

**As Reported by the Senate Education Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

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

**SENATORS R. A. Gardner, R. L. Gardner, Harris, Prentiss, Mumper**

---

**A B I L L**

To amend sections 307.031, 3301.07, 3301.0710, 1  
3301.0711, 3301.0714, 3301.0717, 3301.801, 3301.91, 2  
3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3  
3313.60, 3313.603, 3313.608, 3313.6011, 3313.61, 4  
3313.611, 3313.612, 3313.978, 3314.03, 3314.20, 5  
3317.012, 3317.029, 3319.19, 3321.38, 3324.02, 6  
3324.03, 3325.08, and 3365.15; to amend, for the 7  
purpose of adopting new section numbers as 8  
indicated in parentheses, sections 3301.079 9  
(3301.078) and 3301.0712 (3301.0719); to enact new 10  
sections 3301.079, 3301.0712, and 3301.0715 and 11  
sections 3301.0713, 3301.0718, 3302.031, 3313.6012, 12  
3313.614, 3313.615, and 3321.041; to repeal 13  
sections 3301.0715 and 3301.0716 of the Revised 14  
Code and to repeal Section 4 of Am. Sub. S.B. 55 of 15  
the 122nd General Assembly to implement 16  
recommendations of the Governor's Commission for 17  
Student Success, and to amend section 3313.608 of 18  
the Revised Code effective July 1, 2003. 19

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

**Section 1.** That sections 307.031, 3301.07, 3301.0710, 20  
3301.0711, 3301.0714, 3301.0717, 3301.801, 3301.91, 3302.02, 21

3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3313.603, 3313.608, 22  
3313.6011, 3313.61, 3313.611, 3313.612, 3313.978, 3314.03, 23  
3314.20, 3317.012, 3317.029, 3319.19, 3321.38, 3324.02, 3324.03, 24  
3325.08, and 3365.15 be amended, sections 3301.079 (3301.078) and 25  
3301.0712 (3301.0719) be amended for the purpose of adopting new 26  
section numbers as indicated in parentheses, and new sections 27  
3301.079, 3301.0712, and 3301.0715 and sections 3301.0713, 28  
3301.0718, 3302.031, 3313.6012, 3313.614, 3313.615, and 3321.041 29  
of the Revised Code be enacted to read as follows: 30

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

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

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

(1) From moneys appropriated for the purposes of this 51  
section, during March of each year the tax commissioner shall 52

determine for and distribute to the board of county commissioners  
of each county in which an educational service center office is  
located the amount required under divisions (B)(3) to (5) of this  
section. If moneys appropriated for the purposes of this section  
are not sufficient to provide that amount to each board of county  
commissioners, the tax commissioner shall reduce the amount  
distributed to each board of county commissioners by the  
percentage that the amount of the moneys appropriated for the  
purposes of this section is less than the total of the amounts  
determined under divisions (B)(3) to (5) of this section for all  
boards of county commissioners in the state.

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

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

(a) An amount equal to six dollars times the  $ADM_{7i}$

(b) Fifteen thousand dollars.

(4) Except as provided under division (B)(5) of this section,

53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83

if the ratio of the ADM to the number of full-time equivalent  
licensed employees of the educational service center governing  
board is less than one hundred to one, the amount distributed  
under division (B)(1) of this section to a board of county  
commissioners shall be the greater of the following:

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

(b) Fifteen thousand dollars.

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

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

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

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

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

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

(B) Exercise leadership in the improvement of public 133  
education in this state, and administer the educational policies 134  
of this state relating to public schools, and relating to 135  
instruction and instructional material, building and equipment, 136  
transportation of pupils, administrative responsibilities of 137  
school officials and personnel, and finance and organization of 138  
school districts, educational service centers, and territory. 139  
Consultative and advisory services in such matters shall be 140  
provided by the board to school districts and educational service 141  
centers of this state. The board also shall develop a standard of 142  
financial reporting which shall be used by all school districts 143  
and educational service centers to make their financial 144  
information available to the public in a format understandable by 145

the average citizen and provide year-to-year comparisons for at  
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  
organization, administration, and supervision of each school,

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, beginning in the primary grades; 260

(M) Formulate and prescribe minimum standards requiring the 261  
use of phonics as a technique in the teaching of reading in grades 262  
kindergarten through three. In addition, the state board shall 263  
provide in-service training programs for teachers on the use of 264  
phonics as a technique in the teaching of reading in grades 265  
kindergarten through three. 266

(N) Develop and modify as necessary a state plan for 267  
technology to encourage and promote the use of technological 268  
advancements in educational settings. 269

The board may adopt rules necessary for carrying out any 270  
function imposed on it by law, and may provide rules as are 271  
necessary for its government and the government of its employees, 272

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

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

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

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

(B) Not later than eighteen months after the completion of 297  
academic standards for any subject area required by division (A) 298  
of this section, the state board shall adopt a model curriculum 299  
for instruction in that subject area for each of grades 300  
kindergarten through twelve. The model curriculum shall be aligned 301  
with the standards to ensure that the academic content and skills 302

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.

303  
304  
305  
306

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

307  
308  
309  
310  
311  
312

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

313  
314  
315

(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.

316  
317  
318  
319

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.

320  
321  
322  
323  
324  
325

(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

326  
327  
328  
329  
330  
331  
332  
333  
334

diagnostic assessment may include components to identify gifted students under section 3324.03 of the Revised Code. Blank copies of diagnostic tests shall be public records. 335  
336  
337

(2) When any diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department of education shall make the diagnostic assessment available to the districts at no cost to the district. School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment. 338  
339  
340  
341  
342  
343  
344

(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. 345  
346  
347

(E) Whenever the state board or the department of education consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement tests, or model curriculum required under this section, the state board or the department shall first consult with active Ohio classroom teachers and administrators with expertise in the appropriate subject area. Whenever practicable, the state board and department shall consult with teachers recognized as outstanding in their fields, including those certified by the national board for professional teaching standards. 348  
349  
350  
351  
352  
353  
354  
355  
356  
357

**Sec. 3301.0710.** The state board of education shall adopt rules establishing a statewide program to test student proficiency for the purpose of ensuring achievement. The state board shall ensure that all tests administered under the testing program are aligned with the academic standards and model curricula adopted by the state board and are created with input from Ohio classroom teachers, Ohio school administrators, and other Ohio educators pursuant to section 3301.079 of the Revised Code. 358  
359  
360  
361  
362  
363  
364  
365

~~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.~~

~~(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.~~

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

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

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

~~(b) Two statewide achievement tests, one each designed to~~

measure the level of writing and mathematics skill expected at the 397  
end of fourth grade; 398

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

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

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

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

(a) An advanced level of skill; 414

(b) A proficient level of skill; 415

(c) A basic level of skill; 416

(d) A below basic level of skill. 417

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

The state board may enter into a reciprocal agreement with 426

the appropriate body or agency of any other state that has similar  
statewide proficiency achievement testing requirements for  
receiving high school diplomas, under which any student who has  
met ~~a proficiency~~ an achievement testing requirement of one state  
is recognized as having met the similar proficiency achievement  
testing requirement of the other state for purposes of receiving a  
high school diploma. For purposes of this section and sections  
3301.0711 and 3313.61 of the Revised Code, any student enrolled in  
any public high school in this state ~~and~~ who has met ~~a proficiency~~  
an achievement testing requirement specified in a reciprocal  
agreement entered into under this division shall be deemed to have  
attained at least the applicable score designated under this  
division on each test required by this division that is specified  
in the agreement.

427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440

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

441  
442  
443

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

444  
445

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

446  
447  
448  
449  
450

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

451  
452

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

453  
454

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

455  
456  
457

citizenship; 458

~~(iii)(b)~~ At least one date of each school year that is not 459  
earlier than Monday of the week containing the eighth day of 460  
March; 461

(c) One date during the summer for students receiving summer 462  
remediation services under ~~division (B)(3)~~ of section 3313.608 of 463  
the Revised Code. 464

(2) For the tests prescribed under ~~division~~ divisions 465  
(A)(1)(b), (c), (d), and (e) of this section ~~to measure skill in~~ 466  
~~writing, mathematics, science, and citizenship and the tests~~ 467  
~~prescribed under division (A)(2) of this section,~~ at least one 468  
date of each school year that is not earlier than Monday of the 469  
week containing the ~~fifteenth~~ eighth day of March; 470

~~(3) For the tests prescribed under division (A)(3) of this~~ 471  
~~section, at least one date subsequent to the thirty-first day of~~ 472  
~~December but prior to the thirty-first day of March of each school~~ 473  
~~year;~~ 474

~~(4)~~ For the tests prescribed under division (B) of this 475  
section, at least one date in each school year that is not earlier 476  
than Monday of the week containing the fifteenth day of March for 477  
all tenth grade students and at least one date prior to the 478  
thirty-first day of December and at least one date subsequent to 479  
that date but prior to the thirty-first day of March of each 480  
school year for eleventh and twelfth grade students. 481

(D) In prescribing test dates pursuant to ~~division (C)(4)(3)~~ 482  
of this section, the board shall, to the greatest extent 483  
practicable, provide options to school districts in the case of 484  
tests administered under that division to eleventh and twelfth 485  
grade students and in the case of tests administered to students 486  
pursuant to division (C)(2) of section 3301.0711 of the Revised 487  
Code. Such options shall include at least an opportunity for 488



school districts to give such tests outside of regular school 489  
hours. 490

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

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

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

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

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

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

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

~~(b) For students entering fourth grade beginning with the 515  
school year that starts July 1, 2001, twice annually to all 516  
students in the fourth third grade who have not attained the score 517  
designated for that test under division (A)(1)(2)(b) of section 518~~

3301.0710 of the Revised Code and once each summer to students 519  
receiving summer remediation services under ~~division (B)(3) of~~ 520  
section 3313.608 of the Revised Code. 521

