revised Code may use another assessment to identify such students. 3502  
The ~~policy~~ policies and procedures shall require the students' 3503  
classroom teachers to be involved in the assessment and the 3504  
identification of students reading below grade level. The district 3505  
shall notify the parent or guardian of each student whose reading 3506  
skills are below grade level and, in accordance with division 3507  
~~(D)~~(C) of this section, provide intervention services to each 3508  
student reading below grade level. Such intervention services 3509  
shall include instruction in intensive, systematic phonetics 3510  
pursuant to rules adopted by the state board of education. 3511

(2) ~~For each student identified as reading below grade level~~ 3513  
~~at the end of third grade, the district shall offer intense~~ 3514  
~~remediation services during the summer following third grade.~~ 3515

~~(3)~~ For each student entering ~~fourth~~ third grade after July 3516  
1, ~~2001~~ 2003, who does not attain by the end of the ~~fourth~~ third 3517  
grade at least a score in the range designated under division 3518  
(A)(2)(b) of ~~this~~ section 3301.0710 of the Revised Code on the 3519  
test prescribed under that section to measure skill in reading 3520  
expected at the end of third grade, the district also shall offer 3521  
intense remediation services, and another opportunity to take that 3522  
test, during the summer following ~~fourth~~ third grade. 3523

~~(D)~~(C) For each student required to be offered intervention 3524  
services under this section, the district shall involve the 3525

student's parent or guardian and classroom teacher in developing 3526  
the intervention strategy, and shall offer to the parent or 3527  
guardian the opportunity to be involved in the intervention 3528  
services. 3529

~~(E) In addition to the remediation requirements of division 3530  
(C) of this section, every city, exempted village, or local school 3531  
district shall offer summer remediation to any student who has 3532  
failed to attain the designated scores indicating proficiency on 3533  
three or more of the five tests described by former division 3534  
(A)(1) or (2) of section 3301.0710 of the Revised Code. 3535~~

~~(F)~~(D) Any summer remediation services funded in whole or in 3536  
part by the state and offered by school districts to students 3537  
under this section shall meet the following conditions: 3538

(1) The remediation methods are based on reliable educational 3539  
research. 3540

(2) The school districts conduct testing before and after 3541  
students participate in the program to facilitate monitoring 3542  
results of the remediation services. 3543

(3) The parents of participating students are involved in 3544  
programming decisions. 3545

(4) The services are conducted in a school building or 3546  
community center and not on an at-home basis. 3547

(E) In addition to the dates designated under division (C)(1) 3548  
of section 3301.0710 of the Revised Code for the administration of 3549  
the test prescribed under that section to measure skill in reading 3550  
expected at the end of third grade, the state board of education 3551  
shall annually designate dates on which such test shall be 3552  
administered to students in the fourth and fifth grades who have 3553  
not attained at least a score in the range designated under 3554  
division (A)(2)(b) of section 3301.0710 of the Revised Code as 3555  
follows: 3556

(1) One date prior to the thirty-first day of December each 3557  
school year for fourth grade students; 3558

(2) One date that is not earlier than Monday of the week 3559  
containing the eighth day of March each school year for fourth and 3560  
fifth grade students; 3561

(3) One date during the summer for fourth grade students. 3562

(F) If any fourth grade student attains a score in the range 3563  
designated under division (A)(2)(d) of section 3301.0710 of the 3564  
Revised Code, on the test administered under division (E)(3) of 3565  
this section, the school district, in accordance with the district 3566  
policy adopted under section 3313.609 of the Revised Code, shall 3567  
do one of the following: 3568

(1) Promote the student to fifth grade if the student's 3569  
principal and reading teacher agree that other evaluations of the 3570  
student's skill in reading demonstrate that the student is 3571  
academically prepared to be promoted to fifth grade; 3572

(2) Promote the student to fifth grade but provide the 3573  
student with intensive intervention services in fifth grade; 3574

