

As Reported by the Committee of Conference

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**Representatives Schlichter, Setzer, Callender, Carano, Chandler, DeBose,
DeWine, Distel, C. Evans, Hartnett, Hoops, Reidelbach, Reinhard, Taylor,
Webster, Williams, Yates, Cates, Collier, Hagan, Hughes, Jolivette, Key,
McGregor, Otterman, Peterson, Seitz, Ujvagi, Widener, Widowfield
Senators Robert Gardner, Mumper, Spada, Stivers, Prentiss, Miller**

A B I L L

To amend sections 3301.079, 3301.0710, 3301.0711, 1
3301.0712, 3301.0714, 3301.0715, 3301.801, 2
3301.91, 3302.01, 3302.02, 3302.03, 3302.031, 3
3302.04, 3302.05, 3313.532, 3313.608, 3313.6010, 4
3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 5
3313.65, 3313.97, 3314.012, 3314.02, 3314.03, 6
3314.20, 3317.023, 3317.04, 3317.08, 3334.01, 7
3334.12, 3334.17, 3334.19, and 5705.412; to enact 8
sections 3302.021 and 3314.033, and to repeal 9
sections 3301.0713 and 3365.15 of the Revised Code 10
to comply with the "No Child Left Behind Act of 11
2001" by revising the system of statewide 12
achievement testing to include annual achievement 13
tests in reading and math in grades three through 14
eight; requiring the State Board of Education to 15
designate five ranges of scores on the achievement 16
tests; requiring an annual determination of a 17
district's progress toward meeting a "proficient" 18
level of achievement (AYP); requiring school 19
districts to provide intervention services to 20

students scoring below the "proficient" level on 21
achievement tests; prohibiting exemptions from 22
taking achievement tests for limited English 23
proficient students; making the administration of 24
diagnostic assessments to certain students in 25
grades three through eight voluntary; adding 26
calculations of a performance index score to 27
determinations of school district and building 28
performance ratings; directing the Department of 29
Education to implement a value-added progress 30
dimension and to incorporate it into the district 31
and building report cards by July 1, 2007; 32
creating the Ohio Accountability Task Force to 33
examine the implementation of the value-added 34
factor and to make recommendations regarding the 35
state's accountability system; requiring the 36
inclusion of "highly qualified" teacher data on 37
the report cards; requiring the disaggregation of 38
student performance data according to disability, 39
limited English proficient status, and migrant 40
status and eliminating disaggregation of data by 41
vocational education status; specifying the 42
sanctions for school districts and buildings, 43
including community schools, that fail to meet 44
performance standards; to require the State Board 45
of Education to recommend standards for the 46
operation of Internet- and computer-based 47
community schools; to make other changes to the 48
Community School Law; to make changes in the 49
authority of the Ohio Tuition Trust Authority to 50
administer its programs; to specify that school 51
districts need not attach a certificate of 52
available resources to current payrolls and 53

employment contracts for all district employees 54
and officers; to eliminate the requirement that 55
certain rules proposed by the State Board of 56
Education be approved by the General Assembly 57
before taking effect; to permit a student who 58
relocates or whose parent relocates outside of the 59
school district in which the student is entitled 60
to attend school after the end of the first full 61
week in October and who is enrolled in a school of 62
that district prior to that time to continue to 63
attend school in that district free of tuition for 64
the balance of the school year; to require school 65
district aid payments to reflect biannual ADM; to 66
define tuition calculations for purposes of 67
tuition caps for certain state colleges and 68
universities; to supersede provisions of Section 69
41.06 of Am. Sub. H.B. 95 of the 125th General 70
Assembly prescribing terms for earmarked funds for 71
training of community school sponsors; to clarify 72
that the reappraisal guarantee calculation does 73
not include the charge-off supplement; to clarify 74
that reappraisal guarantee calculations for fiscal 75
year 2005 include fiscal year 2004 transitional 76
aid payments; to amend the version of section 77
3313.65 of the Revised Code that is scheduled to 78
take effect January 1, 2004, to continue the 79
provisions of this act on and after that effective 80
date, and to declare an emergency. 81

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 82

3301.0712, 3301.0714, 3301.0715, 3301.801, 3301.91, 3302.01, 83
3302.02, 3302.03, 3302.031, 3302.04, 3302.05, 3313.532, 3313.6010, 84
3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 3313.65, 3313.97, 85
3314.012, 3314.02, 3314.03, 3314.20, 3317.023, 3317.04, 3317.08, 86
3334.01, 3334.12, 3334.17, 3334.19, and 5705.412 be amended and 87
sections 3302.021 and 3314.033 of the Revised Code be enacted to 88
read as follows: 89

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 90
state board of education shall adopt statewide academic standards 91
for each of grades kindergarten through twelve in reading, 92
writing, and mathematics. Not later than December 31, 2002, the 93
state board shall adopt statewide academic standards for each of 94
grades kindergarten through twelve in science and social studies. 95
The standards shall specify the academic content and skills that 96
students are expected to know and be able to do at each grade 97
level. 98

(2) When academic standards have been completed for any 99
subject area required by this division, the state board shall 100
inform all school districts of the content of those standards. 101

(B) Not later than eighteen months after the completion of 102
academic standards for any subject area required by division (A) 103
of this section, the state board shall adopt a model curriculum 104
for instruction in that subject area for each of grades 105
kindergarten through twelve that is sufficient to meet the needs 106
of students in every community. The model curriculum shall be 107
aligned with the standards to ensure that the academic content and 108
skills specified for each grade level are taught to students. When 109
any model curriculum has been completed, the state board shall 110
inform all school districts of the content of that model 111
curriculum. 112

All school districts may utilize the state standards and 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.

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

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

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

(D)(1) Not later than July 1, 2007, and except as provided in division (D)(3) of this section, the state board shall adopt a diagnostic assessment aligned with the academic standards and model curriculum for each of grades kindergarten through two in reading, writing, and mathematics and for each of grades three through eight in reading, writing, mathematics, science, and social studies. The diagnostic assessment shall be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level. Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic tests shall be public records.

(2) When each diagnostic assessment has been completed, the 144
state board shall inform all school districts of its completion 145
and the department of education shall make the diagnostic 146
assessment available to the districts at no cost to the district. 147
School districts shall administer the diagnostic assessment 148
pursuant to section 3301.0715 of the Revised Code beginning the 149
first school year following the development of the assessment. 150

(3) The state board shall not adopt a diagnostic assessment 151
for any subject area and grade level for which the state board 152
develops an achievement test under division (C) of this section. 153

(E) Whenever the state board or the department of education 154
consults with persons for the purpose of drafting or reviewing any 155
standards, diagnostic assessments, achievement tests, or model 156
curriculum required under this section, the state board or the 157
department shall first consult with parents of students in 158
kindergarten through twelfth grade and with active Ohio classroom 159
teachers, other school personnel, and administrators with 160
expertise in the appropriate subject area. Whenever practicable, 161
the state board and department shall consult with teachers 162
recognized as outstanding in their fields. 163

If the department contracts with more than one outside entity 164
for the development of the achievement tests required by this 165
section, the department shall ensure the interchangeability of 166
those tests. 167

~~(F) Not later than forty five days prior to any deadline 168~~
~~established under division (A) or (B) of this section for the 169~~
~~adoption of academic standards or model curricula, the 170~~
~~superintendent of public instruction shall present the relevant 171~~
~~academic standards or curricula to a joint meeting of the house of 172~~
~~representatives and senate committees with jurisdiction over 173~~
~~education legislation.~~ 174

~~(G)~~ The fairness sensitivity review committee, established by rule of the state board of education, shall not allow any question on any achievement test or diagnostic assessment developed under this section or any proficiency test prescribed by former section 3301.0710 of the Revised Code, as it existed prior to ~~the~~ September 11, 2001, to include, be written to promote, or inquire as to individual moral or social values or beliefs. The decision of the committee shall be final. This section does not create a private cause of action.

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

The testing program shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of achievement in reading, writing, mathematics, science, and social studies.

(A)(1) The state board shall prescribe all of the following:

(a) ~~A~~ Two statewide achievement ~~test~~ tests, one each designed to measure the level of reading and mathematics skill expected at the end of third grade;

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

(c) ~~Two~~ Four statewide achievement tests, one each designed to measure the level of reading, mathematics, science, and social

studies skill expected at the end of fifth grade;	205
(d) <u>Two statewide achievement tests, one each designed to</u>	206
<u>measure the level of reading and mathematics skill expected at the</u>	207
<u>end of sixth grade;</u>	208
(e) Three statewide achievement tests, one each designed to	209
measure the level of reading, writing, and mathematics skill	210
expected at the end of seventh grade;	211
(e) Two (f) Four statewide achievement tests, one each	212
designed to measure the level of <u>reading, mathematics, science,</u>	213
and social studies skill expected at the end of eighth grade.	214
(2) The state board shall determine and designate at least	215
four <u>five</u> ranges of scores on each of the achievement tests	216
described in division <u>divisions</u> (A)(1) <u>and (B)</u> of this section.	217
Each range of scores shall be deemed to demonstrate a level of	218
achievement so that any student attaining a score within such	219
range has achieved one of the following:	220
(a) An advanced level of skill;	221
(b) <u>An accelerated level of skill;</u>	222
(c) A proficient level of skill;	223
(e) (d) A basic level of skill;	224
(d) (e) A below basic <u>limited</u> level of skill.	225
(B) The tests prescribed under this division shall	226
collectively be known as the Ohio graduation tests. The state	227
board shall prescribe five statewide high school achievement	228
tests, one each designed to measure the level of reading, writing,	229
mathematics, science, and social studies skill expected at the end	230
of tenth grade, and shall determine and designate the score on	231
each such test that shall be deemed to demonstrate that any	232
student attaining such score has achieved at least a proficient	233
level of skill appropriate for tenth grade. <u>The state board shall</u>	234

designate a score in at least the range designated under division 235
(A)(2)(c) of this section on each such test that shall be deemed 236
to be a passing score on the test as a condition toward granting 237
high school diplomas under sections 3313.61, 3313.611, 3313.612, 238
and 3325.08 of the Revised Code. 239