(2) Administer the tests prescribed under division (A)(1)(~~b~~) 522  
of section 3301.0710 of the Revised Code ~~to measure skill in~~ 523  
~~writing, mathematics, science, and citizenship~~ at least once 524  
annually to all students in the fourth grade. 525

(3) Administer the tests prescribed under division 526  
(A)(~~2~~)(1)(c) of section 3301.0710 of the Revised Code at least 527  
once annually to all students in the ~~sixth~~ fifth grade. 528

(4) Administer ~~any~~ the tests prescribed under division 529  
(A)(~~3~~)(1)(d) of section 3301.0710 of the Revised Code at least 530  
once annually to ~~any student~~ all students in the ~~twelfth~~ seventh 531  
grade ~~who, on all the tests prescribed under division (B) of that~~ 532  
~~section, has attained the applicable scores designated under such~~ 533  
~~division prior to the first day of January of that year.~~ 534

(5) Administer the tests prescribed under division (A)(1)(e) 535  
of section 3301.0710 of the Revised Code at least once annually to 536  
all students in the eighth grade. 537

(6) Administer any test prescribed under division (B) of 538  
section 3301.0710 of the Revised Code as follows: 539

(a) At least once annually to all tenth grade students and at 540  
least twice annually to all students in eleventh or twelfth grade 541  
who have not yet attained the score on that test designated under 542  
that division; 543

(b) To any person who has successfully completed the 544  
curriculum in any high school or the individualized education 545  
program developed for the person by any high school pursuant to 546  
section 3323.08 of the Revised Code but has not received a high 547  
school diploma and who requests to take such test, at any time 548  
such test is administered in the district. 549

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

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

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

(2) A district board may, for medical reasons or other good 581

cause, excuse a student from taking a test administered under this section on the date scheduled, but any such test shall be administered to such excused student not later than nine days following the scheduled date. The board shall annually report the number of students who have not taken one or more of the tests required by this section to the state board of education not later than the thirtieth day of June.

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

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

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

(D) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code or former division (A)(1) or (B) of section 3301.0710 of the Revised Code as it existed prior to the effective date of this amendment are administered to any student,

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

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

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

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

(H) Individual test scores on any tests administered under 642  
this section shall be released by a district board only in 643  
accordance with section 3319.321 of the Revised Code and the rules 644  
adopted under division (A) of this section. No district board or 645

its employees shall utilize individual or aggregate test results  
in any manner that conflicts with rules for the ethical use of  
tests adopted pursuant to division (A) of this section.

646  
647  
648

(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.

649  
650  
651  
652

(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.

653  
654  
655  
656  
657

(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.

658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668

(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:

669  
670  
671  
672  
673  
674  
675  
676

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

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

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

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

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

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

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

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

~~(3) Any student enrolled in the state school for the blind or 713  
the state school for the deaf shall be excused from taking any 714  
particular test required to be administered under division (L)(1)  
of this section if the individualized education program developed 715  
for the student pursuant to section 3323.08 of the Revised Code 716  
excuses the student from taking that test. In the case of any 717  
student so excused from taking a test, the superintendent of the 718  
school shall not prohibit the student from taking the test. 719  
720~~

(M) Notwithstanding division (E) of this section, ~~beginning 721  
July 1, 1999, a school district may retain any student for an 722  
additional year in such student's current grade level if such 723  
student has failed to attain the designated scores on three or 724  
more of the five use a student's failure to attain a score in at 725  
least the basic range on any of the tests described by division 726  
(A)(1) ~~or (2)(b), (c), (d), or (e)~~ of section 3301.0710 of the 727  
Revised Code as a factor in retaining that student in the current 728  
grade level. 729~~

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

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

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



inclusion in a future year's proficiency test. 739

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

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

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

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

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

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

diploma.

804

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

805

806

807

808

809

810

811

812

813

814

815

816

**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:

817

818

819

820

821

822

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

823

824

825

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

826

827

828

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

829

830

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

831

832

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

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

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

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

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

nationally accepted reporting requirements; 894

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

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

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

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

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

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

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

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

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

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

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

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

(a) The cost of each instructional services category required 978  
by guidelines adopted under division (B)(1)(a) of this section 979  
that is provided directly to students by a classroom teacher; 980  
981

(b) The cost of the instructional support services, such as 982  
services provided by a speech-language pathologist, classroom 983  
aide, multimedia aide, or librarian, provided directly to students 984  
in conjunction with each instructional services category; 985

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

date on which the reports will be available. 1116

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

(J) As used in this section: 1121

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

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

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

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

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

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

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

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

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

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

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

incomplete data to the education management information system. 1178

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



~~(O) At least sixty per cent of twelfth graders proficient on  
the reading test prescribed by division (A)(3) of section  
3301.0710 of the Revised Code;~~ 1480  
1481  
1482

~~(P) At least sixty per cent of twelfth graders proficient on  
the writing test prescribed by division (A)(3) of section  
3301.0710 of the Revised Code;~~ 1483  
1484  
1485

~~(Q) At least sixty per cent of twelfth graders proficient on  
the citizenship test prescribed by division (A)(3) of section  
3301.0710 of the Revised Code;~~ 1486  
1487  
1488

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

~~When sufficient data concerning the tests given pursuant to  
division (A)(2) of section 3301.0710 of the Revised Code and the  
science tests given pursuant to divisions (A)(1), (3), and (B) of  
section 3301.0710 of the Revised Code are available for the  
department of education to establish performance standards for  
those tests, the department shall recommend a rule adding  
standards to reflect these additional tests. The department shall  
also recommend a rule when necessary to allow for the phasing out  
of the ninth grade proficiency test and its replacement with a  
high school proficiency test pursuant to section 3301.0710 of the  
Revised Code as amended by Amended Substitute Senate Bill No. 55  
of the 122nd general assembly. The rules~~ 1490  
1491  
1492  
1493  
1494  
1495  
1496  
1497  
1498  
1499  
1500  
1501

The state board of education shall annually establish at  
least seventeen performance indicators for the report cards  
required by division (D) of section 3302.03 of the Revised Code.  
In establishing these indicators, the state board shall consider  
inclusion of student performance on any tests given under section  
3301.0710 of the Revised Code, rates of student improvement on  
such tests, student attendance, the breadth of coursework  
available within the district, and other indicators of student  
success. The state board shall notify all school districts of the 1502  
1503  
1504  
1505  
1506  
1507  
1508  
1509  
1510

selected performance indicators at least one year before they are 1511  
included in the report card. 1512

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

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

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

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

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

<u>section 3302.02 of the Revised Code:</u>	1542
<u>(1) A school district or building shall be declared excellent if it meets at least sixteen of the applicable state performance indicators.</u>	1543 1544 1545
<u>(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.</u>	1546 1547 1548 1549
<u>+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.</u>	1550 1551 1552 1553
<u>+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.</u>	1554 1555 1556 1557
<u>+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.</u>	1558 1559 1560 1561
<u>(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, or if less than seventeen performance indicators are applicable to a school building, the state board shall establish the number of indicators that must be met in order for a district or building to be designated as excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency. The number established for each such category</u>	1562 1563 1564 1565 1566 1567 1568 1569 1570 1571 1572

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Determining pupil-teacher ratios; 1724

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

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



school district board are available. 1729

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3313.603. (A) As used in this section:	1851
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	1852 1853 1854 1855
(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.	1856 1857 1858 1859
(B) Beginning September 15, 2001, <u>except as required in division (C) of section 3313.614 of the Revised Code</u> , the requirements for graduation from every high school shall include twenty-one units earned in grades nine through twelve and shall be distributed as follows:	1860 1861 1862 1863 1864
(1) English language arts, four units;	1865
(2) Health, one-half unit;	1866
(3) Mathematics, three units;	1867
(4) Physical education, one-half unit;	1868
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	1869 1870 1871
(a) Biological sciences, one unit;	1872
(b) Physical sciences, one unit.	1873
(6) Social studies, three units, which shall include both of the following:	1874 1875
(a) American history, one-half unit;	1876
(b) American government, one-half unit.	1877
(7) Elective units, eight units until September 15, 2003, and	1878

seven units thereafter. 1879

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

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

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

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

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

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

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

(1) An advanced level of skill; 1906

(2) A proficient level of skill; 1907

<u>(3) A basic level of skill;</u>	1908
<u>(4) A below basic level of skill.</u>	1909
<u>(B) Beginning with students who enter fourth grade in the school year that starts July 1, 2001, no city, exempted village, or local school district shall promote to fifth grade any student who fails to attain the score designated under division (A)(1) of section 3301.0710 of the Revised Code on the test prescribed under that division to measure skill in reading, unless either of the following applies:</u>	1910 1911 1912 1913 1914 1915 1916
<u>(1) The pupil was excused from taking the test under division (C)(1) of section 3301.0711 of the Revised Code;</u>	1917 1918
<u>(2) The pupil's principal and reading teacher agree that the pupil is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade.</u>	1919 1920 1921 1922
<u>(B) for any student who attains a score in the range designated under division (A)(4) of this section on such reading test, each school district shall do one of the following:</u>	1923 1924 1925
<u>(1) Promote the student to fifth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade;</u>	1926 1927 1928 1929 1930 1931
<u>(2) Promote the student to fifth grade but provide the student with intensive intervention services in fifth grade;</u>	1932 1933
<u>(3) Retain the student in fourth grade.</u>	1934
<u>This section does not apply to any student excused from taking such test under division (C)(1) of section 3301.0711 of the Revised Code.</u>	1935 1936 1937