(3) Retain the student in fourth grade. 3575

(G) This section does not create a new cause of action or a 3576  
substantive legal right for any person. 3577

**Section 4.** That existing section 3313.608 of the Revised Code 3578  
is hereby repealed. 3579

**Section 5.** Sections 3 and 4 of this act shall take effect 3580  
July 1, 2003. 3581

**Section 6.** That Section 4 of Am. Sub. S.B. 55 of the 122nd 3582  
General Assembly is hereby repealed. 3583

**Section 7.** In each of the school years beginning on July 1, 3584  
2002, and July 1, 2003, the State Board of Education shall 3585  
prescribe and the Department of Education and each school district 3586  
shall administer the tenth grade tests required under former 3587  
division (B) of section 3301.0710 of the Revised Code to measure 3588  
skill in reading and mathematics to all students in the tenth 3589  
grade. The tests shall be used for the purposes of sections 3590  
3302.02 and 3302.03 of the Revised Code and for the purposes of 3591  
assessments required by federal law. No score on the tests shall 3592  
be used to determine the eligibility of any student to receive a 3593  
high school diploma. 3594

**Section 8.** (A) Notwithstanding sections 3301.0710, 3301.0711, 3595  
and 3301.0712 of the Revised Code, as amended or enacted by this 3596  
act, for any school year in which the total number of proficiency 3597  
tests and achievement tests administered to students in grades 3598  
four or six exceeds three, the State Board of Education shall 3599  
designate the dates on which those tests shall be administered to 3600  
students in accordance with the best interests of students. In 3601  
doing so, the State Board may consider designating the dates so 3602  
that all the tests are not administered to the relevant grade 3603  
level in the same week. 3604

**Section 9.** Notwithstanding section 3301.0712 of the Revised 3606  
Code, as enacted by this act, in the school year beginning July 1, 3607  
2003, the Department of Education and each school district shall 3608  
administer the test to measure skill in reading required under 3609  
former division (A)(1) of section 3301.0710 of the Revised Code, 3610  
as it existed prior to the effective date of this act, to all 3611  
students enrolled in the fourth grade. The Department and each 3612  
school district shall also administer the test to measure skill in 3613

reading required under division (A)(1)(a) of section 3301.0710 of 3614  
the Revised Code, as amended by this act, to all students enrolled 3615  
in the third grade. 3616

Any fourth grade student subject to this section shall also 3617  
be subject to the version of section 3313.608 of the Revised Code 3618  
in effect prior to July 1, 2003. 3619

**Section 10.** Until such time as the state board of education 3620  
adopts a new rule holding school districts responsible for 3621  
individual school buildings within the district pursuant to 3622  
section 3302.04 of the Revised Code, as amended by this act, the 3623  
rules adopted under that section in effect on the effective date 3624  
of this act shall be deemed to apply to school districts with 3625  
respect to their individual buildings as well as to the school 3626  
districts as entire entities. 3627

**Section 11.** (A) There is hereby established the Governor's 3628  
Commission on Successful Teachers. The Commission shall recommend 3629  
policies for the preparation, recruiting, hiring, and retention of 3630  
teachers and shall recommend pilot programs to address the 3631  
shortage of teachers, such as paid internships in mathematics and 3632  
science and salary bonuses in hard-to-staff school districts or 3633  
subject areas. The Commission shall issue a written report with 3634  
its recommendations to the General Assembly not later than 3635  
December 31, 2002. Upon issuance of its report the Commission 3636  
shall cease to exist. 3637

The Commission shall consist of the following members: 3638

(1) Nine classroom teachers appointed by the Governor, at 3639  
least three of whom are certified by the National Board for 3640  
Professional Teaching Standards, at least two of whom are high 3641  
school teachers, at least two of whom teach in grades six through 3642  
eight, at least two of whom teach in grades kindergarten through 3643

six, and at least one of whom teaches special education; 3644

(2) Three school administrators, appointed by the Governor; 3645

(3) One person representing higher education, appointed by 3646  
the Governor; 3647