The state board may enter into a reciprocal agreement with 240
the appropriate body or agency of any other state that has similar 241
statewide achievement testing requirements for receiving high 242
school diplomas, under which any student who has met an 243
achievement testing requirement of one state is recognized as 244
having met the similar achievement testing requirement of the 245
other state for purposes of receiving a high school diploma. For 246
purposes of this section and sections 3301.0711 and 3313.61 of the 247
Revised Code, any student enrolled in any public high school in 248
this state who has met an achievement testing requirement 249
specified in a reciprocal agreement entered into under this 250
division shall be deemed to have attained at least the applicable 251
score designated under this division on each test required by this 252
division that is specified in the agreement. 253

(C) The state board shall annually designate as follows the 254
dates on which the tests prescribed under this section shall be 255
administered: 256

(1) For the reading test prescribed under division (A)(1)(a) 257
of this section, as follows: 258

(a) One date prior to the thirty-first day of December each 259
school year; 260

(b) At least one date of each school year that is not earlier 261
than Monday of the week containing the eighth day of March; 262

(c) One date during the summer for students receiving summer 263
remediation services under section 3313.608 of the Revised Code. 264

(2) For the mathematics test prescribed under division 265

(A)(1)(a) of this section and the tests prescribed under divisions 266
(A)(1)(b), (c), (d), ~~and~~ (e), and (f) of this section, at least 267
one date of each school year that is not earlier than Monday of 268
the week containing the eighth day of March; 269

(3) For the tests prescribed under division (B) of this 270
section, at least one date in each school year that is not earlier 271
than Monday of the week containing the fifteenth day of March for 272
all tenth grade students and at least one date prior to the 273
thirty-first day of December and at least one date subsequent to 274
that date but prior to the thirty-first day of March of each 275
school year for eleventh and twelfth grade students. 276

(D) In prescribing test dates pursuant to division (C)(3) of 277
this section, the state board shall, to the greatest extent 278
practicable, provide options to school districts in the case of 279
tests administered under that division to eleventh and twelfth 280
grade students and in the case of tests administered to students 281
pursuant to division (C)(2) of section 3301.0711 of the Revised 282
Code. Such options shall include at least an opportunity for 283
school districts to give such tests outside of regular school 284
hours. 285

(E) In prescribing test dates pursuant to this section, the 286
state board of education shall designate the dates in such a way 287
as to allow a reasonable length of time between the administration 288
of tests prescribed under this section and any administration of 289
the National Assessment of Education Progress Test given to 290
students in the same grade level pursuant to section 3301.27 of 291
the Revised Code or federal law. 292

(F) Any committee established by the department of education 293
for the purpose of making recommendations to the state board 294
regarding the state board's designation of scores on the tests 295
described by this section shall inform the state board of the 296
probable percentage of students who would score in each of the 297

ranges established under division (A)(2) of this section on the 298
tests if the committee's recommendations are adopted by the state 299
board. To the extent possible, these percentages shall be 300
disaggregated by gender, major racial and ethnic groups, limited 301
English proficient students, economically disadvantaged students, 302
students with disabilities, and migrant students. 303

If the state board intends to make any change to the 304
committee's recommendations, the state board shall explain the 305
intended change to the Ohio accountability task force established 306
by section 3302.021 of the Revised Code. The task force shall 307
recommend whether the state board should proceed to adopt the 308
intended change. Nothing in this division shall require the state 309
board to designate test scores based upon the recommendations of 310
the task force. 311

Sec. 3301.0711. (A) The department of education shall: 312

(1) Annually furnish to, grade, and score all tests required 313
by section 3301.0710 of the Revised Code to be administered by 314
city, local, exempted village, and joint vocational school 315
districts. In awarding contracts for grading tests, the department 316
shall give preference to Ohio-based entities employing Ohio 317
residents. 318

(2) Adopt rules for the ethical use of tests and prescribing 319
the manner in which the tests prescribed by section 3301.0710 of 320
the Revised Code shall be administered to students. 321

(B) Except as provided in divisions (C) and (J) of this 322
section, the board of education of each city, local, and exempted 323
village school district shall, in accordance with rules adopted 324
under division (A) of this section: 325

(1) Administer the reading test prescribed under division 326
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 327

to all students in the third grade who have not attained the score 328
designated for that test under division (A)(2)~~(b)~~(c) of section 329
3301.0710 of the Revised Code and once each summer to students 330
receiving summer remediation services under section 3313.608 of 331
the Revised Code. 332

(2) Administer the mathematics test prescribed under division 333
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 334
annually to all students in the third grade. 335

(3) Administer the tests prescribed under division (A)(1)(b) 336
of section 3301.0710 of the Revised Code at least once annually to 337
all students in the fourth grade. 338

~~(3)~~(4) Administer the tests prescribed under division 339
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 340
annually to all students in the fifth grade. 341

~~(4)~~(5) Administer the tests prescribed under division 342
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 343
annually to all students in the sixth grade. 344

(6) Administer the tests prescribed under division 345
(A)(1)~~(d)~~(e) of section 3301.0710 of the Revised Code at least 346
once annually to all students in the seventh grade. 347

~~(5)~~(7) Administer the tests prescribed under division 348
(A)(1)~~(e)~~(f) of section 3301.0710 of the Revised Code at least 349
once annually to all students in the eighth grade. 350

~~(6)~~(8) Except as provided in division (B)~~(7)~~(9) of this 351
~~sections~~ section, administer any test prescribed under division 352
(B) of section 3301.0710 of the Revised Code as follows: 353

(a) At least once annually to all tenth grade students and at 354
least twice annually to all students in eleventh or twelfth grade 355
who have not yet attained the score on that test designated under 356
that division; 357

(b) To any person who has successfully completed the 358
curriculum in any high school or the individualized education 359
program developed for the person by any high school pursuant to 360
section 3323.08 of the Revised Code but has not received a high 361
school diploma and who requests to take such test, at any time 362
such test is administered in the district. 363

~~(7)~~(9) In lieu of the board of education of any city, local, 364
or exempted village school district in which the student is also 365
enrolled, the board of a joint vocational school district shall 366
administer any test prescribed under division (B) of section 367
3301.0710 of the Revised Code at least twice annually to any 368
student enrolled in the joint vocational school district who has 369
not yet attained the score on that test designated under that 370
division. A board of a joint vocational school district may also 371
administer such a test to any student described in division 372
(B)~~(6)~~(8)(b) of this section. 373

(C)(1)(a) Any student receiving special education services 374
under Chapter 3323. of the Revised Code may be excused from taking 375
any particular test required to be administered under this section 376
if the individualized education program developed for the student 377
pursuant to section 3323.08 of the Revised Code excuses the 378
student from taking that test and instead specifies an alternate 379
assessment method approved by the department of education as 380
conforming to requirements of federal law for receipt of federal 381
funds for disadvantaged pupils. To the extent possible, the 382
individualized education program shall not excuse the student from 383
taking a test unless no reasonable accommodation can be made to 384
enable the student to take the test. 385

(b) Any alternate assessment approved by the department for a 386
student under this division shall produce measurable results 387
comparable to those produced by the tests which the alternate 388
assessments are replacing in order to allow for the student's 389

assessment results to be included in the data compiled for a 390
school district or building under section 3302.03 of the Revised 391
Code. 392

(c) Any student enrolled in a chartered nonpublic school who 393
has been identified, based on an evaluation conducted in 394
accordance with section 3323.03 of the Revised Code or section 504 395
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 396
794, as amended, as a child with a disability shall be excused 397
from taking any particular test required to be administered under 398
this section if a plan developed for the student pursuant to rules 399
adopted by the state board excuses the student from taking that 400
test. In the case of any student so excused from taking a test, 401
the chartered nonpublic school shall not prohibit the student from 402
taking the test. 403

(2) A district board may, for medical reasons or other good 404
cause, excuse a student from taking a test administered under this 405
section on the date scheduled, but any such test shall be 406
administered to such excused student not later than nine days 407
following the scheduled date. The board shall annually report the 408
number of students who have not taken one or more of the tests 409
required by this section to the state board of education not later 410
than the thirtieth day of June. 411

(3) As used in this division, "~~English limited~~ limited 412
English proficient student" ~~means a student whose primary language~~ 413
~~is not English, who has been enrolled in United States schools for~~ 414
~~less than three full school years, and who within the school year~~ 415
~~has been identified, in accordance with criteria provided by the~~ 416
~~department of education, as lacking adequate proficiency in~~ 417
~~English for a test under this section to produce valid results~~ 418
~~with respect to that student's academic progress~~ has the same 419
meaning as in 20 U.S.C. 7801. 420

A No school district board ~~or governing authority of a~~ 421

~~nonpublic school may grant a temporary, one year exemption from~~ 422
~~any test administered under this section to an English limited~~ 423
~~student. Not more than three temporary one year exemptions may be~~ 424
~~granted to any student~~ shall excuse any limited English proficient 425
student from taking any particular test required to be 426
administered under this section, but a board may permit any 427
limited English proficient student to take the test with 428
appropriate accommodations, as determined by the department. 429
~~During any school year in which a~~ For each limited English 430
proficient ~~student is excused from taking one or more tests~~ 431
~~administered under this section, the~~ each school district shall 432
annually assess that student's progress in learning English, in 433
accordance with procedures approved by the department. 434

~~No district board or~~ The governing authority of a chartered 435
nonpublic school may excuse a limited English proficient student 436
from taking any test administered under this section. However, no 437
governing authority shall prohibit an English limited a limited 438
English proficient student from taking a the test ~~under this~~ 439
section. 440

(D) In the school year next succeeding the school year in 441
which the tests prescribed by division (A)(1) or (B) of section 442
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 443
or (B) of section 3301.0710 of the Revised Code as it existed 444
prior to ~~the effective date of this amendment~~ September 11, 2001, 445
are administered to any student, the board of education of any 446
school district in which the student is enrolled in that year 447
shall provide to the student intervention services commensurate 448
with the student's test performance, including any intensive 449
intervention required under section 3313.608 of the Revised Code, 450
in any skill in which the student failed to demonstrate at least a 451
score at the proficient level on a proficiency ~~the test or a score~~ 452
~~in the basic range on an achievement test. This division does not~~ 453

~~apply to any student receiving services pursuant to an 454
individualized education program developed for the student 455
pursuant to section 3323.08 of the Revised Code. 456~~

(E) Except as provided in section 3313.608 of the Revised 457
Code and division (M) of this section, no school district board of 458
education shall utilize any student's failure to attain a 459
specified score on any test administered under this section as a 460
factor in any decision to deny the student promotion to a higher 461
grade level. However, a district board may choose not to promote 462
to the next grade level any student who does not take any test 463
administered under this section or make up such test as provided 464
by division (C)(2) of this section ~~and who is not exempted from 465
the requirement to take the test under division (C)(1) or (3) of 466
this section. 467~~