(C)(1) To assist students in meeting this fourth grade 1938  
guarantee established by this section, each ~~city, exempted~~ 1939  
~~village, and local~~ school district shall adopt policies and 1940  
procedures with which it shall, ~~beginning in the school year that~~ 1941  
~~starts July 1, 1998,~~ annually assess the reading skills of each 1942  
student at the end of first, second, and third grade and identify 1943  
students who are reading below their grade level. The policy and 1944  
procedures shall require the students' classroom teachers to be 1945  
involved in the assessment and the identification of students 1946  
reading below grade level. The district shall notify the parent or 1947  
guardian of each student whose reading skills are below grade 1948  
level and, in accordance with division ~~(C)~~(D) of this section, 1949  
provide intervention services to each student reading below grade 1950  
level. 1951

(2) For each student identified as reading below grade level 1952  
at the end of third grade, the district shall offer intense 1953  
remediation services during the summer following third grade. 1954

(3) For each student entering fourth grade after July 1, 1955  
2001, who does not attain by the end of the fourth grade the at 1956  
least a score designated under division (A)(1) of section 1957  
3301.0710 of the Revised Code on the test prescribed under that 1958  
division to measure skill in reading in the range designated under 1959  
division (A)(2) of this section, the district also shall offer 1960  
intense remediation services, and another opportunity to take that 1961  
test, during the summer following fourth grade. 1962

~~(C)~~(D) For each student required to be offered remediation 1963  
services under this section, the district shall involve the 1964  
student's parent or guardian and classroom teacher in developing 1965  
the intervention strategy, and shall offer to the parent or 1966  
guardian the opportunity to be involved in the intervention 1967  
services. 1968

~~(D)~~ (E) Beginning in the summer of 1999, in (E) In addition to 1969



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Except as provided in divisions (C), (E), ~~and (J)~~, and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division. 2063  
2064  
2065

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board of education, by any such district board to anyone who successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, who has attained subject to section 3313.614 of the Revised Code at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code, and who has met additional criteria established by the state board for the granting of such a diploma. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division. 2066  
2067  
2068  
2069  
2070  
2071  
2072  
2073  
2074  
2075  
2076  
2077  
2078  
2079  
2080  
2081  
2082

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that 2083  
2084  
2085  
2086  
2087  
2088  
2089  
2090

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

(C) Any such district board administering any of the tests  
required by section 3301.0710 or 3301.0712 of the Revised Code to  
any person requesting to take such test pursuant to division  
(B)~~(5)~~(6)(b) of section 3301.0711 of the Revised Code shall award  
a diploma to such person if the person attains at least the  
applicable scores designated under division (B) of section  
3301.0710 of the Revised Code on all the tests administered and if  
the person has previously attained the applicable scores on all  
the other tests required by division (B) of that section or has  
been exempted or excused from any such test pursuant to division  
(H) or (L) of this section ~~or division (C)(1) of section 3301.0711~~  
or section 3313.532 of the Revised Code.

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

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

2091  
2092  
2093  
2094  
2095  
2096  
2097  
2098  
2099  
2100  
2101  
2102  
2103  
2104  
2105  
2106  
2107  
2108  
2109  
2110  
2111  
2112  
2113  
2114  
2115  
2116  
2117  
2118  
2119  
2120  
2121  
2122

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>law.</u>	2186
<b>Sec. 3313.611.</b> (A) The state board of education shall adopt,	2187
by rule, standards for awarding high school credit equivalent to	2188
credit for completion of high school academic and vocational	2189
education courses to applicants for diplomas under this section.	2190
The standards may permit high school credit to be granted to an	2191
applicant for any of the following:	2192
(1) Work experiences or experiences as a volunteer;	2193
(2) Completion of academic, vocational, or self-improvement	2194
courses offered to persons over the age of twenty-one by a	2195
chartered public or nonpublic school;	2196
(3) Completion of academic, vocational, or self-improvement	2197
courses offered by an organization, individual, or educational	2198
institution other than a chartered public or nonpublic school;	2199
(4) Other life experiences considered by the board to provide	2200
knowledge and learning experiences comparable to that gained in a	2201
classroom setting.	2202
(B) The board of education of any city, exempted village, or	2203
local school district that operates a high school shall grant a	2204
diploma of adult education to any applicant if all of the	2205
following apply:	2206
(1) The applicant is a resident of the district;	2207
(2) The applicant is over the age of twenty-one and has not	2208
been issued a diploma as provided in section 3313.61 of the	2209
Revised Code;	2210
(3) <u>The Subject to section 3313.614 of the Revised Code, the</u>	2211
applicant <del>has</del> <u>either</u> :	2212
<u>(a) Has</u> attained the applicable scores designated under	2213
division (B) of section 3301.0710 of the Revised Code on all of	2214



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code. 2276

Notwithstanding the exemption for English-limited students 2277  
provided in division (C)(3) of section 3301.0711 of the Revised 2278  
Code, no English-limited student who has not attained the 2279  
applicable scores designated under division (B) of section 2280  
3301.0710 of the Revised Code on all ~~five proficiency~~ the tests 2281  
required by that division shall be awarded a diploma under this 2282  
section. 2283

Sec. 3313.614. (A) As used in this section, a person 2284  
"fulfills the curriculum requirement for a diploma" at the time 2285  
one of the following conditions is satisfied: 2286

(1) The person successfully completes the high school 2287  
curriculum of a school district, a community school, a chartered 2288  
nonpublic school, or a correctional institution. 2289

(2) The person successfully completes the individualized 2290  
education program developed for the person under section 3323.08 2291  
of the Revised Code. 2292

(3) A board of education issues its determination under 2293  
section 3313.611 of the Revised Code that the person qualifies as 2294  
having successfully completed the curriculum required by the 2295  
district. 2296

(B) This division specifies the testing requirements that 2297  
must be fulfilled as a condition toward granting high school 2298  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 2299  
of the Revised Code. 2300

(1) A person who fulfills the curriculum requirement for a 2301  
diploma before September 15, 2000, is not required to pass any 2302  
proficiency test or achievement test in science as a condition to 2303  
receiving a diploma. 2304

(2) Except as provided in division (B)(3) of this section, a 2305

person who fulfills the curriculum requirement for a diploma prior to September 15, 2006, is not required to pass the tenth grade achievement 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 tenth grade achievement 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 tenth grade achievement 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 tenth grade achievement 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.

(A) As an alternative to the requirement that a person attain

the scores designated under division (B) of section 3301.0710 of 2337  
the Revised Code on all the tests required under that division in 2338  
order to be eligible for a high school diploma or an honors 2339  
diploma under sections 3313.61, 3313.612, or 3325.08 of the 2340  
Revised Code or for a diploma of adult education under section 2341  
3313.611 of the Revised Code, a person who has attained at least 2342  
the applicable scores designated under division (B) of section 2343  
3301.0710 of the Revised Code on all but one of the tests required 2344  
by that division and from which the person was not excused or 2345  
exempted, pursuant to division (H) or (L) of section 3313.61, 2346  
division (B) of section 3313.612, or section 3313.532 of the 2347  
Revised Code, may be awarded a diploma or honors diploma if the 2348  
person has satisfied all of the following conditions: 2349

(1) On the one test required under division (B) of section 2350  
3301.0710 of the Revised Code for which the person failed to 2351  
attain the designated score, the person missed that score by ten 2352  
points or less; 2353

(2) Has a ninety-seven per cent school attendance rate in 2354  
each of the last four school years, excluding any excused 2355  
absences; 2356

(3) Has not been suspended or expelled from school under 2357  
section 3313.66 of the Revised Code in any of the last four school 2358  
years, including any in-school suspensions; 2359

(4) Has a grade point average of at least 2.5 out of 4.0, or 2360  
its equivalent as designated in rules adopted by the state board 2361  
of education in the subject area of the test required under 2362  
division (B) of section 3301.0710 of the Revised Code for which 2363  
the person failed to attain the designated score; 2364

(5) Has completed the high school curriculum requirements 2365  
prescribed in section 3313.603 of the Revised Code in the subject 2366  
area described in division (A)(4) of this section; 2367

(6) Has taken advantage of any intervention programs provided 2368  
by the school district or school in the subject area described in 2369  
division (A)(4) of this section and has a ninety-seven per cent 2370  
attendance rate, excluding any excused absences, in any of those 2371  
programs that are provided at times beyond the normal school day, 2372  
school week, or school year; 2373

(7) Holds a letter recommending graduation from each of the 2374  
person's high school teachers in the subject area described in 2375  
division (A)(4) of this section and from the person's high school 2376  
principal. 2377

(B) The state board of education shall establish rules 2378  
designating grade point averages equivalent to the average 2379  
specified in division (A)(4) of this section for use by school 2380  
districts and schools with different grading systems. 2381

**Sec. 3313.978.** (A) Annually by the first day of November, the 2382  
superintendent of public instruction shall notify the pilot 2383  
project school district of the number of initial scholarships that 2384  
the state superintendent will be awarding in each of grades 2385  
kindergarten through third. 2386

The state superintendent shall provide information about the 2387  
scholarship program to all students residing in the district, 2388  
shall accept applications from any such students until such date 2389  
as shall be established by the state superintendent as a deadline 2390  
for applications, and shall establish criteria for the selection 2391  
of students to receive scholarships from among all those applying 2392  
prior to the deadline, which criteria shall give preference to 2393  
students from low-income families. For each student selected, the 2394  
state superintendent shall also determine whether the student 2395  
qualifies for seventy-five or ninety per cent of the scholarship 2396  
amount. Students whose family income is at or above two hundred 2397  
per cent of the maximum income level established by the state 2398

superintendent for low-income families shall qualify for 2399  
seventy-five per cent of the scholarship amount and students whose 2400  
family income is below two hundred per cent of that maximum income 2401  
level shall qualify for ninety per cent of the scholarship amount. 2402  
The state superintendent shall notify students of their selection 2403  
prior to the fifteenth day of January and whether they qualify for 2404  
seventy-five or ninety per cent of the scholarship amount. 2405