(4) The Superintendent of Public Instruction or the 3648  
Superintendent's designee; 3649

(5) The President of the State Board of Education or the 3650  
President's designee; 3651

(6) The chairperson of the House of Representatives standing 3652  
committee primarily responsible for education legislation or the 3653  
chairperson's designee; 3654

(7) The chairperson of the Senate standing committee 3655  
primarily responsible for education legislation or the 3656  
chairperson's designee; 3657

(8) Any additional members the Governor wishes to include. 3658

(B) In conducting its work the Commission shall study and 3659  
include recommendations regarding the following issues: 3660

(1) How to develop college and university teacher preparation 3661  
programs that ensure that teachers are qualified to teach the 3662  
courses in grades kindergarten through twelve that are required by 3663  
law; 3664

(2) How to develop and operate incentive programs to 3665  
encourage teachers to work in underserved school districts, such 3666  
as large urban districts or districts in rural Appalachia, and 3667  
underserved subject areas, such as mathematics, science, special 3668  
education, and English as a second language; 3669

(3) How to best implement professional development activities 3670  
for all teachers, particularly how to design such activities so 3671  
that teachers understand how to administer and interpret 3672



diagnostic assessments and achievement tests that will be 3673  
developed by the State Board of Education under sections 3301.079 3674  
and 3301.0710 of the Revised Code, as enacted and amended, 3675  
respectively, by this act, and so that teachers understand how to 3676  
develop effective intervention tools for students in need of 3677  
assistance; 3678

(4) How best to implement professional development programs 3679  
in terms of the amount of time allotted for such programs 3680  
including, but not limited to, the number of days each school 3681  
district should devote to the programs or to what extent the 3682  
programs should be configured as half-day in-service programs, 3683  
two-hour programs, or full-day seminars; 3684

(5) How to provide the most effective regional delivery of 3685  
professional development services; 3686

(6) How to create building-level mentoring or advisory 3687  
programs under which an experienced teacher would assist others in 3688  
the building to increase their effectiveness; 3689

(7) How to increase Ohio's participation in certification 3690  
activities conducted by the National Board for Professional 3691  
Teaching Standards. 3692

**Section 12.** It is the intent of the General Assembly that 3693  
upon its review of the recommendations of the Governor's 3694  
Commission on Successful Teachers, as established under Section 11 3695  
of this act, that the General Assembly will consider laws to 3696  
reallocate the funding for activities prescribed in that section 3697  
based on the recommendations of the Commission. 3698

**Section 13.** The State Board of Education shall adopt rules 3699  
for instruction in intensive, systematic phonetics as prescribed 3700  
in division (C)(1) of section 3313.608 of the Revised Code on or 3701  
before July 1, 2002. 3702

**Section 14.** No school district shall be required to 3703  
administer any ninth grade proficiency test to any student before 3704  
March of the student's ninth grade year. If the Department of 3705  
Education permits the administration of the ninth grade 3706  
proficiency tests to students in the eighth grade or in the fall 3707  
of the ninth grade year, the school district may choose whether or 3708  
not to participate in such administration of the tests. 3709

**Section 15.** The amendment of section 3301.91 of the Revised 3710  
Code is not intended to supersede the earlier repeal, with delayed 3711  
effective date, of that section. 3712

**Section 16.** Section 3314.03 of the Revised Code is presented 3713  
in this act as a composite of the section as amended by both Am. 3714  
Sub. H.B. 121 and Am. Sub. H.B. 282 of the 123rd General Assembly. 3715  
This is in recognition of the principle stated in division (B) of 3716  
section 1.52 of the Revised Code that such amendments are to be 3717  
harmonized where not substantively irreconcilable and constitutes 3718  
a legislative finding that such is the resulting version in effect 3719  
prior to the effective date of this act. 3720