(F) No person shall be charged a fee for taking any test 468
administered under this section. 469

(G) Not later than sixty days after any administration of any 470
test prescribed by section 3301.0710 of the Revised Code, the 471
department shall send to each school district board a list of the 472
individual test scores of all persons taking the test. For any 473
tests administered under this section by a joint vocational school 474
district, the department shall also send to each city, local, or 475
exempted village school district a list of the individual test 476
scores of any students of such city, local, or exempted village 477
school district who are attending school in the joint vocational 478
school district. 479

(H) Individual test scores on any tests administered under 480
this section shall be released by a district board only in 481
accordance with section 3319.321 of the Revised Code and the rules 482
adopted under division (A) of this section. No district board or 483
its employees shall utilize individual or aggregate test results 484
in any manner that conflicts with rules for the ethical use of 485

tests adopted pursuant to division (A) of this section. 486

(I) Except as provided in division (G) of this section, the 487
department shall not release any individual test scores on any 488
test administered under this section and shall adopt rules to 489
ensure the protection of student confidentiality at all times. 490

(J) Notwithstanding division (D) of section 3311.52 of the 491
Revised Code, this section does not apply to the board of 492
education of any cooperative education school district except as 493
provided under rules adopted pursuant to this division. 494

(1) In accordance with rules that the state board of 495
education shall adopt, the board of education of any city, 496
exempted village, or local school district with territory in a 497
cooperative education school district established pursuant to 498
divisions (A) to (C) of section 3311.52 of the Revised Code may 499
enter into an agreement with the board of education of the 500
cooperative education school district for administering any test 501
prescribed under this section to students of the city, exempted 502
village, or local school district who are attending school in the 503
cooperative education school district. 504

(2) In accordance with rules that the state board of 505
education shall adopt, the board of education of any city, 506
exempted village, or local school district with territory in a 507
cooperative education school district established pursuant to 508
section 3311.521 of the Revised Code shall enter into an agreement 509
with the cooperative district that provides for the administration 510
of any test prescribed under this section to both of the 511
following: 512

(a) Students who are attending school in the cooperative 513
district and who, if the cooperative district were not 514
established, would be entitled to attend school in the city, 515
local, or exempted village school district pursuant to section 516

3313.64 or 3313.65 of the Revised Code; 517

(b) Persons described in division (B)~~(6)~~(8)(b) of this 518
section. 519

Any testing of students pursuant to such an agreement shall 520
be in lieu of any testing of such students or persons pursuant to 521
this section. 522

(K)(1) Any chartered nonpublic school may participate in the 523
testing program by administering any of the tests prescribed by 524
section 3301.0710 or 3301.0712 of the Revised Code if the chief 525
administrator of the school specifies which tests the school 526
wishes to administer. Such specification shall be made in writing 527
to the superintendent of public instruction prior to the first day 528
of August of any school year in which tests are administered and 529
shall include a pledge that the nonpublic school will administer 530
the specified tests in the same manner as public schools are 531
required to do under this section and rules adopted by the 532
department. 533

(2) The department of education shall furnish the tests 534
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 535
to any chartered nonpublic school electing to participate under 536
this division. 537

(L)(1) The superintendent of the state school for the blind 538
and the superintendent of the state school for the deaf shall 539
administer the tests described by section 3301.0710 of the Revised 540
Code. Each superintendent shall administer the tests in the same 541
manner as district boards are required to do under this section 542
and rules adopted by the department of education and in conformity 543
with division (C)(1)(a) of this section. 544

(2) The department of education shall furnish the tests 545
described by section 3301.0710 of the Revised Code to each 546
superintendent. 547

(M) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the basic range on the mathematics test described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on any of the tests described by division (A)(1)(b), (c), (d), ~~or~~ (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

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

(2) The department may field test proposed test questions with samples of students to determine the validity, reliability, or appropriateness of test questions for possible inclusion in a future year's test. The department also may use anchor questions on tests to ensure that different versions of the same test are of comparable difficulty.

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

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

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 3301.0711 of the Revised Code, the state board of education shall continue to prescribe and the department of education and each

school district shall continue to administer any proficiency test 578
~~as required by~~ in accordance with those former sections, ~~as they~~ 579
existed prior to September 11, 2001, until the applicable test is 580
no longer required to be administered as indicated on the chart 581
below. ~~When any~~ achievement test, ~~as indicated on the chart below,~~ 582
has been developed and made available in accordance with section 583
3301.079 of the Revised Code. ~~Thereafter,~~ such achievement test 584
shall be administered to students under sections 3301.0710 and 585
3301.0711 of the Revised Code beginning in the school year 586
indicated on the chart below. School districts shall continue to 587
provide intervention services as required under former division 588
(D) of section 3301.0711 of the Revised Code, as it existed prior 589
to September 11, 2001, to students who fail to attain a score in 590
the proficient range on a fourth grade proficiency test. 591

		First	592
		administration	
Proficiency	Achievement	in school year	593
Test	Test	beginning July 1 of	594
4th grade reading	3rd grade		595
	reading		
test	test	2003	596
4th grade writing	4th grade		597
	writing		
test	test	2004	598
4th grade	4th grade		599
mathematics	mathematics		
test	test	2004	600
4th grade science	5th grade		601
	science		
test	test	2005	602
4th grade	5th grade social		603
citizenship			

test	studies test	2005	604
6th grade reading	7th grade		605
	reading		
test	test	2006	606
6th grade writing	7th grade		607
	writing		
test	test	2006	608
6th grade	7th grade		609
mathematics	mathematics		
test	test	2006	610
6th grade science	8th grade		611
	science		
test	test	2006	612
6th grade	8th grade social		613
citizenship			
test	studies test	2006	614
9th grade reading	Ohio graduation	2004	615
test	test in reading		
9th grade writing	Ohio graduation	2004	616
test	test in writing		
9th grade	Ohio graduation	2004	617
mathematics test	test in		
	mathematics		
9th grade science	Ohio graduation	2004	618
test	test in science		
9th grade	Ohio graduation	2004	619
citizenship test	test in social		
	studies		
<u>Proficiency Last</u>	<u>Achievement First</u>		620
<u>Test</u>	<u>Test</u>		
<u>administrative</u>	<u>administration</u>		
<u>in school</u>	<u>in school</u>		
<u>year</u>	<u>year</u>		
<u>beginning</u>	<u>beginning</u>		

	<u>July 1 of</u>		<u>July 1 of</u>	
		<u>3rd grade</u>	<u>2003</u>	621
		<u>reading test</u>		
		<u>3rd grade</u>	<u>2004</u>	622
		<u>mathematics</u>		
		<u>test</u>		
<u>4th grade</u>	<u>2003</u>	<u>4th grade</u>	<u>2004</u>	623
<u>reading test</u>		<u>reading test</u>		
<u>4th grade</u>	<u>2004</u>	<u>4th grade</u>	<u>2005</u>	624
<u>mathematics</u>		<u>mathematics</u>		
<u>test</u>		<u>test</u>		
<u>4th grade</u>	<u>2003</u>	<u>4th grade</u>	<u>2004</u>	625
<u>writing test</u>		<u>writing test</u>		
<u>4th grade</u>	<u>2004</u>	<u>5th grade</u>	<u>2006</u>	626
<u>science test</u>		<u>science test</u>		
<u>4th grade</u>	<u>2004</u>	<u>5th grade</u>	<u>2006</u>	627
<u>citizenship</u>		<u>social</u>		
<u>test</u>		<u>studies test</u>		
		<u>5th grade</u>	<u>2004</u>	628
		<u>reading test</u>		
		<u>5th grade</u>	<u>2005</u>	629
		<u>mathematics</u>		
		<u>test</u>		
<u>6th grade</u>	<u>2004</u>	<u>6th grade</u>	<u>2005</u>	630
<u>reading test</u>		<u>reading test</u>		
<u>6th grade</u>	<u>2004</u>	<u>6th grade</u>	<u>2005</u>	631
<u>mathematics</u>		<u>mathematics</u>		
<u>test</u>		<u>test</u>		
<u>6th grade</u>	<u>2004</u>	<u>7th grade</u>	<u>2006</u>	632
<u>writing test</u>		<u>writing test</u>		
		<u>7th grade</u>	<u>2005</u>	633
		<u>reading test</u>		
		<u>7th grade</u>	<u>2004</u>	634

		<u>mathematics</u>		
		<u>test</u>		
<u>6th grade</u>	<u>2004</u>	<u>8th grade</u>	<u>2006</u>	635
<u>science test</u>		<u>science test</u>		
<u>6th grade</u>	<u>2004</u>	<u>8th grade</u>	<u>2007</u>	636
<u>citizenship</u>		<u>social</u>		
<u>test</u>		<u>studies test</u>		
		<u>8th grade</u>	<u>2004</u>	637
		<u>reading test</u>		
		<u>8th grade</u>	<u>2004</u>	638
		<u>mathematics</u>		
		<u>test</u>		
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2002</u>		639
<u>reading test as provided</u>	<u>graduation</u>			
	<u>in division test in</u>			
	<u>(B) of this reading</u>			
	<u>section</u>			
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2002</u>		640
<u>mathematics as provided</u>	<u>graduation</u>			
<u>test</u>	<u>in division test in</u>			
	<u>(B) of this mathematics</u>			
	<u>section</u>			
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2004</u>		641
<u>writing test as provided</u>	<u>graduation</u>			
	<u>in division test in</u>			
	<u>(B) of this writing</u>			
	<u>section</u>			
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2004</u>		642
<u>science test as provided</u>	<u>graduation</u>			
	<u>in division test in</u>			
	<u>(B) of this science</u>			
	<u>section</u>			
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2004</u>		643

citizenship as provided graduation
test in division test in
(B) of this social
section studies

(B) ~~The Notwithstanding division (A) of this section, the~~ 644
state board shall continue to prescribe and school districts and 645
chartered nonpublic schools shall continue to administer ninth 646
grade proficiency tests in reading, writing, mathematics, science, 647
and citizenship to students who enter ninth grade prior to July 1, 648
2003, for as long as those students remain eligible under section 649
3313.614 of the Revised Code to receive their high school diplomas 650
based on passage of those ninth grade proficiency tests. ~~No~~ 651
~~student who enters ninth grade prior to July 1, 2003, is required~~ 652
~~to take any Ohio graduation test, even if any are administered to~~ 653
~~the student's grade level, until the student is required by~~ 654
~~section 3313.614 of the Revised Code to pass Ohio graduation tests~~ 655
~~to receive a high school diploma.~~ 656