(1) A student receiving a pilot project scholarship may 2406  
utilize it at an alternative public school by notifying the 2407  
district superintendent, at any time before the beginning of the 2408  
school year, of the name of the public school in an adjacent 2409  
school district to which the student has been accepted pursuant to 2410  
section 3327.06 of the Revised Code. 2411

(2) A student may decide to utilize a pilot project 2412  
scholarship at a registered private school in the district if all 2413  
of the following conditions are met: 2414

(a) By the fifteenth day of February of the preceding school 2415  
year, or at any time prior to the start of the school year, the 2416  
parent makes an application on behalf of the student to a 2417  
registered private school. 2418

(b) The registered private school notifies the parent and the 2419  
state superintendent as follows that the student has been 2420  
admitted: 2421

(i) By the fifteenth day of March of the preceding school 2422  
year if the student filed an application by the fifteenth day of 2423  
February and was admitted by the school pursuant to division (A) 2424  
of section 3313.977 of the Revised Code; 2425

(ii) Within one week of the decision to admit the student if 2426  
the student is admitted pursuant to division (C) of section 2427  
3313.977 of the Revised Code. 2428

(c) The student actually enrolls in the registered private 2429

school to which the student was first admitted or in another 2430  
registered private school in the district or in a public school in 2431  
an adjacent school district. 2432

(B) The state superintendent shall also award in any school 2433  
year tutorial assistance grants to a number of students equal to 2434  
the number of students who receive scholarships under division (A) 2435  
of this section. Tutorial assistance grants shall be awarded 2436  
solely to students who are enrolled in the public schools of the 2437  
district in a grade level covered by the pilot project. Tutorial 2438  
assistance grants may be used solely to obtain tutorial assistance 2439  
from a provider approved pursuant to division (D) of section 2440  
3313.976 of the Revised Code. 2441

All students wishing to obtain tutorial assistance grants 2442  
shall make application to the state superintendent by the first 2443  
day of the school year in which the assistance will be used. The 2444  
state superintendent shall award assistance grants in accordance 2445  
with criteria the superintendent shall establish. For each student 2446  
awarded a grant, the state superintendent shall also determine 2447  
whether the student qualifies for seventy-five or ninety per cent 2448  
of the grant amount and so notify the student. Students whose 2449  
family income is at or above two hundred per cent of the maximum 2450  
income level established by the state superintendent for 2451  
low-income families shall qualify for seventy-five per cent of the 2452  
grant amount and students whose family income is below two hundred 2453  
per cent of that maximum income level shall qualify for ninety per 2454  
cent of the grant amount. 2455

(C)(1) In the case of basic scholarships, the scholarship 2456  
amount shall not exceed the lesser of the tuition charges of the 2457  
alternative school the scholarship recipient attends or an amount 2458  
established by the state superintendent not in excess of 2459  
twenty-five hundred dollars. 2460

(2) The state superintendent shall provide for an increase in 2461



the basic scholarship amount in the case of any student who is a  
mainstreamed handicapped student and shall further increase such  
amount in the case of any separately educated handicapped child.  
Such increases shall take into account the instruction, related  
services, and transportation costs of educating such students.

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

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

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

(2) Annually by the fifteenth day of January, the chief  
administrator of each registered private school located in the  
pilot project district and the principal of each public school in  
such district shall complete a parental information form and  
forward it to the president of the board of education. The  
parental information form shall be prescribed by the department of

education and shall provide information about the grade levels 2494  
offered, the numbers of students, tuition amounts, ~~proficiency~~ 2495  
~~examination~~ achievement test results, and any sectarian or other 2496  
organizational affiliations. 2497

**Sec. 3314.03.** (A) Each contract entered into under section 2498  
3314.02 of the Revised Code between a sponsor and the governing 2499  
authority of a community school shall specify the following: 2500

(1) That the school shall be established as a nonprofit 2501  
corporation established under Chapter 1702. of the Revised Code; 2502

(2) The education program of the school, including the 2503  
school's mission, the characteristics of the students the school 2504  
is expected to attract, the ages and grades of students, and the 2505  
focus of the curriculum; 2506

(3) The academic goals to be achieved and the method of 2507  
measurement that will be used to determine progress toward those 2508  
goals, which shall include the statewide ~~proficiency~~ achievement 2509  
tests; 2510

(4) Performance standards by which the success of the school 2511  
will be evaluated by the sponsor; 2512

(5) The admission standards of section 3314.06 of the Revised 2513  
Code; 2514

(6) Dismissal procedures; 2515

(7) The ways by which the school will achieve racial and 2516  
ethnic balance reflective of the community it serves; 2517

(8) Requirements and procedures for financial audits by the 2518  
auditor of state. The contract shall require financial records of 2519  
the school to be maintained in the same manner as are financial 2520  
records of school districts, pursuant to rules of the auditor of 2521  
state, and the audits shall be conducted in accordance with 2522

section 117.10 of the Revised Code.	2523
(9) The facilities to be used and their locations;	2524
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	2525 2526 2527 2528 2529 2530
(11) That the school will comply with the following requirements:	2531 2532
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	2533 2534 2535
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	2536 2537 2538
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	2539 2540 2541 2542
(d) The school will comply with <u>divisions (A), (B), and (C) of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3313.50, 3313.643, 3313.66, 3313.661, 3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, and 4113.52 and Chapters 117., 1347., 2744., 3365., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district;</u>	2543 2544 2545 2546 2547 2548 2549 2550 2551
(e) The school shall comply with Chapter 102. of the Revised	2552

Code except that nothing in that chapter shall prohibit a member 2553  
of the school's governing board from also being an employee of the 2554  
school and nothing in that chapter or section 2921.42 of the 2555  
Revised Code shall prohibit a member of the school's governing 2556  
board from having an interest in a contract into which the 2557  
governing board enters; 2558

(f) The school will comply with sections 3313.61 ~~and,~~ 2559  
3313.611, and 3313.614 of the Revised Code, except that the 2560  
requirement in ~~those~~ sections 3313.61 and 3313.611 of the Revised 2561  
Code that a person must successfully complete the curriculum in 2562  
any high school prior to receiving a high school diploma may be 2563  
met by completing the curriculum adopted by the governing 2564  
authority of the community school rather than the curriculum 2565  
specified in Title XXXIII of the Revised Code or any rules of the 2566  
state board of education; 2567

(g) The school governing authority will submit an annual 2568  
report of its activities and progress in meeting the goals and 2569  
standards of divisions (A)(3) and (4) of this section and its 2570  
financial status to the sponsor, the parents of all students 2571  
enrolled in the school, and the legislative office of education 2572  
oversight. The school will collect and provide any data that the 2573  
legislative office of education oversight requests in furtherance 2574  
of any study or research that the general assembly requires the 2575  
office to conduct, including the studies required under Section 2576  
50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and 2577  
Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general 2578  
assembly, as amended. 2579

(12) Arrangements for providing health and other benefits to 2580  
employees; 2581

(13) The length of the contract, which shall begin at the 2582  
beginning of an academic year and shall not exceed five years; 2583

(14) The governing authority of the school, which shall be 2584  
responsible for carrying out the provisions of the contract; 2585

(15) A financial plan detailing an estimated school budget 2586  
for each year of the period of the contract and specifying the 2587  
total estimated per pupil expenditure amount for each such year. 2588  
The plan shall specify for each year the base formula amount that 2589  
will be used for purposes of funding calculations under section 2590  
3314.08 of the Revised Code. This base formula amount for any year 2591  
shall not exceed the formula amount defined under section 3317.02 2592  
of the Revised Code. The plan may also specify for any year a 2593  
percentage figure to be used for reducing the per pupil amount of 2594  
disadvantaged pupil impact aid calculated pursuant to section 2595  
3317.029 of the Revised Code the school is to receive that year 2596  
under section 3314.08 of the Revised Code. 2597

(16) Requirements and procedures regarding the disposition of 2598  
employees of the school in the event the contract is terminated or 2599  
not renewed pursuant to section 3314.07 of the Revised Code; 2600

(17) Whether the school is to be created by converting all or 2601  
part of an existing public school or is to be a new start-up 2602  
school, and if it is a converted public school, specification of 2603  
any duties or responsibilities of an employer that the board of 2604  
education that operated the school before conversion is delegating 2605  
to the governing board of the community school with respect to all 2606  
or any specified group of employees provided the delegation is not 2607  
prohibited by a collective bargaining agreement applicable to such 2608  
employees; 2609

(18) Provisions establishing procedures for resolving 2610  
disputes or differences of opinion between the sponsor and the 2611  
governing authority of the community school; 2612

(19) A provision requiring the governing authority to adopt a 2613  
policy regarding the admission of students who reside outside the 2614

district in which the school is located. That policy shall comply 2615  
with the admissions procedures specified in section 3314.06 of the 2616  
Revised Code and, at the sole discretion of the authority, shall 2617  
do one of the following: 2618

(a) Prohibit the enrollment of students who reside outside 2619  
the district in which the school is located; 2620

(b) Permit the enrollment of students who reside in districts 2621  
adjacent to the district in which the school is located; 2622

(c) Permit the enrollment of students who reside in any other 2623  
district in the state. 2624

(B) The community school shall also submit to the sponsor a 2625  
comprehensive plan for the school. The plan shall specify the 2626  
following: 2627

(1) The process by which the governing authority of the 2628  
school will be selected in the future; 2629

(2) The management and administration of the school; 2630

(3) If the community school is a currently existing public 2631  
school, alternative arrangements for current public school 2632  
students who choose not to attend the school and teachers who 2633  
choose not to teach in the school after conversion; 2634

(4) The instructional program and educational philosophy of 2635  
the school; 2636

(5) Internal financial controls. 2637

(C) A contract entered into under section 3314.02 of the 2638  
Revised Code between a sponsor and the governing authority of a 2639  
community school may provide for the community school governing 2640  
authority to make payments to the sponsor, which is hereby 2641  
authorized to receive such payments as set forth in the contract 2642  
between the governing authority and the sponsor. 2643