Sec. 3301.0714. (A) The state board of education shall adopt 657
rules for a statewide education management information system. The 658
rules shall require the state board to establish guidelines for 659
the establishment and maintenance of the system in accordance with 660
this section and the rules adopted under this section. The 661
guidelines shall include: 662

(1) Standards identifying and defining the types of data in 663
the system in accordance with divisions (B) and (C) of this 664
section; 665

(2) Procedures for annually collecting and reporting the data 666
to the state board in accordance with division (D) of this 667
section; 668

(3) Procedures for annually compiling the data in accordance 669
with division (G) of this section; 670

(4) Procedures for annually reporting the data to the public 671
in accordance with division (H) of this section. 672

(B) The guidelines adopted under this section shall require 673
the data maintained in the education management information system 674
to include at least the following: 675

(1) Student participation and performance data, for each 676
grade in each school district as a whole and for each grade in 677
each school building in each school district, that includes: 678

(a) The numbers of students receiving each category of 679
instructional service offered by the school district, such as 680
regular education instruction, vocational education instruction, 681
specialized instruction programs or enrichment instruction that is 682
part of the educational curriculum, instruction for gifted 683
students, instruction for handicapped students, and remedial 684
instruction. The guidelines shall require instructional services 685
under this division to be divided into discrete categories if an 686
instructional service is limited to a specific subject, a specific 687
type of student, or both, such as regular instructional services 688
in mathematics, remedial reading instructional services, 689
instructional services specifically for students gifted in 690
mathematics or some other subject area, or instructional services 691
for students with a specific type of handicap. The categories of 692
instructional services required by the guidelines under this 693
division shall be the same as the categories of instructional 694
services used in determining cost units pursuant to division 695
(C)(3) of this section. 696

(b) The numbers of students receiving support or 697
extracurricular services for each of the support services or 698
extracurricular programs offered by the school district, such as 699
counseling services, health services, and extracurricular sports 700
and fine arts programs. The categories of services required by the 701

guidelines under this division shall be the same as the categories	702
of services used in determining cost units pursuant to division	703
(C)(4)(a) of this section.	704
(c) Average student grades in each subject in grades nine	705
through twelve;	706
(d) Academic achievement levels as assessed by the testing of	707
student achievement under sections 3301.0710 and 3301.0711 of the	708
Revised Code;	709
(e) The number of students designated as having a	710
handicapping condition pursuant to division (C)(1) of section	711
3301.0711 of the Revised Code;	712
(f) The numbers of students reported to the state board	713
pursuant to division (C)(2) of section 3301.0711 of the Revised	714
Code;	715
(g) Attendance rates and the average daily attendance for the	716
year. For purposes of this division, a student shall be counted as	717
present for any field trip that is approved by the school	718
administration.	719
(h) Expulsion rates;	720
(i) Suspension rates;	721
(j) The percentage of students receiving corporal punishment;	722
(k) Dropout rates;	723
(l) Rates of retention in grade;	724
(m) For pupils in grades nine through twelve, the average	725
number of carnegie units, as calculated in accordance with state	726
board of education rules;	727
(n) Graduation rates, to be calculated in a manner specified	728
by the department of education that reflects the rate at which	729
students who were in the ninth grade three years prior to the	730

current year complete school and that is consistent with 731
nationally accepted reporting requirements; 732

(o) Results of diagnostic assessments administered to 733
kindergarten students as required under section 3301.0715 of the 734
Revised Code to permit a comparison of the academic readiness of 735
kindergarten students. However, no district shall be required to 736
report to the department the results of any diagnostic assessment 737
administered to a kindergarten student if the parent of that 738
student requests the district not to report those results. 739

(2) Personnel and classroom enrollment data for each school 740
district, including: 741

(a) The total numbers of licensed employees and nonlicensed 742
employees and the numbers of full-time equivalent licensed 743
employees and nonlicensed employees providing each category of 744
instructional service, instructional support service, and 745
administrative support service used pursuant to division (C)(3) of 746
this section. The guidelines adopted under this section shall 747
require these categories of data to be maintained for the school 748
district as a whole and, wherever applicable, for each grade in 749
the school district as a whole, for each school building as a 750
whole, and for each grade in each school building. 751

(b) The total number of employees and the number of full-time 752
equivalent employees providing each category of service used 753
pursuant to divisions (C)(4)(a) and (b) of this section, and the 754
total numbers of licensed employees and nonlicensed employees and 755
the numbers of full-time equivalent licensed employees and 756
nonlicensed employees providing each category used pursuant to 757
division (C)(4)(c) of this section. The guidelines adopted under 758
this section shall require these categories of data to be 759
maintained for the school district as a whole and, wherever 760
applicable, for each grade in the school district as a whole, for 761
each school building as a whole, and for each grade in each school 762

building. 763

(c) The total number of regular classroom teachers teaching 764
classes of regular education and the average number of pupils 765
enrolled in each such class, in each of grades kindergarten 766
through five in the district as a whole and in each school 767
building in the school district. 768

(3)(a) Student demographic data for each school district, 769
including information regarding the gender ratio of the school 770
district's pupils, the racial make-up of the school district's 771
pupils, the number of limited English proficient students in the 772
district, and an appropriate measure of the number of the school 773
district's pupils who reside in economically disadvantaged 774
households. The demographic data shall be collected in a manner to 775
allow correlation with data collected under division (B)(1) of 776
this section. Categories for data collected pursuant to division 777
(B)(3) of this section shall conform, where appropriate, to 778
standard practices of agencies of the federal government. 779

(b) With respect to each student entering kindergarten, 780
whether the student previously participated in a public preschool 781
program, a private preschool program, or a head start program, and 782
the number of years the student participated in each of these 783
programs. 784

(4) Any data required to be collected pursuant to federal 785
law. 786

(C) The education management information system shall include 787
cost accounting data for each district as a whole and for each 788
school building in each school district. The guidelines adopted 789
under this section shall require the cost data for each school 790
district to be maintained in a system of mutually exclusive cost 791
units and shall require all of the costs of each school district 792
to be divided among the cost units. The guidelines shall require 793

the system of mutually exclusive cost units to include at least 794
the following: 795

(1) Administrative costs for the school district as a whole. 796
The guidelines shall require the cost units under this division 797
(C)(1) to be designed so that each of them may be compiled and 798
reported in terms of average expenditure per pupil in formula ADM 799
in the school district, as determined pursuant to section 3317.03 800
of the Revised Code. 801

(2) Administrative costs for each school building in the 802
school district. The guidelines shall require the cost units under 803
this division (C)(2) to be designed so that each of them may be 804
compiled and reported in terms of average expenditure per 805
full-time equivalent pupil receiving instructional or support 806
services in each building. 807

(3) Instructional services costs for each category of 808
instructional service provided directly to students and required 809
by guidelines adopted pursuant to division (B)(1)(a) of this 810
section. The guidelines shall require the cost units under 811
division (C)(3) of this section to be designed so that each of 812
them may be compiled and reported in terms of average expenditure 813
per pupil receiving the service in the school district as a whole 814
and average expenditure per pupil receiving the service in each 815
building in the school district and in terms of a total cost for 816
each category of service and, as a breakdown of the total cost, a 817
cost for each of the following components: 818

(a) The cost of each instructional services category required 819
by guidelines adopted under division (B)(1)(a) of this section 820
that is provided directly to students by a classroom teacher; 821

(b) The cost of the instructional support services, such as 822
services provided by a speech-language pathologist, classroom 823
aide, multimedia aide, or librarian, provided directly to students 824

in conjunction with each instructional services category; 825

(c) The cost of the administrative support services related 826
to each instructional services category, such as the cost of 827
personnel that develop the curriculum for the instructional 828
services category and the cost of personnel supervising or 829
coordinating the delivery of the instructional services category. 830

(4) Support or extracurricular services costs for each 831
category of service directly provided to students and required by 832
guidelines adopted pursuant to division (B)(1)(b) of this section. 833
The guidelines shall require the cost units under division (C)(4) 834
of this section to be designed so that each of them may be 835
compiled and reported in terms of average expenditure per pupil 836
receiving the service in the school district as a whole and 837
average expenditure per pupil receiving the service in each 838
building in the school district and in terms of a total cost for 839
each category of service and, as a breakdown of the total cost, a 840
cost for each of the following components: 841

(a) The cost of each support or extracurricular services 842
category required by guidelines adopted under division (B)(1)(b) 843
of this section that is provided directly to students by a 844
licensed employee, such as services provided by a guidance 845
counselor or any services provided by a licensed employee under a 846
supplemental contract; 847

(b) The cost of each such services category provided directly 848
to students by a nonlicensed employee, such as janitorial 849
services, cafeteria services, or services of a sports trainer; 850

(c) The cost of the administrative services related to each 851
services category in division (C)(4)(a) or (b) of this section, 852
such as the cost of any licensed or nonlicensed employees that 853
develop, supervise, coordinate, or otherwise are involved in 854
administering or aiding the delivery of each services category. 855

(D)(1) The guidelines adopted under this section shall 856
require school districts to collect information about individual 857
students, staff members, or both in connection with any data 858
required by division (B) or (C) of this section or other reporting 859
requirements established in the Revised Code. The guidelines may 860
also require school districts to report information about 861
individual staff members in connection with any data required by 862
division (B) or (C) of this section or other reporting 863
requirements established in the Revised Code. The guidelines shall 864
not authorize school districts to request social security numbers 865
of individual students. The guidelines shall prohibit the 866
reporting under this section of a student's name, address, and 867
social security number to the state board of education or the 868
department of education. The guidelines shall also prohibit the 869
reporting under this section of any personally identifiable 870
information about any student, except for the purpose of assigning 871
the data verification code required by division (D)(2) of this 872
section, to any other person unless such person is employed by the 873
school district or the data acquisition site operated under 874
section 3301.075 of the Revised Code and is authorized by the 875
district or acquisition site to have access to such information. 876
The guidelines may require school districts to provide the social 877
security numbers of individual staff members. 878

(2) The guidelines shall provide for each school district or 879
community school to assign a data verification code that is unique 880
on a statewide basis over time to each student whose initial Ohio 881
enrollment is in that district or school and to report all 882
required individual student data for that student utilizing such 883
code. The guidelines shall also provide for assigning data 884
verification codes to all students enrolled in districts or 885
community schools on the effective date of the guidelines 886
established under this section. 887

Individual student data shall be reported to the department 888
through the data acquisition sites utilizing the code but at no 889
time shall the state board or the department have access to 890
information that would enable any data verification code to be 891
matched to personally identifiable student data. 892

Each school district shall ensure that the data verification 893
code is included in the student's records reported to any 894
subsequent school district or community school in which the 895
student enrolls ~~and shall remove all references to the code in any~~ 896
~~records retained in the district or school that pertain to any~~ 897
~~student no longer enrolled.~~ Any such subsequent district or school 898
shall utilize the same identifier in its reporting of data under 899
this section. 900

(E) The guidelines adopted under this section may require 901
school districts to collect and report data, information, or 902
reports other than that described in divisions (A), (B), and (C) 903
of this section for the purpose of complying with other reporting 904
requirements established in the Revised Code. The other data, 905
information, or reports may be maintained in the education 906
management information system but are not required to be compiled 907
as part of the profile formats required under division (G) of this 908
section or the annual statewide report required under division (H) 909
of this section. 910

(F) Beginning with the school year that begins July 1, 1991, 911
the board of education of each school district shall annually 912
collect and report to the state board, in accordance with the 913
guidelines established by the board, the data required pursuant to 914
this section. A school district may collect and report these data 915
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 916

(G) The state board shall, in accordance with the procedures 917
it adopts, annually compile the data reported by each school 918

district pursuant to division (D) of this section. The state board 919
shall design formats for profiling each school district as a whole 920
and each school building within each district and shall compile 921
the data in accordance with these formats. These profile formats 922
shall: 923

(1) Include all of the data gathered under this section in a 924
manner that facilitates comparison among school districts and 925
among school buildings within each school district; 926

(2) Present the data on academic achievement levels as 927
assessed by the testing of student achievement maintained pursuant 928
to division (B)(1)(~~e~~)(d) of this section ~~so that the academic~~ 929
~~achievement levels of students who are excused from taking any~~ 930
~~such test pursuant to division (C)(1) of section 3301.0711 of the~~ 931
~~Revised Code are distinguished from the academic achievement~~ 932
~~levels of students who are not so excused.~~ 933

(H)(1) The state board shall, in accordance with the 934
procedures it adopts, annually prepare a statewide report for all 935
school districts and the general public that includes the profile 936
of each of the school districts developed pursuant to division (G) 937
of this section. Copies of the report shall be sent to each school 938
district. 939

(2) The state board shall, in accordance with the procedures 940
it adopts, annually prepare an individual report for each school 941
district and the general public that includes the profiles of each 942
of the school buildings in that school district developed pursuant 943
to division (G) of this section. Copies of the report shall be 944
sent to the superintendent of the district and to each member of 945
the district board of education. 946

(3) Copies of the reports received from the state board under 947
divisions (H)(1) and (2) of this section shall be made available 948
to the general public at each school district's offices. Each 949

district board of education shall make copies of each report 950
available to any person upon request and payment of a reasonable 951
fee for the cost of reproducing the report. The board shall 952
annually publish in a newspaper of general circulation in the 953
school district, at least twice during the two weeks prior to the 954
week in which the reports will first be available, a notice 955
containing the address where the reports are available and the 956
date on which the reports will be available. 957

(I) Any data that is collected or maintained pursuant to this 958
section and that identifies an individual pupil is not a public 959
record for the purposes of section 149.43 of the Revised Code. 960

(J) As used in this section: 961

(1) "School district" means any city, local, exempted 962
village, or joint vocational school district. 963

(2) "Cost" means any expenditure for operating expenses made 964
by a school district excluding any expenditures for debt 965
retirement except for payments made to any commercial lending 966
institution for any loan approved pursuant to section 3313.483 of 967
the Revised Code. 968

(K) Any person who removes data from the information system 969
established under this section for the purpose of releasing it to 970
any person not entitled under law to have access to such 971
information is subject to section 2913.42 of the Revised Code 972
prohibiting tampering with data. 973

(L) Any time the department of education determines that a 974
school district has taken any of the actions described under 975
division (L)(1), (2), or (3) of this section, it shall make a 976
report of the actions of the district, send a copy of the report 977
to the superintendent of such school district, and maintain a copy 978
of the report in its files: 979

(1) The school district fails to meet any deadline 980

established pursuant to this section for the reporting of any data 981
to the education management information system; 982

(2) The school district fails to meet any deadline 983
established pursuant to this section for the correction of any 984
data reported to the education management information system; 985

(3) The school district reports data to the education 986
management information system in a condition, as determined by the 987
department, that indicates that the district did not make a good 988
faith effort in reporting the data to the system. 989

Any report made under this division shall include 990
recommendations for corrective action by the school district. 991

Upon making a report for the first time in a fiscal year, the 992
department shall withhold ten per cent of the total amount due 993
during that fiscal year under Chapter 3317. of the Revised Code to 994
the school district to which the report applies. Upon making a 995
second report in a fiscal year, the department shall withhold an 996
additional twenty per cent of such total amount due during that 997
fiscal year to the school district to which the report applies. 998
The department shall not release such funds unless it determines 999
that the district has taken corrective action. However, no such 1000
release of funds shall occur if the district fails to take 1001
corrective action within forty-five days of the date upon which 1002
the report was made by the department. 1003

(M) The department of education, after consultation with the 1004
Ohio education computer network, may provide at no cost to school 1005
districts uniform computer software for use in reporting data to 1006
the education management information system, provided that no 1007
school district shall be required to utilize such software to 1008
report data to the education management information system if such 1009
district is so reporting data in an accurate, complete, and timely 1010
manner in a format compatible with that required by the education 1011

management information system. 1012

(N) The state board of education, in accordance with sections 1013
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1014
license as defined under division (A) of section 3319.31 of the 1015
Revised Code that has been issued to any school district employee 1016
found to have willfully reported erroneous, inaccurate, or 1017
incomplete data to the education management information system. 1018

(O) No person shall release or maintain any information about 1019
any student in violation of this section. Whoever violates this 1020
division is guilty of a misdemeanor of the fourth degree. 1021

(P) The department shall disaggregate the data collected 1022
under division (B)(1)(o) of this section according to the race and 1023
socioeconomic status of the students assessed. No data collected 1024
under that division shall be included on the report cards required 1025
by section 3302.03 of the Revised Code. 1026

(Q) If the department cannot compile any of the information 1027
required by division ~~(D)~~(C)(5) of section 3302.03 of the Revised 1028
Code based upon the data collected under this section, the 1029
department shall develop a plan and a reasonable timeline for the 1030
collection of any data necessary to comply with that division. 1031

Sec. 3301.0715. (A) Except as provided in division (E) of 1032
this section, the board of education of each city, local, and 1033
exempted village school district shall administer each applicable 1034
diagnostic assessment developed and provided to the district in 1035
accordance with section 3301.079 of the Revised Code to ~~measure~~ 1036
~~student progress toward the attainment of academic standards for~~ 1037
~~grades kindergarten through two in reading, writing, and~~ 1038
~~mathematics and for grades three through eight in reading,~~ 1039
~~writing, mathematics, science, and social studies~~ the following: 1040

(1) Each student enrolled in a building subject to division 1041

(E) of section 3302.04 of the Revised Code; 1042

(2) Any student who transfers into the district or to a 1043
different school within the district, within thirty days after the 1044
date of transfer; 1045

(3) Each kindergarten student, within six weeks after the 1046
first day of school. For the purpose of division (A)(3) of this 1047
section, the district shall administer the kindergarten readiness 1048
assessment provided by the department of education. 1049

(4) Each student enrolled in first or second grade. 1050

(B) Each district board shall administer each diagnostic 1051
assessment as the board deems appropriate. However, the board 1052
shall administer any diagnostic assessment at least once annually 1053
to all students in the appropriate grade level. A district board 1054
may administer any diagnostic assessment in the fall and spring of 1055
a school year to measure the ~~"value added"~~ amount of academic 1056
growth attributable to the instruction received by students during 1057
that school year. 1058

(C) Each district board shall utilize and score any 1059
diagnostic assessment administered under division (A) of this 1060
section in accordance with rules established by the department ~~of~~ 1061
~~education~~. Except as required by division (B)(1)(o) of section 1062
3301.0714 of the Revised Code, neither the state board of 1063
education nor the department shall require school districts to 1064
report the results of diagnostic assessments for any students to 1065
the department or to make any such results available in any form 1066
to the public. After the administration of any diagnostic 1067
assessment, each district shall provide a student's completed 1068
diagnostic assessment, the results of such assessment, and any 1069
other accompanying documents used during the administration of the 1070
assessment to the parent of that student upon the parent's 1071
request. 1072

(D) Each district board shall provide intervention services 1073
to students whose diagnostic assessments show that they are 1074
failing to make satisfactory progress toward attaining the 1075
academic standards for their grade level. 1076

(E) Any district ~~declared excellent under section 3302.03 of~~ 1077
~~the Revised Code that made adequate yearly progress, as defined in~~ 1078
~~section 3302.01 of the Revised Code, in the immediately preceding~~ 1079
~~school year~~ may assess student progress in grades one through 1080
eight using a diagnostic assessment other than the diagnostic 1081
assessment required by division (A) of this section. 1082

(F) ~~Within thirty days after a student transfers into a~~ 1083
~~school district or to a different school within the same district,~~ 1084
~~the district shall administer each diagnostic assessment required~~ 1085
~~under division (A) of this section to the student~~ A district board 1086
may administer any diagnostic assessment provided to the district 1087
in accordance with section 3301.079 of the Revised Code to any 1088
student enrolled in a building that is not subject to division 1089
(A)(1) of this section. Any district electing to administer 1090
diagnostic assessments to students under this division shall 1091
provide intervention services to any such student whose diagnostic 1092
assessment shows unsatisfactory progress toward attaining the 1093
academic standards for the student's grade level. 1094

Sec. 3301.801. ~~(A)~~ The Ohio SchoolNet commission shall create 1095
and maintain a clearinghouse for classroom teachers, including any 1096
classroom teachers employed by community schools established under 1097
Chapter 3314. of the Revised Code, to easily obtain lesson plans 1098
and materials and other practical resources for use in classroom 1099
teaching. The commission shall develop a method of obtaining 1100
submissions, from classroom teachers and others, of such plans, 1101
materials, and other resources that have been used in the 1102
classroom and that can be readily used and implemented by 1103

classroom teachers in their regular teaching activities. The 1104
commission also shall develop methods of informing classroom 1105
teachers of both the availability of such plans, materials, and 1106
other resources, and of the opportunity to submit such plans, 1107
materials, and other resources and other classroom teaching ideas 1108
to the clearinghouse. 1109