**Sec. 3314.20.** This section does not apply to any school 2644  
district declared to be excellent or effective pursuant to 2645  
division (B)(1) or (2) of section 3302.03 of the Revised Code. 2646

(A) The department of education shall recommend rules to the 2647  
general assembly requiring school districts with a total student 2648  
count of over five thousand, as determined pursuant to section 2649  
3317.03 of the Revised Code, to designate one school building to 2650  
be operated by a site-based management council. The rules shall 2651  
specify the composition of the council and the manner in which 2652  
members of the council are to be selected and removed. 2653

(B) The rules adopted under division (A) of this section 2654  
shall specify those powers, duties, functions, and 2655  
responsibilities that shall be vested in the management council 2656  
and that would otherwise be exercised by the district board of 2657  
education. The rules shall also establish a mechanism for 2658  
resolving any differences between the council and the district 2659  
board if there is disagreement as to their respective powers, 2660  
duties, functions, and responsibilities. 2661

(C) The board of education of any school district described 2662  
by division (A) of this section may, in lieu of complying with the 2663  
rules adopted under this section, file with the department of 2664  
education an alternative structure for a district site-based 2665  
management program in at least one of its school buildings. The 2666  
proposal shall specify the composition of the council, which shall 2667  
include an equal number of parents and teachers and the building 2668  
principal, and the method of selection and removal of the council 2669  
members. The proposal shall also clearly delineate the respective 2670  
powers, duties, functions, and responsibilities of the district 2671  
board and the council. The district's proposal shall comply 2672  
substantially with the rules approved by the general assembly. 2673

(D) The rules recommended under this section shall take 2674

effect upon approval of the general assembly through the passage 2675  
of a joint resolution. 2676

**Sec. 3317.012.** (A) The general assembly, having analyzed 2677  
school district expenditure and cost data for fiscal year 1996, 2678  
performed the calculation described in division (B) of this 2679  
section, and adjusted the results for inflation, hereby determines 2680  
that the base cost of an adequate education per pupil for the 2681  
fiscal year beginning July 1, 1998, is \$4,063. For the five 2682  
following fiscal years, the base cost per pupil for each of those 2683  
years, reflecting an annual rate of inflation of two and 2684  
eight-tenths per cent, is \$4,177 for fiscal year 2000, \$4,294 for 2685  
fiscal year 2001, \$4,414 for fiscal year 2002, \$4,538 for fiscal 2686  
year 2003, and \$4,665 for fiscal year 2004. 2687

(B) In determining the base cost stated in division (A) of 2688  
this section, capital and debt costs, costs paid for by federal 2689  
funds, and costs covered by funds provided pursuant to sections 2690  
3317.023 and 3317.024 of the Revised Code as they existed prior to 2691  
July 1, 1998, for disadvantaged pupil impact aid and 2692  
transportation were excluded, as were the effects on the 2693  
districts' state funds of the application of the 2694  
cost-of-doing-business factors, assuming an eighteen per cent 2695  
variance. 2696

The base cost for fiscal year 1996 was calculated as the 2697  
unweighted average cost per student, on a school district basis, 2698  
of educating students who were not receiving vocational education 2699  
or services pursuant to Chapter 3323. of the Revised Code and who 2700  
were enrolled in a city, exempted village, or local school 2701  
district that in fiscal year 1994 met all of the following 2702  
criteria: 2703

(1) The district met at least all but one of the following 2704  
performance ~~standards~~ indicators: 2705



(a) A three per cent or lower dropout rate;	2706
(b) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2707 2708 2709
(c) At least seventy-five per cent of fourth graders proficient on the reading test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2710 2711 2712
(d) At least seventy-five per cent of fourth graders proficient on the writing test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2713 2714 2715
(e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	2716 2717 2718
(f) At least seventy-five per cent of ninth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2719 2720 2721
(g) At least seventy-five per cent of ninth graders proficient on the reading test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2722 2723 2724
(h) At least seventy-five per cent of ninth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2725 2726 2727
(i) At least seventy-five per cent of ninth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2728 2729 2730
(j) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2731 2732 2733
(k) At least eighty-five per cent of tenth graders proficient on the reading test prescribed under former division (B) of	2734 2735

section 3301.0710 of the Revised Code;	2736
(l) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2737 2738 2739
(m) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code;	2740 2741 2742
(n) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2743 2744 2745
(o) At least sixty per cent of twelfth graders proficient on the reading test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2746 2747 2748
(p) At least sixty per cent of twelfth graders proficient on the writing test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2749 2750 2751
(q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	2752 2753 2754
(r) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.	2755 2756
(2) The district was not among the ten per cent of all districts with the highest income factors, as defined in section 3317.02 of the Revised Code, nor among the ten per cent of all districts with the lowest income factors.	2757 2758 2759 2760
(3) The district was not among the five per cent of all districts with the highest valuation per pupil in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it existed prior to July 1, 1998, nor among the five per cent of all districts with the lowest valuation per pupil.	2761 2762 2763 2764 2765

(C) In July of 2000, and in July of every six years 2766  
thereafter, the speaker of the house of representatives and the 2767  
president of the senate shall each appoint three members to a 2768  
committee to reexamine the cost of an adequate education. No more 2769  
than two members from any political party shall represent each 2770  
house. The director of budget and management and the 2771  
superintendent of public instruction shall serve as nonvoting ex 2772  
officio members of the committee. 2773

The committee shall select a rational methodology for 2774  
calculating the costs of an adequate education system for the 2775  
ensuing six-year period, and shall report the methodology and the 2776  
resulting costs to the general assembly. In performing its 2777  
function, the committee is not bound by any method used by 2778  
previous general assemblies to examine and calculate costs and 2779  
instead may utilize any rational method it deems suitable and 2780  
reasonable given the educational needs and requirements of the 2781  
state at that time. 2782

The methodology for determining the cost of an adequate 2783  
education system shall take into account the basic educational 2784  
costs that all districts incur in educating regular students, the 2785  
unique needs of special categories of students, and significant 2786  
special conditions encountered by certain classifications of 2787  
school districts. 2788

Any committee appointed pursuant to this section shall make 2789  
its report to the office of budget and management and the general 2790  
assembly within six months of its appointment so that the 2791  
information is available for use by the office and the general 2792  
assembly in preparing the next biennial appropriations act. 2793

**Sec. 3317.029.** (A) As used in this section: 2794

(1) "DPIA percentage" means the quotient obtained by dividing 2795  
the five-year average number of children ages five to seventeen 2796

residing in the school district and living in a family receiving family assistance, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.

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

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

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

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

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

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

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

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

(7) "Statewide average teacher salary" means forty thousand one hundred eighty-seven dollars in fiscal year 2000, and

forty-one thousand three hundred twelve dollars in fiscal year 2827  
2001, which includes an amount for the value of fringe benefits. 2828

(8) "All-day kindergarten" means a kindergarten class that is 2829  
in session five days per week for not less than the same number of 2830  
clock hours each day as for pupils in grades one through six. 2831

(9) "All-day kindergarten percentage" means the percentage of 2832  
a district's actual total number of students enrolled in 2833  
kindergarten who are enrolled in all-day kindergarten. 2834

(10) "Buildings with the highest concentration of need" means 2835  
the school buildings in a district with percentages of students 2836  
receiving family assistance in grades kindergarten through three 2837  
at least as high as the district-wide percentage of students 2838  
receiving family assistance. If, however, the information provided 2839  
by the department of job and family services under section 3317.10 2840  
of the Revised Code is insufficient to determine the family 2841  
assistance percentage in each building, "buildings with the 2842  
highest concentration of need" has the meaning given in rules that 2843  
the department of education shall adopt. The rules shall base the 2844  
definition of "buildings with the highest concentration of need" 2845  
on family income of students in grades kindergarten through three 2846  
in a manner that, to the extent possible with available data, 2847  
approximates the intent of this division and division (G) of this 2848  
section to designate buildings where the family assistance 2849  
percentage in those grades equals or exceeds the district-wide 2850  
family assistance percentage. 2851

(B) In addition to the amounts required to be paid to a 2852  
school district under section 3317.022 of the Revised Code, a 2853  
school district shall receive the greater of the amount the 2854  
district received in fiscal year 1998 pursuant to division (B) of 2855  
section 3317.023 of the Revised Code as it existed at that time or 2856  
the sum of the computations made under divisions (C) to (E) of 2857  
this section. 2858

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

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

(2) If the DPIA index of the school district is greater than or equal to one, an amount obtained by multiplying the DPIA index 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: 2890

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 2891$$

Where 43.478 is the number of teachers per one thousand 2892  
students at a student-teacher ratio of twenty-three to one; 1.9 is 2893  
the interval from a DPIA index of six-tenths to a DPIA index of 2894  
two and one-half; and 23.188 is the difference in the number of 2895  
teachers per one thousand students at a student-teacher ratio of 2896  
fifteen to one and the number of teachers per one thousand 2897  
students at a student-teacher ratio of twenty-three to one. 2898

(c) If the DPIA index of the school district is greater than 2899  
or equal to two and one-half, the formula number of teachers is 2900  
66.667, which is the number of teachers per one thousand students 2901  
at a student-teacher ratio of fifteen to one. 2902

(2) Multiply the formula number of teachers determined or 2903  
calculated in division (E)(1) of this section by the kindergarten 2904  
through third grade ADM for the district and divide that product 2905  
by one thousand; 2906

(3) Calculate the number of new teachers as follows: 2907

(a) Multiply the kindergarten through third grade ADM by 2908  
43.478, which is the number of teachers per one thousand students 2909  
at a student-teacher ratio of twenty-three to one, and divide that 2910  
product by one thousand; 2911