The department of education shall regularly identify 1110
research-based practices concerned with scheduling and allotting 1111
instructional time and submit such practices to the commission for 1112
inclusion in the clearinghouse. 1113

The commission shall periodically report to the speaker and 1114
minority leader of the house of representatives, the president and 1115
minority leader of the senate, and the chairpersons and ranking 1116
minority members of the education committees of the senate and the 1117
house of representatives regarding the clearinghouse and make 1118
recommendations for changes in state law or administrative rules 1119
that may facilitate the usefulness of the clearinghouse. 1120

~~(B) Not later than one year after the effective date of this 1121
amendment, the department of education shall identify research 1122
studies on academic intervention and prevention practices that 1123
have been successful in improving the academic performance of 1124
students from different ethnic and socioeconomic groups, develop 1125
an annotated bibliography of such studies, and provide that 1126
bibliography to the Ohio SchoolNet commission. The commission 1127
shall promptly make the bibliography available to school districts 1128
as a part of the clearinghouse established under this section. 1129~~

Sec. 3301.91. (A) The OhioReads council's responsibilities 1130
include, but are not limited to, the following: 1131

(1) Advising and consenting to the superintendent of public 1132
instruction's appointments to the position of executive director 1133

of the OhioReads office;	1134
(2) Evaluating the effectiveness of the OhioReads initiative established by this section and sections 3301.86 and 3301.87 of the Revised Code and conducting annual evaluations beginning in fiscal year 2002;	1135 1136 1137 1138
(3) Developing a strategic plan for identifying, recruiting, training, qualifying, and placing volunteers for the OhioReads initiative;	1139 1140 1141
(4) Establishing standards for the awarding of classroom reading grants under section 3301.86 of the Revised Code and community reading grants under section 3301.87 of the Revised Code, including eligibility criteria, grant amounts, purposes for which grants may be used, and administrative, programmatic, and reporting requirements;	1142 1143 1144 1145 1146 1147
(5) Awarding classroom reading grants and community reading grants to be paid by the OhioReads office under sections 3301.86 and 3301.87 of the Revised Code;	1148 1149 1150
(6) Establishing guidelines for and overseeing the general responsibilities and mission of the executive director of the OhioReads office;	1151 1152 1153
(7) Adopting rules pursuant to Chapter 119. of the Revised Code to establish standards required under sections 3301.86 and 3301.87 of the Revised Code.	1154 1155 1156
(B) In performing its duties, the council shall, to the extent practicable:	1157 1158
(1) Give primary consideration to the safety and well-being of children participating in the OhioReads initiative;	1159 1160
(2) Maximize the use of resources to improve reading outcomes, especially the fourth grade reading proficiency test established under former division (A)(1) of section 3301.0710 of	1161 1162 1163

the Revised Code, as it existed prior to September 11, 2001, and 1164
the third grade reading achievement test established under 1165
division (A)(1)(a) of section 3301.0710 of the Revised Code; 1166

(3) Identify and maximize relevant federal and state 1167
resources to leverage OhioReads resources and related programs; 1168

(4) Focus on early reading intervention strategies, 1169
professional development, and parental involvement; 1170

(5) Give priority to programs recognized as promising 1171
educational practices for accelerating student achievement, 1172
including, but not limited to, programs primarily using volunteers 1173
and programs that may have been reviewed by the education 1174
commission of the states. 1175

Sec. 3302.01. As used in this chapter: 1176

(A) "Dropout" means a student who withdraws from school 1177
before completing course requirements for graduation and who is 1178
not enrolled in an education program approved by the state board 1179
of education or an education program outside the state. "Dropout" 1180
does not include a student who has departed the country. 1181

(B) "Graduation rate" means ~~a calculation of the percentage~~ 1182
~~of ninth grade students who graduate by the end of the summer~~ 1183
~~following their twelfth grade year. The graduation rate is the~~ 1184
ratio of ~~the~~ students receiving a diploma to the number of 1185
students who entered ninth grade four years earlier. Students who 1186
transfer into the district are added to the calculation. Students 1187
who transfer out of the district for reasons other than dropout 1188
are subtracted from the calculation. ~~Students who do not graduate~~ 1189
~~within four years but who continue their high school education in~~ 1190
~~the following year in the same school district are removed from~~ 1191
~~the calculation for the year in which they would have graduated~~ 1192
and are added to the calculation for the following year's 1193

~~graduating class as if the student had entered ninth grade four~~ 1194
~~years before the intended graduation date of that class. In each~~ 1195
~~subsequent year that such students do not graduate but continue~~ 1196
~~their high school education uninterrupted in the same school~~ 1197
~~district, such students shall be reassigned to the district's~~ 1198
~~graduation rate for that year by assuming that the students~~ 1199
~~entered ninth grade four years before the date of the intended~~ 1200
~~graduation.~~ If a student who was a dropout in any previous year 1201
returns to the same school district, that student shall be entered 1202
into the calculation as if the student had entered ninth grade 1203
four years before the graduation year of the graduating class that 1204
the student joins. 1205

(C) "Attendance rate" means the ratio of the number of 1206
students actually in attendance over the course of a school year 1207
to the number of students who were required to be in attendance 1208
that school year, as calculated pursuant to rules of the 1209
superintendent of public instruction. 1210

(D) "Three-year average" means the average of the most recent 1211
consecutive three school years of data. 1212

~~(E) "Required level of improvement" means at least one~~ 1213
~~standard unit of improvement on at least the percentage of~~ 1214
~~performance standards required to demonstrate overall improvement,~~ 1215
~~in accordance with the rule approved under division (A) of section~~ 1216
~~3302.04 of the Revised Code "Performance index score" means the~~ 1217
~~average of the totals derived from calculations for each subject~~ 1218
~~area of reading, writing, mathematics, science, and social studies~~ 1219
~~of the weighted proportion of untested students and students~~ 1220
~~scoring at each level of skill described in division (A)(2) of~~ 1221
~~section 3301.0710 of the Revised Code on the tests prescribed by~~ 1222
~~divisions (A) and (B) of that section. The department of education~~ 1223
~~shall assign weights such that students who do not take a test~~ 1224
~~receive a weight of zero and students who take a test receive~~ 1225

progressively larger weights dependent upon the level of skill 1226
attained on the test. The department shall also determine the 1227
performance index score a school district or building needs to 1228
achieve for the purpose of the performance ratings assigned 1229
pursuant to section 3302.03 of the Revised Code. 1230

Students shall be included in the "performance index score" 1231
in accordance with division (D)(2) of section 3302.03 of the 1232
Revised Code. 1233

(F) "Subgroup" means a subset of the entire student 1234
population of the state, a school district, or a school building 1235
and includes each of the following: 1236

(1) Major racial and ethnic groups; 1237

(2) Students with disabilities; 1238

(3) Economically disadvantaged students; 1239

(4) Limited English proficient students. 1240

(G) "Other academic indicators" means measures of student 1241
academic performance other than scores on tests administered under 1242
section 3301.0710 of the Revised Code, which shall be the 1243
attendance rate for elementary and middle schools and the 1244
graduation rate for high schools. 1245

(H) "Annual measurable objective" means the yearly percentage 1246
of students, which shall be established by the state board, who 1247
must score at or above the proficient level on tests established 1248
under section 3301.0710 of the Revised Code in reading and 1249
mathematics administered to their grade level for a school 1250
district or a school building to be deemed to have made sufficient 1251
progress for that school year toward the goal of having all 1252
students scoring at or above the proficient level on such tests by 1253
June 30, 2014. For the school year that begins July 1, 2003, the 1254
state board shall establish an "annual measurable objective" in 1255

accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1256
1425, 20 U.S.C. 6311. In the school year following the first 1257
administration of each test established under section 3301.0710 of 1258
the Revised Code, the state board shall use the results from such 1259
tests to make any necessary adjustments in the applicable annual 1260
measurable objective. 1261

(I) "Adequate yearly progress," as required by the "No Child 1262
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6311, means a 1263
measure of annual academic performance. "Adequate yearly progress" 1264
is made by a school district or a school building when, in 1265
accordance with division (D)(2) of section 3302.03 of the Revised 1266
Code, the district or building satisfies either divisions (I)(1) 1267
and (2) of this section or divisions (I)(1) and (3) of this 1268
section in the applicable school year: 1269

(1) At least ninety-five per cent of the total student 1270
population and of each subgroup enrolled in the district or 1271
building at the time of the test administration takes each test in 1272
reading and mathematics prescribed by section 3301.0710 of the 1273
Revised Code that is administered to their grade level, except 1274
that this requirement shall not apply to any subgroup in the 1275
district or building that contains less than forty students. Those 1276
students taking a test with accommodations or an alternate 1277
assessment pursuant to division (C) of section 3301.0711 of the 1278
Revised Code shall be counted as taking that test for the purposes 1279
of this division. 1280

(2) The total student population and each subgroup in the 1281
district or building, as defined in division (D)(2) of section 1282
3302.03 of the Revised Code, meets or exceeds the annual 1283
measurable objective for that school year in reading and 1284
mathematics based upon data from the current school year or a 1285
three-year average of data and the district or building meets or 1286
exceeds the minimum threshold or makes progress on the other 1287

academic indicators for that school year. In calculating whether a 1288
district or building satisfies this division, the department shall 1289
include any subgroup in the district or building that contains 1290
thirty or more students, except that the department shall not 1291
include the subgroup described in division (F)(2) of this section 1292
unless such subgroup contains forty-five or more students. The 1293
determination of students in the subgroup described in division 1294
(F)(2) of this section who are not required to score at or above 1295
the proficient level on tests established under section 3301.0710 1296
of the Revised Code for the purpose of determining whether a 1297
district or building satisfies this division shall comply with 1298
federal statutes, rules, and regulations. 1299

(3) If the performance of the total student population or any 1300
subgroup in the district or building results in the failure of the 1301
district or building to satisfy division (I)(2) of this section, 1302
the district or building shall fulfill both of the following 1303
requirements with respect to the total student population or any 1304
pertinent subgroup: 1305

(a) The percentage of students scoring below the proficient 1306
level on the applicable tests in the total student population or 1307
subgroup decreases by at least ten per cent from the percentage of 1308
such students in the total student population or subgroup in the 1309
preceding school year or from the average percentage of such 1310
students in the total student population or subgroup in the two 1311
preceding school years. 1312

(b) The total student population or subgroup meets or exceeds 1313
the minimum threshold on the other academic indicators for that 1314
school year or makes progress toward meeting the minimum threshold 1315
on one of the other academic indicators for that school year. 1316

(J) "Supplemental educational services" means additional 1317
academic assistance, such as tutoring, remediation, or other 1318

educational enrichment activities, that is conducted outside of 1319
the regular school day by a provider approved by the department in 1320
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1321
1425, 20 U.S.C. 6316. 1322

(K) "Value-added progress dimension" means a measure of 1323
academic gain for a student or group of students over a specific 1324
period of time that is calculated by applying a statistical 1325
methodology to individual student achievement data derived from 1326
the achievement tests prescribed by section 3301.0710 of the 1327
Revised Code. 1328

Sec. 3302.02. The state board of education annually through 1329
~~2006~~ 2007, and every six years thereafter, shall establish at 1330
least seventeen performance indicators for the report cards 1331
required by division ~~(D)~~(C) of section 3302.03 of the Revised 1332
Code. In establishing these indicators, the state board shall 1333
consider inclusion of student performance on any tests given under 1334
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1335
student improvement on such tests, student attendance, the breadth 1336
of coursework available within the district, and other indicators 1337
of student success. The state board shall ~~notify all school~~ 1338
~~districts of the selected performance indicators at least two~~ 1339
~~years before they are included in the report card~~ inform the Ohio 1340
accountability task force established under section 3302.021 of 1341
the Revised Code of the performance indicators it establishes 1342
under this section and the rationale for choosing each indicator 1343
and for determining how a school district or building meets that 1344
indicator. 1345

The state board shall not establish any performance indicator 1346
for passage of the third or fourth grade reading test that is 1347
solely based on the test given in the fall for the purpose of 1348
determining whether students have met the reading guarantee 1349

provisions of section 3313.608 of the Revised Code. 1350

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1351
later than July 1, 2007, the department of education shall 1352
implement a value-added progress dimension for school districts 1353
and buildings and shall incorporate the value-added progress 1354
dimension into the report cards and performance ratings issued for 1355
districts and buildings under section 3302.03 of the Revised Code. 1356

The state board of education shall adopt rules, pursuant to 1357
Chapter 119. of the Revised Code, for the implementation of the 1358
value-added progress dimension. In adopting rules, the state board 1359
shall consult with the Ohio accountability task force established 1360
under division (D) of this section. The rules adopted under this 1361
division shall specify both of the following: 1362

(1) A scale for describing the levels of academic progress in 1363
reading and mathematics relative to a standard year of academic 1364
growth in those subjects for each of grades three through eight; 1365

(2) That the department shall maintain the confidentiality of 1366
individual student test scores and individual student reports in 1367
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1368
Revised Code and federal law. The department may require school 1369
districts to use a unique identifier for each student for this 1370
purpose. Individual student test scores and individual student 1371
reports shall be made available only to a student's classroom 1372
teacher and other appropriate educational personnel and to the 1373
student's parent or guardian. 1374

(B) The department shall use a system designed for collecting 1375
necessary data, calculating the value-added progress dimension, 1376
analyzing data, and generating reports, which system has been used 1377
previously by a non-profit organization led by the Ohio business 1378
community for at least one year in the operation of a pilot 1379
program in cooperation with school districts to collect and report 1380

student achievement data via electronic means and to provide 1381
information to the districts regarding the academic performance of 1382
individual students, grade levels, school buildings, and the 1383
districts as a whole. 1384

(C) The department shall not pay more than two dollars per 1385
student for data analysis and reporting to implement the 1386
value-added progress dimension in the same manner and with the 1387
same services as under the pilot program described by division (B) 1388
of this section. However, nothing in this section shall preclude 1389
the department or any school district from entering into a 1390
contract for the provision of more services at a higher fee per 1391
student. 1392

(D)(1) There is hereby established the Ohio accountability 1393
task force. The task force shall consist of the following thirteen 1394
members: 1395

(a) The chairpersons and ranking minority members of the 1396
house of representatives and senate standing committees primarily 1397
responsible for education legislation, who shall be nonvoting 1398
members; 1399

(b) One representative of the governor's office, appointed by 1400
the governor; 1401

(c) The superintendent of public instruction, or the 1402
superintendent's designee; 1403

(d) One representative of teacher employee organizations 1404
formed pursuant to Chapter 4117. of the Revised Code, appointed by 1405
the speaker of the house of representatives; 1406

(e) One representative of school district boards of 1407
education, appointed by the president of the senate; 1408

(f) One school district superintendent, appointed by the 1409
speaker of the house of representatives; 1410

(g) One representative of business, appointed by the 1411
president of the senate; 1412

(h) One representative of a non-profit organization led by 1413
the Ohio business community, appointed by the governor; 1414

(i) One school building principal, appointed by the president 1415
of the senate; 1416

(j) A member of the state board of education, appointed by 1417
the speaker of the house of representatives. 1418

Initial appointed members of the task force shall serve until 1419
January 1, 2005. Thereafter, terms of office for appointed members 1420
shall be for two years, each term ending on the same day of the 1421
same month as did the term that it succeeds. Each appointed member 1422
shall hold office from the date of appointment until the end of 1423
the term for which the member was appointed. Members may be 1424
reappointed. Vacancies shall be filled in the same manner as the 1425
original appointment. Any member appointed to fill a vacancy 1426
occurring prior to the expiration of the term for which the 1427
member's predecessor was appointed shall hold office for the 1428
remainder of that term. 1429

The task force shall select from among its members a 1430
chairperson. The task force shall meet at least six times each 1431
calendar year and at other times upon the call of the chairperson 1432
to conduct its business. Members of the task force shall serve 1433
without compensation. 1434

(2) The task force shall do all of the following: 1435

(a) Examine the implementation of the value-added progress 1436
dimension by the department, including the system described in 1437
division (B) of this section, the reporting of performance data to 1438
school districts and buildings, and the provision of professional 1439
development on the interpretation of the data to classroom 1440

<u>teachers and administrators;</u>	1441
<u>(b) Periodically review any fees for data analysis and reporting paid by the department pursuant to division (C) of this section and determine if the fees are appropriate based upon the level of services provided;</u>	1442 1443 1444 1445
<u>(c) Periodically report to the department and the state board on all issues related to the school district and building accountability system established under this chapter;</u>	1446 1447 1448
<u>(d) Not later than seven years after its initial meeting, make recommendations to improve the school district and building accountability system established under this chapter. The task force shall adopt recommendations by a majority vote of its members. Copies of the recommendations shall be provided to the state board, the governor, the speaker of the house of representatives, and the president of the senate.</u>	1449 1450 1451 1452 1453 1454 1455
<u>(e) Determine starting dates for the implementation of the value-added progress dimension and its incorporation into school district and building report cards and performance ratings.</u>	1456 1457 1458
Sec. 3302.03. (A) Annually the department of education shall report for each school district the <u>and each school building in a district all of the following:</u>	1459 1460 1461
<u>(1) The extent to which it the school district or building meets each of the applicable performance indicators created by the state board of education under section 3302.02 of the Revised Code and shall specify for each such district the number of applicable performance indicators that have been achieved and whether;</u>	1462 1463 1464 1465 1466
<u>(2) The performance index score of the school district or building;</u>	1467 1468
<u>(3) Whether the school district or building has made adequate yearly progress;</u>	1469 1470

~~(4) Whether the school district or building is an excellent school district, an effective school district, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.~~ 1471
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~~When possible, the department shall also determine for each school building in a district the extent to which it meets any of the performance indicators applicable to the grade levels of the students in that school building and whether the school building is an excellent school, an effective school, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.~~ 1475
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~~(B) If the state board establishes seventeen performance indicators applicable to a school district or building under section 3302.02 of the Revised Code:~~ 1482
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(1) A school district or building shall be declared excellent if it fulfills one of the following requirements: 1485
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(a) It makes adequate yearly progress and either meets at least sixteen ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department. 1487
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1489
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(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department. 1491
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(2) A school district or building shall be declared effective if it fulfills one of the following requirements: 1496
1497

(a) It makes adequate yearly progress and either meets thirteen through fifteen at least seventy-five per cent but less than ninety-four per cent of the applicable state performance 1498
1499
1500

indicators or has a performance index score established by the 1501
department. 1502

(b) It does not make adequate yearly progress and either 1503
meets at least seventy-five per cent of the applicable state 1504
performance indicators or has a performance index score 1505
established by the department, except that if it does not make 1506
adequate yearly progress for three consecutive years, it shall be 1507
declared in need of continuous improvement. 1508

(3) A school district or building shall be declared to be in 1509
need of continuous improvement if it fulfills one of the following 1510
requirements: 1511

(a) It makes adequate yearly progress, meets more than eight 1512
but less than thirteen less than seventy-five per cent of the 1513
applicable state performance indicators, and has a performance 1514
index score established by the department. 1515

(b) It does not make adequate yearly progress and either 1516
meets at least fifty per cent but less than seventy-five per cent 1517
of the applicable state performance indicators or has a 1518
performance index score established by the department. 1519

(4) A school district or building shall be declared to be 1520
under an academic watch if it does not make adequate yearly 1521
progress and either meets ~~more than five but not more than eight~~ 1522
at least thirty-one per cent but less than fifty per cent of the 1523
applicable state performance indicators or has a performance index 1524
score established by the department. 1525

(5) A school district or building shall be declared to be in 1526
a state of academic emergency if it does not make adequate yearly 1527
progress, does not meet more than five at least thirty-one per 1528
cent of the applicable state performance indicators, and has a 1529
performance index score established by the department. 1530

~~(C) If the state board establishes more than seventeen~~ 1531

~~performance indicators under section 3302.02 of the Revised Code, 1532
or if less than seventeen performance indicators are applicable to 1533
a school building, the state board shall establish the number of 1534
indicators that must be met in order for a district or building to 1535
be designated as excellent, effective, needs continuous 1536
improvement, is under an academic watch, or is in a state of 1537
academic emergency. The number established for each such category 1538
under this division shall bear a similar relationship to the total 1539
number of indicators as the number of indicators required for the 1540
respective categories stated in division (B) of this section bears 1541
to seventeen. 1542~~