(b) Subtract the quotient obtained in division (E)(3)(a) of 2912  
this section from the product in division (E)(2) of this section. 2913

(4) Multiply the greater of the difference obtained under 2914  
division (E)(3) of this section or zero by the statewide average 2915  
teachers salary. 2916

(F) This division applies only to school districts whose DPIA 2917  
index is one or greater. 2918

(1) Each school district subject to this division shall first 2919

utilize funds received under this section so that, when combined 2920  
with other funds of the district, sufficient funds exist to 2921  
provide all-day kindergarten to at least the number of children in 2922  
the district's all-day kindergarten percentage. 2923

(2) Up to an amount equal to the district's DPIA index 2924  
multiplied by the five-year average number of pupils in a district 2925  
receiving family assistance multiplied by two hundred thirty 2926  
dollars of the money distributed under this section may be 2927  
utilized for one or both of the following: 2928

(a) Programs designed to ensure that schools are free of 2929  
drugs and violence and have a disciplined environment conducive to 2930  
learning; 2931

(b) Remediation for students who have failed or are in danger 2932  
of failing any of the ~~proficiency~~ tests administered pursuant to 2933  
section 3301.0710 of the Revised Code. 2934

(3) Except as otherwise required by division (G) or permitted 2935  
under division (K) of this section, all other funds distributed 2936  
under this section to districts subject to this division shall be 2937  
utilized for the purpose of the third grade guarantee. The third 2938  
grade guarantee consists of increasing the amount of instructional 2939  
attention received per pupil in kindergarten through third grade, 2940  
either by reducing the ratio of students to instructional 2941  
personnel or by increasing the amount of instruction and 2942  
curriculum-related activities by extending the length of the 2943  
school day or the school year. 2944

School districts may implement a reduction of the ratio of 2945  
students to instructional personnel through any or all of the 2946  
following methods: 2947

(a) Reducing the number of students in a classroom taught by 2948  
a single teacher; 2949

(b) Employing full-time educational aides or educational 2950



paraprofessionals issued a permit or license under section 2951  
3319.088 of the Revised Code; 2952

(c) Instituting a team-teaching method that will result in a 2953  
lower student-teacher ratio in a classroom. 2954

Districts may extend the school day either by increasing the 2955  
amount of time allocated for each class, increasing the number of 2956  
classes provided per day, offering optional academic-related 2957  
after-school programs, providing curriculum-related extra 2958  
curricular activities, or establishing tutoring or remedial 2959  
services for students who have demonstrated an educational need. 2960  
In accordance with section 3319.089 of the Revised Code, a 2961  
district extending the school day pursuant to this division may 2962  
utilize a participant of the work experience program who has a 2963  
child enrolled in a public school in that district and who is 2964  
fulfilling the work requirements of that program by volunteering 2965  
or working in that public school. If the work experience program 2966  
participant is compensated, the school district may use the funds 2967  
distributed under this section for all or part of the 2968  
compensation. 2969

Districts may extend the school year either through adding 2970  
regular days of instruction to the school calendar or by providing 2971  
summer programs. 2972

(G) Each district subject to division (F) of this section 2973  
shall not expend any funds received under division (E) of this 2974  
section in any school buildings that are not buildings with the 2975  
highest concentration of need, unless there is a ratio of 2976  
instructional personnel to students of no more than fifteen to one 2977  
in each kindergarten and first grade class in all buildings with 2978  
the highest concentration of need. This division does not require 2979  
that the funds used in buildings with the highest concentration of 2980  
need be spent solely to reduce the ratio of instructional 2981  
personnel to students in kindergarten and first grade. A school 2982

district may spend the funds in those buildings in any manner 2983  
permitted by division (F)(3) of this section, but may not spend 2984  
the money in other buildings unless the fifteen-to-one ratio 2985  
required by this division is attained. 2986

(H)(1) By the first day of August of each fiscal year, each 2987  
school district wishing to receive any funds under division (D) of 2988  
this section shall submit to the department of education an 2989  
estimate of its all-day kindergarten percentage. Each district 2990  
shall update its estimate throughout the fiscal year in the form 2991  
and manner required by the department, and the department shall 2992  
adjust payments under this section to reflect the updates. 2993

(2) Annually by the end of December, the department of 2994  
education, utilizing data from the information system established 2995  
under section 3301.0714 of the Revised Code and after consultation 2996  
with the legislative office of education oversight, shall 2997  
determine for each school district subject to division (F) of this 2998  
section whether in the preceding fiscal year the district's ratio 2999  
of instructional personnel to students and its number of 3000  
kindergarten students receiving all-day kindergarten appear 3001  
reasonable, given the amounts of money the district received for 3002  
that fiscal year pursuant to divisions (D) and (E) of this 3003  
section. If the department is unable to verify from the data 3004  
available that students are receiving reasonable amounts of 3005  
instructional attention and all-day kindergarten, given the funds 3006  
the district has received under this section and that class-size 3007  
reduction funds are being used in school buildings with the 3008  
highest concentration of need as required by division (G) of this 3009  
section, the department shall conduct a more intensive 3010  
investigation to ensure that funds have been expended as required 3011  
by this section. The department shall file an annual report of its 3012  
findings under this division with the chairpersons of the 3013  
committees in each house of the general assembly dealing with 3014

finance and education. 3015

(I) Any school district with a DPIA index less than one and a 3016  
three-year average formula ADM exceeding seventeen thousand five 3017  
hundred shall first utilize funds received under this section so 3018  
that, when combined with other funds of the district, sufficient 3019  
funds exist to provide all-day kindergarten to at least the number 3020  
of children in the district's all-day kindergarten percentage. 3021  
Such a district shall expend at least seventy per cent of the 3022  
remaining funds received under this section, and any other 3023  
district with a DPIA index less than one shall expend at least 3024  
seventy per cent of all funds received under this section, for any 3025  
of the following purposes: 3026

- (1) The purchase of technology for instructional purposes; 3027
- (2) All-day kindergarten; 3028
- (3) Reduction of class sizes; 3029
- (4) Summer school remediation; 3030
- (5) Dropout prevention programs; 3031
- (6) Guaranteeing that all third graders are ready to progress 3032  
to more advanced work; 3033
- (7) Summer education and work programs; 3034
- (8) Adolescent pregnancy programs; 3035
- (9) Head start or preschool programs; 3036
- (10) Reading improvement programs described by the department 3037  
of education; 3038
- (11) Programs designed to ensure that schools are free of 3039  
drugs and violence and have a disciplined environment conducive to 3040  
learning; 3041
- (12) Furnishing, free of charge, materials used in courses of 3042  
instruction, except for the necessary textbooks or electronic 3043

textbooks required to be furnished without charge pursuant to 3044  
section 3329.06 of the Revised Code, to pupils living in families 3045  
participating in Ohio works first in accordance with section 3046  
3313.642 of the Revised Code; 3047

(13) School breakfasts provided pursuant to section 3313.813 3048  
of the Revised Code. 3049

Each district shall submit to the department, in such format 3050  
and at such time as the department shall specify, a report on the 3051  
programs for which it expended funds under this division. 3052

(J) If at any time the superintendent of public instruction 3053  
determines that a school district receiving funds under division 3054  
(D) of this section has enrolled less than the all-day 3055  
kindergarten percentage reported for that fiscal year, the 3056  
superintendent shall withhold from the funds otherwise due the 3057  
district under this section a proportional amount as determined by 3058  
the difference in the certified all-day kindergarten percentage 3059  
and the percentage actually enrolled in all-day kindergarten. 3060

The superintendent shall also withhold an appropriate amount 3061  
of funds otherwise due a district for any other misuse of funds 3062  
not in accordance with this section. 3063

(K)(1) A district may use a portion of the funds calculated 3064  
for it under division (D) of this section to modify or purchase 3065  
classroom space to provide all-day kindergarten, if both of the 3066  
following conditions are met: 3067

(a) The district certifies to the department, in a manner 3068  
acceptable to the department, that it has a shortage of space for 3069  
providing all-day kindergarten. 3070

(b) The district provides all-day kindergarten to the number 3071  
of children in the all-day kindergarten percentage it certified 3072  
under this section. 3073

(2) A district may use a portion of the funds described in 3074  
division (F)(3) of this section to modify or purchase classroom 3075  
space to enable it to further reduce class size in grades 3076  
kindergarten through two with a goal of attaining class sizes of 3077  
fifteen students per licensed teacher. To do so, the district must 3078  
certify its need for additional space to the department, in a 3079  
manner satisfactory to the department. 3080

**Sec. 3319.19.** (A) Upon request, the board of county 3081  
commissioners shall provide and equip offices in the county for 3082  
the use of the superintendent of an educational service center, 3083  
and shall provide heat, light, water, and janitorial services for 3084  
such offices. Such offices shall be the permanent headquarters of 3085  
the superintendent and shall be used by the governing board of the 3086  
service center when it is in session. Except as provided in 3087  
division (B) of this section, such offices shall be located in the 3088  
county seat or, upon the approval of the governing board, may be 3089  
located outside of the county seat. 3090

(B) In the case of a service center formed under section 3091  
3311.053 of the Revised Code, the governing board shall designate 3092  
the site of its offices. The board of county commissioners of the 3093  
county in which the designated site is located shall provide and 3094  
equip the offices as under division (A) of this section, but the 3095  
costs of such offices and equipment not covered by funds received 3096  
under section 307.031 of the Revised Code shall be apportioned 3097  
among the boards of county commissioners of all counties having 3098  
any territory in the area under the control of the governing 3099  
board, according to the proportion of pupils under the supervision 3100  
of such board residing in the respective counties. Where there is 3101  
a dispute as to the amount any board of county commissioners is 3102  
required to pay, the probate judge of the county in which the 3103  
greatest number of pupils under the supervision of the governing 3104  
board reside shall apportion such costs among the boards of county 3105

commissioners and notify each such board of its share of the 3106  
costs. 3107

(C) By the first day of March of each year, the 3108  
superintendent of public instruction shall certify to the tax 3109  
commissioner the ADM and the number of full-time licensed 3110  
employees of each educational service center for the purposes of 3111  
the distribution of funds to boards of county commissioners 3112  
required under division (B) of section 307.031 of the Revised 3113  
Code. As used in this section, "ADM" means the formula ADMs of all 3114  
the local districts having territory in the service center, as 3115  
certified in October of the previous year by the service center 3116  
superintendent to the state board of education under section 3117  
3317.03 of the Revised Code. As used in this division, "licensed 3118  
employee" has the same meaning as in section 307.031 of the 3119  
Revised Code. 3120

(D) The superintendent of a service center may annually 3121  
submit a proposal approved by the board of county commissioners to 3122  
the state superintendent of public instruction, in such manner and 3123  
by such date as specified by the state board of education, for a 3124  
grant for the board of county commissioners to do one of the 3125  
following: 3126

(1) To improve or enhance the offices and equipment provided 3127  
under division (A) or (B) of this section or section ~~3301.0712~~ 3128  
3301.0719 of the Revised Code; 3129

(2) If funds received under division (B) of section 307.031 3130  
of the Revised Code are insufficient to provide for the actual 3131  
cost of meeting the requirements of division (A) or (B) of this 3132  
section ~~3319.19~~ and division (A)(2) of section ~~3301.0712~~ 3301.0719 3133  
of the Revised Code, to provide funds to meet such costs. 3134

Any service center superintendent intending to submit a 3135  
proposal shall submit it to the board of county commissioners that 3136

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

The state board of education shall adopt rules to implement 3158  
the requirements of this section. 3159

Sec. 3321.041. (A) If any school district requires as part of 3160  
its educational program that specified students attend school at 3161  
times beyond the normal school day, school week, or school year 3162  
for the purpose of providing those students with intervention 3163  
services under section 3301.0711, 3301.0715, or 3313.608 of the 3164  
Revised Code, the parent of any student who is of compulsory 3165  
school age and who under the district's specifications is required 3166  
to attend school at such times for intervention services shall 3167  
send the student to school at those times. The additional times 3168

that the district requires the student to attend school for 3169  
intervention services shall be considered part of the student's 3170  
and the student's parent's respective obligations under this 3171  
chapter. 3172

(B) Any school district that requires students to attend 3173  
intervention services under this section shall adopt a policy for 3174  
exempting the parent of any such student from the requirements of 3175  
division (A) of this section if the parent demonstrates that the 3176  
student is receiving comparable intervention services from a 3177  
source other than the school district in which the student attends 3178  
school. 3179

**Sec. 3321.38.** (A) No parent, guardian, or other person having 3180  
care of a child of compulsory school age shall violate any 3181  
provision of section 3321.01, 3321.03, 3321.04, 3321.041, 3321.07, 3182  
3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The 3183  
juvenile court, which has exclusive original jurisdiction over any 3184  
violation of this section pursuant to section 2151.23 of the 3185  
Revised Code, may require a person convicted of violating this 3186  
division to give bond in a sum of not more than five hundred 3187  
dollars with sureties to the approval of the court, conditioned 3188  
that the person will cause the child under the person's charge to 3189  
attend upon instruction as provided by law, and remain as a pupil 3190  
in the school or class during the term prescribed by law. If the 3191  
juvenile court adjudicates the child as an unruly or delinquent 3192  
child for being an habitual or chronic truant pursuant to section 3193  
2151.35 of the Revised Code, the court shall warn the parent, 3194  
guardian, or other person having care of the child that any 3195  
subsequent adjudication of that nature involving the child may 3196  
result in a criminal charge against the parent, guardian, or other 3197  
person having care of the child for a violation of division (C) of 3198  
section 2919.21 or section 2919.24 of the Revised Code. 3199



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

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

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

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

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

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

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

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

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

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

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

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

(2) Accomplished any one of the following:

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

(b) Performed at or above the ninety-fifth percentile on an approved individual or group standardized basic or composite

battery of a nationally normed achievement test;	3261
(c) Attained an approved score on one or more above-grade level standardized, nationally normed approved tests;	3262
(d) <u>Attained the appropriate results established by the department of education on the applicable group of diagnostic assessments in accordance with rules adopted under section 3301.0715 of the Revised Code.</u>	3264
(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 <u>the student did either of the following</u> within the preceding twenty-four months <del>the student performs:</del>	3268
(1) <u>Performed</u> 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;	3270
(2) <u>Attained the appropriate results established by the department on any of the applicable diagnostic assessments established under section 3301.0715 of the Revised Code.</u> A	3271
A student may be identified as gifted in more than one specific academic ability field.	3272
(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:	3273
(1) Attained a sufficient score, as established by the department of education, on an approved individual or group test of creative ability;	3274
(2) Exhibited sufficient performance, as established by the	3275

department of education, on an approved checklist of creative behaviors. 3291  
3292

(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: 3293  
3294  
3295

(1) Demonstrated through a display of work, an audition, or other performance or exhibition, superior ability in a visual or performing arts area; 3296  
3297  
3298

(2) Exhibited sufficient performance, as established by the department of education, on an approved checklist of behaviors related to a specific arts area. 3299  
3300  
3301

**Sec. 3325.08.** (A) A diploma shall be granted by the superintendent of the state school for the blind and the superintendent of the state school for the deaf to any student enrolled in one of these state schools to whom all of the following apply: 3302  
3303  
3304  
3305  
3306

(1) The student has successfully completed the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code; 3307  
3308  
3309  
3310

(2) The Subject to section 3313.614 of the Revised Code, the student has either: 3311  
3312

(a) Has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests prescribed by that division unless the student was excused from taking any such test pursuant to division (L)(3) of section 3301.0711 3313.61 of the Revised Code applies to the student; 3313  
3314  
3315  
3316  
3317  
3318

(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 3319  
3320

(3) The student is not eligible to receive an honors diploma 3321  
granted pursuant to division (B) of this section. 3322

No diploma shall be granted under this division to anyone 3323  
except as provided under this division. 3324

(B) In lieu of a diploma granted under division (A) of this 3325  
section, the superintendent of the state school for the blind and 3326  
the superintendent of the state school for the deaf shall grant an 3327  
honors diploma, in the same manner that the boards of education of 3328  
school districts grant such diplomas under division (B) of section 3329  
3313.61 of the Revised Code, to any student enrolled in one of 3330  
these state schools who successfully completes the individualized 3331  
education program developed for the student for the student's high 3332  
school education pursuant to section 3323.08 of the Revised Code, 3333  
who has attained subject to section 3313.614 of the Revised Code 3334  
at least the applicable scores designated under division (B) of 3335  
section 3301.0710 of the Revised Code on all the tests prescribed 3336  
under that division, and who has met additional criteria for 3337  
granting such a diploma. These additional criteria shall be the 3338  
same as those prescribed by the state board under division (B) of 3339  
section 3313.61 of the Revised Code for the granting of such 3340  
diplomas by school districts. No honors diploma shall be granted 3341  
to anyone failing to comply with this division and not more than 3342  
one honors diploma shall be granted to any student under this 3343  
division. 3344

(C) A diploma or honors diploma awarded under this section 3345  
shall be signed by the superintendent of public instruction and 3346  
the superintendent of the state school for the blind or the 3347  
superintendent of the state school for the deaf, as applicable. 3348  
Each diploma shall bear the date of its issue and be in such form 3349  
as the school superintendent prescribes. 3350

(D) Upon granting a diploma to a student under this section, 3351  
the superintendent of the state school in which the student is 3352

enrolled shall provide notice of receipt of the diploma to the 3353  
board of education of the school district where the student is 3354  
entitled to attend school under section 3313.64 or 3313.65 of the 3355  
Revised Code when not residing at the state school for the blind 3356  
or the state school for the deaf. The notice shall indicate the 3357  
type of diploma granted. 3358

**Sec. 3365.15.** ~~No~~ This section does not apply to students 3359  
enrolled in twelfth grade after July 1, 2001. 3360

No later than July 1, 1999, the board of regents shall adopt 3361  
rules under which it shall award at least a five-hundred dollar 3362  
scholarship to each student who both: 3363

(A) After July 1, 1998, and while the student attends twelfth 3364  
grade, attains on all five tests at least the ~~applicable~~ scores 3365  
designated under former division (A)(3) of section 3301.0710 of 3366  
the Revised Code ~~on all five tests prescribed under that division;~~ 3367  
3368

(B) Submits to the board of regents, in the form and manner 3369  
and by any deadline prescribed by the rules, evidence of having 3370  
enrolled in a state-assisted college or university, a nonprofit 3371  
institution holding a certificate of authorization pursuant to 3372  
Chapter 1713. of the Revised Code, or an institution registered by 3373  
the state board of proprietary school registration that has 3374  
program authorization to award an associate or bachelor's degree. 3375

The board of regents shall pay each scholarship awarded under 3376  
this section to the student. It may be used to defray any 3377  
educational expenses. 3378

**Section 2.** That existing sections 307.031, 3301.07, 3301.079, 3379  
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0717, 3301.801, 3380  
3301.91, 3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3381  
3313.603, 3313.608, 3313.6011, 3313.61, 3313.611, 3313.612, 3382

3313.978, 3314.03, 3314.20, 3317.012, 3317.029, 3319.19, 3321.38, 3383  
3324.02, 3324.03, 3325.08, and 3365.15 and sections 3301.0715 and 3384  
3301.0716 of the Revised Code are hereby repealed. 3385

**Section 3.** That section 3313.608 of the Revised Code be 3386  
amended to read as follows: 3387

**Sec. 3313.608.** ~~This section does not apply to students who 3388  
enter the fourth grade after July 1, 2003. 3389~~

~~(A) For each school year prior to July 1, 2004, for the test 3390  
to measure skill in reading prescribed by former division (A)(1) 3391  
of section 3301.0710 of the Revised Code, the state board of 3392  
education shall establish at least four ranges of scores to 3393  
measure the following levels of skill: 3394~~

~~(1) An advanced level of skill; 3395~~

~~(2) A proficient level of skill; 3396~~

~~(3) A basic level of skill; 3397~~

~~(4) A below basic level of skill. 3398~~

~~(B) Beginning with students who enter fourth third grade in 3399  
the school year that starts July 1, ~~2001~~ 2003, for any student who 3400  
attains a score in the range designated under division 3401  
(A)~~(4)~~(2)(d) of this section 3301.0710 of the Revised Code on such 3402  
reading the test prescribed under that section to measure skill in 3403  
reading expected at the end of third grade, each school district, 3404  
in accordance with the policy adopted under section 3313.609 of 3405  
the Revised Code, shall do one of the following: 3406~~

~~(1) Promote the student to fifth fourth grade if the 3407  
student's principal and reading teacher agree that other 3408  
evaluations of the student's skill in reading demonstrate that the 3409  
student is academically prepared to be promoted to fifth fourth 3410  
grade; 3411~~

(2) Promote the student to ~~fifth~~ fourth grade but provide the student with intensive intervention services in ~~fifth~~ fourth grade; 3412  
3413  
3414

(3) Retain the student in ~~fourth~~ third grade. 3415

This section does not apply to any student excused from taking such test under division (C)(1) of section 3301.0711 of the Revised Code. 3416  
3417  
3418

~~(C)~~(B)(1) To assist students in meeting this ~~fourth~~ third grade guarantee established by this section, each school district shall adopt policies and procedures with which it shall annually assess the reading skills of each student at the end of first, ~~and~~ and second, ~~and~~ and third grade and identify students who are reading below their grade level. If the diagnostic assessment to measure reading ability for the appropriate grade level has been developed in accordance with division (D)(1) of section 3301.079 of the Revised Code, each school district shall use such diagnostic assessment to identify such students, except that any district declared excellent under division (B)(1) of section 3302.03 of the Revised Code may use another assessment to identify such students. The ~~policy~~ policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student whose reading skills are below grade level and, in accordance with division ~~(D)~~(C) of this section, provide intervention services to each student reading below grade level. 3419  
3420  
3421  
3422  
3423  
3424  
3425  
3426  
3427  
3428  
3429  
3430  
3431  
3432  
3433  
3434  
3435  
3436  
3437

~~(2) For each student identified as reading below grade level at the end of third grade, the district shall offer intense remediation services during the summer following third grade.~~ 3438  
3439  
3440

~~(3)~~ For each student entering ~~fourth~~ third grade after July 1, ~~2001~~ 2003, who does not attain by the end of the ~~fourth~~ third 3441  
3442



grade at least a score in the range designated under division 3443  
(A)(2)(b) of ~~this~~ section 3301.0710 of the Revised Code on the 3444  
test prescribed under that section to measure skill in reading 3445  
expected at the end of third grade, the district also shall offer 3446  
intense remediation services, and another opportunity to take that 3447  
test, during the summer following ~~fourth~~ third grade. 3448

~~(D)~~(C) For each student required to be offered remediation 3449  
services under this section, the district shall involve the 3450  
student's parent or guardian and classroom teacher in developing 3451  
the intervention strategy, and shall offer to the parent or 3452  
guardian the opportunity to be involved in the intervention 3453  
services. 3454

~~(E)~~ In addition to the remediation requirements of division 3455  
~~(C)~~ of this section, every city, exempted village, or local school 3456  
district shall offer summer remediation to any student who has 3457  
failed to attain the designated scores indicating proficiency on 3458  
three or more of the five tests described by former division 3459  
~~(A)(1) or (2) of section 3301.0710 of the Revised Code.~~ 3460

~~(F)~~(D) Any summer remediation services funded in whole or in 3461  
part by the state and offered by school districts to students 3462  
under this section shall meet the following conditions: 3463

(1) The remediation methods are based on reliable educational 3464  
research. 3465

(2) The school districts conduct testing before and after 3466  
students participate in the program to facilitate monitoring 3467  
results of the remediation services. 3468

(3) The parents of participating students are involved in 3469  
programming decisions. 3470

(4) The services are conducted in a school building or 3471  
community center and not on an at-home basis. 3472

(E) In addition to the dates designated under division (C)(1) 3473

of section 3301.0710 of the Revised Code for the administration of 3474  
the test prescribed under that section to measure skill in reading 3475  
expected at the end of third grade, the state board of education 3476  
shall annually designate dates on which such test shall be 3477  
administered to students in the fourth and fifth grades who have 3478  
not attained at least a score in the range designated under 3479  
division (A)(2)(b) of section 3301.0710 of the Revised Code as 3480  
follows: 3481

(1) One date prior to the thirty-first day of December each 3482  
school year for fourth grade students; 3483

(2) One date that is not earlier than Monday of the week 3484  
containing the eighth day of March each school year for fourth and 3485  
fifth grade students; 3486

(3) One date during the summer for fourth grade students. 3487

(F) If any fourth grade student attains a score in the range 3488  
designated under division (A)(2)(d) of section 3301.0710 of the 3489  
Revised Code, on the test administered under division (E)(3) of 3490  
this section, the school district, in accordance with the district 3491  
policy adopted under section 3313.609 of the Revised Code, shall 3492  
do one of the following: 3493

(1) Promote the student to fifth grade if the student's 3494  
principal and reading teacher agree that other evaluations of the 3495  
student's skill in reading demonstrate that the student is 3496  
academically prepared to be promoted to fifth grade; 3497

(2) Promote the student to fifth grade but provide the 3498  
student with intensive intervention services in fifth grade; 3499

(3) Retain the student in fourth grade. 3500

(G) This section does not create a new cause of action or a 3501  
substantive legal right for any person. 3502

**Section 4.** That existing section 3313.608 of the Revised Code 3503  
is hereby repealed. 3504

**Section 5.** Sections 3 and 4 of this act shall take effect 3505  
July 1, 2003. 3506

**Section 6.** That Section 4 of Am. Sub. S.B. 55 of the 122nd 3507  
General Assembly is hereby repealed. 3508

**Section 7.** In each of the school years beginning on July 1, 3509  
2002, and July 1, 2003, the State Board of Education shall 3510  
prescribe and the Department of Education and each school district 3511  
shall administer the tenth grade tests required under former 3512  
division (B) of section 3301.0710 of the Revised Code to measure 3513  
skill in reading and mathematics to all students in the tenth 3514  
grade. The tests shall be used for the purposes of sections 3515  
3302.02 and 3302.03 of the Revised Code and for the purposes of 3516  
assessments required by federal law. No score on the tests shall 3517  
be used to determine the eligibility of any student to receive a 3518  
high school diploma. 3519

**Section 8.** (A) Notwithstanding sections 3301.0710, 3301.0711, 3520  
and 3301.0712 of the Revised Code, as amended or enacted by this 3521  
act, for any school year in which the total number of proficiency 3522  
tests and achievement tests administered to students in grades 3523  
four or six exceeds three, the State Board of Education shall 3524  
designate the dates on which those tests shall be administered to 3525  
students in accordance with the best interests of students. In 3526  
doing so, the State Board may consider designating the dates so 3527  
that all the tests are not administered to the relevant grade 3528  
level in the same week. 3529

3530

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

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

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

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

report with its recommendations to the General Assembly not later 3561  
than December 31, 2001. Upon issuance of its report the Commission 3562  
shall cease to exist. 3563

In conducting its work the Commission shall study and include 3564  
recommendations regarding the following issues: 3565

(A) How to develop college and university teacher preparation 3566  
programs that ensure that teachers are qualified to teach the 3567  
courses in grades kindergarten through twelve that are required by 3568  
law; 3569

(B) How to develop and operate incentive programs to 3570  
encourage teachers to work in underserved school districts, such 3571  
as large urban districts or districts in rural Appalachia, and 3572  
underserved subject areas, such as mathematics, science, special 3573  
education, and English as a second language; 3574

(C) How to best implement professional development activities 3575  
for all teachers, particularly how to design such activities so 3576  
that teachers understand how to administer and interpret 3577  
diagnostic assessments and achievement tests that will be 3578  
developed by the State Board of Education under sections 3301.079 3579  
and 3301.0710 of the Revised Code, as enacted and amended, 3580  
respectively, by this act, and so that teachers understand how to 3581  
develop effective intervention tools for students in need of 3582  
assistance; 3583

(D) How best to implement professional development programs 3584  
in terms of the amount of time allotted for such programs 3585  
including, but not limited to, the number of days each school 3586  
district should devote to the programs or to what extent the 3587  
programs should be configured as half-day in-service programs, 3588  
two-hour programs, or full-day seminars; 3589

(E) How to provide the most effective regional delivery of 3590  
professional development services; 3591

(F) How to create building-level mentoring or advisory programs under which an experienced teacher would assist others in the building to increase their effectiveness; 3592  
3593  
3594

(G) How to increase Ohio's participation in certification activities conducted by the National Board for Professional Teaching Standards. 3595  
3596  
3597

**Section 12.** It is the intent of the General Assembly that upon its review of the recommendations of the Governor's Commission on Successful Teachers, as established under Section 11 of this act, that the General Assembly will enact laws to reallocate the funding for activities prescribed in that section based on the recommendations of the Commission. 3598  
3599  
3600  
3601  
3602  
3603

**Section 13.** The amendment of section 3301.91 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section. 3604  
3605  
3606

**Section 14.** Section 3314.03 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 121 and Am. Sub. H.B. 282 of the 123rd General Assembly. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act. 3607  
3608  
3609  
3610  
3611  
3612  
3613  
3614