~~(D)(1) The department shall issue annual report cards for 1543
each school district, each building within each district, and for 1544
the state as a whole reflecting performance on the indicators 1545
created by the state board under section 3302.02 of the Revised 1546
Code, the performance index score, and adequate yearly progress. 1547~~

(2) The department shall include on the report card for each 1548
district information pertaining to any change from the previous 1549
year made by the school district or school buildings within the 1550
district on any performance indicator. 1551

(3) When reporting data on student performance, the 1552
department shall disaggregate that data according to the following 1553
categories: 1554

(a) Performance of students by age group; 1555

(b) Performance of students by race and ethnic group; 1556

(c) Performance of students by gender; 1557

(d) Performance of students grouped by those who have been 1558
enrolled in a district or school for three or more years; 1559

(e) Performance of students grouped by those who have been 1560
enrolled in a district or school for more than one year and less 1561

than three years;	1562
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1563 1564
(g) Performance of students grouped by those who are classified as vocational education students pursuant to guidelines adopted by the department for purposes of this division;	1565 1566 1567
(h) Performance of students grouped by those who are economically disadvantaged, to the extent that such data is available from the education management information system established under section 3301.0714 of the Revised Code;	1568 1569 1570 1571
(i) (h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1572 1573 1574
<u>(i) Performance of students grouped by those who are classified as limited English proficient;</u>	1575 1576
<u>(j) Performance of students grouped by those who have disabilities;</u>	1577 1578
<u>(k) Performance of students grouped by those who are classified as migrants;</u>	1579 1580
<u>(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.</u>	1581 1582 1583
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. <u>To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.</u>	1584 1585 1586 1587 1588 1589
In reporting data pursuant to division (D) (C)(3) of this section, the department shall not include in the report cards any	1590 1591

data statistical in nature that is statistically unreliable or 1592
that could result in the identification of individual students. 1593
For this purpose, the department shall not report student 1594
performance data for any group identified in division (C)(3) of 1595
this section that contains less than ten students. 1596

(4) The department may include with the report cards any 1597
additional education and fiscal performance data it deems 1598
valuable. 1599

(5) The department shall include on each report card a list 1600
of additional information collected by the department that is 1601
available regarding the district or building for which the report 1602
card is issued. When available, such additional information shall 1603
include student mobility data disaggregated by race and 1604
socioeconomic status, college enrollment data, and the reports 1605
prepared under section 3302.031 of the Revised Code. 1606

The department shall maintain a site on the world wide web. 1607
The report card shall include the address of the site and shall 1608
specify that such additional information is available to the 1609
public at that site. The department shall also provide a copy of 1610
each item on the list to the superintendent of each school 1611
district. The district superintendent shall provide a copy of any 1612
item on the list to anyone who requests it. 1613

(6) For any district that sponsors a conversion community 1614
school under Chapter 3314. of the Revised Code, the department 1615
shall combine data regarding the academic performance of students 1616
enrolled in the community school with comparable data from the 1617
schools of the district for the purpose of calculating the 1618
performance of the district as a whole on the report card issued 1619
for the district. 1620

~~(E)~~(7) The department shall include on each report card the 1621
percentage of teachers in the district or building who are highly 1622

qualified, as defined by the "No Child Left Behind Act of 2001," 1623
115 Stat. 1425, 20 U.S.C. 7801, and a comparison of that 1624
percentage with the percentages of such teachers in similar 1625
districts and buildings. 1626

(D)(1) In calculating reading, writing, mathematics, social 1627
studies, or science proficiency or achievement test passage rates 1628
used to determine school district or building performance under 1629
this section, the department shall include all students taking a 1630
test with accommodation or to whom an alternate assessment is 1631
administered pursuant to division (C)(1) or (3) of section 1632
3301.0711 of the Revised Code, ~~but shall not include any student~~ 1633
~~excused from taking a test pursuant to division (C)(3) of that~~ 1634
~~section, whether or not the student chose to take the test~~ 1635
~~voluntarily in spite of the exemption granted in that division.~~ 1636

(2) In calculating performance index scores, rates of 1637
achievement on the performance indicators established by the state 1638
board under section 3302.02 of the Revised Code, and adequate 1639
yearly progress for school districts and buildings under this 1640
section, the department shall do both of the following: 1641

(a) Include for each district or building only those students 1642
who are included in the ADM certified for the first full school 1643
week of October and are continuously enrolled in the district or 1644
building through the time of the spring administration of any test 1645
prescribed by section 3301.0710 of the Revised Code that is 1646
administered to the student's grade level; 1647

(b) Include cumulative totals from both the fall and spring 1648
administrations of the third grade reading achievement test. 1649

Sec. 3302.031. In addition to the report cards required under 1650
section 3302.03 of the Revised Code, the department of education 1651
shall annually prepare the following reports for each school 1652
district and make a copy of each report available to the 1653

superintendent of each district: 1654

(A) A funding and expenditure accountability report which 1655
shall consist of the amount of state aid payments the school 1656
district will receive during the fiscal year under Chapter 3317. 1657
of the Revised Code and any other fiscal data the department 1658
determines is necessary to inform the public about the financial 1659
status of the district; 1660

(B) A school safety and discipline report which shall consist 1661
of statistical information regarding student safety and discipline 1662
in each school building, including the number of suspensions and 1663
expulsions disaggregated according to race and gender; 1664

(C) A student equity report which shall consist of at least a 1665
description of the status of teacher qualifications, library and 1666
media resources, textbooks, classroom materials and supplies, and 1667
technology resources for each district. To the extent possible, 1668
the information included in the report required under this 1669
division shall be disaggregated according to grade level, race, 1670
gender, disability, and scores attained on tests required under 1671
section 3301.0710 of the Revised Code. 1672

(D) A school enrollment report which shall consist of 1673
information about the composition of classes within each district 1674
by grade and subject disaggregated according to race, gender, and 1675
scores attained on tests required under section 3301.0710 of the 1676
Revised Code; 1677

(E) A student retention report which shall consist of the 1678
number of students retained in their respective grade levels in 1679
the district disaggregated by grade level, subject area, race, 1680
gender, and disability; 1681

(F) A school district performance report which shall describe 1682
for the district and each building within the district the extent 1683

to which the district or building meets each of the applicable 1684
performance indicators established under section 3302.02 of the 1685
Revised Code, the number of performance indicators that have been 1686
achieved, and the performance index score. In calculating the 1687
rates of achievement on the performance indicators and the 1688
performance index scores for each report, the department shall 1689
exclude all students with disabilities. 1690

~~Sec. 3302.04. (A) The state board of education shall adopt a~~ 1691
~~rule establishing both of the following:~~ 1692

~~(1) A standard unit of improvement that any building within a~~ 1693
~~district or school district would be required to achieve on a~~ 1694
~~specific performance indicator that it failed to meet in order to~~ 1695
~~be deemed to have made satisfactory improvement toward meeting~~ 1696
~~that indicator.~~ 1697

~~(2) The percentage of those performance indicators that a~~ 1698
~~building within a district or a district did not meet, on which a~~ 1699
~~building or district would be required to achieve the standard~~ 1700
~~unit of improvement in order to be deemed to be making overall~~ 1701
~~progress toward becoming an excellent building or district.~~ 1702

~~The rule shall apply to determinations of school district~~ 1703
~~improvement under division (B) of this section~~ The department of 1704
education shall establish a system of intensive, ongoing support 1705
for the improvement of school districts and school buildings. The 1706
system shall give priority to districts and buildings that have 1707
been declared to be under an academic watch or in a state of 1708
academic emergency under section 3302.03 of the Revised Code and 1709
shall include services provided to districts and buildings through 1710
regional service providers, such as educational service centers, 1711
regional professional development centers, and special education 1712
regional resource centers. 1713

(B) When a school district has been notified by the 1714
department pursuant to division (A) of section 3302.03 of the 1715
Revised Code that the district or a building within the district 1716
~~needs continuous improvement, is under an academic watch, or is in~~ 1717
~~a state of academic emergency~~ has failed to make adequate yearly 1718
progress for two consecutive school years, the district shall 1719
develop a three-year continuous improvement plan for the district 1720
or building containing an ~~analysis of the reasons for the~~ 1721
~~district's failure as a whole, or the failure of any buildings, to~~ 1722
~~meet any of the indicators not met and specifying the strategies~~ 1723
~~the district will use and the resources it will allocate to~~ 1724
address the problem. Copies of the plan shall be made available to 1725
~~the public~~ each of the following: 1726

(1) An analysis of the reasons for the failure of the 1727
district or building to meet any of the applicable performance 1728
indicators established under section 3302.02 of the Revised Code 1729
that it did not meet and an analysis of the reasons for its 1730
failure to make adequate yearly progress; 1731

(2) Specific strategies that the district or building will 1732
use to address the problems in academic achievement identified in 1733
division (B)(1) of this section; 1734

(3) Identification of the resources that the district will 1735
allocate toward improving the academic achievement of the district 1736
or building; 1737

(4) A description of any progress that the district or 1738
building made in the preceding year toward improving its academic 1739
achievement. 1740

No three-year continuous improvement plan shall be developed 1741
or adopted pursuant to this division unless at least one public 1742
hearing is held within the affected school district or building 1743
concerning the final draft of the plan. Notice of the hearing 1744

shall be given two weeks prior to the hearing by publication in 1745
one newspaper of general circulation within the territory of the 1746
affected school district or building. Copies of the plan shall be 1747
made available to the public. 1748

(C) When a school district or building has been notified by 1749
the department pursuant to division (A) of section 3302.03 of the 1750
Revised Code that the district or ~~a building within the district~~ 1751
is under an academic watch or in a state of academic emergency, 1752
the district or building shall be subject to any rules 1753
establishing intervention in academic watch or emergency school 1754
districts ~~that have been recommended to the general assembly by~~ 1755
~~the department of education and approved by joint resolution of~~ 1756
~~the general assembly~~ or buildings. 1757

(D)(1) Within one hundred twenty days after any school 1758
district or building ~~within the district~~ is declared to be in a 1759
state of academic emergency under section 3302.03 of the Revised 1760
Code, the department ~~shall~~ may initiate a site evaluation of the 1761
building or school district. 1762

(2) If any school district that is declared to be in a state 1763
of academic emergency or in a state of academic watch under 1764
section 3302.03 of the Revised Code or encompasses a building that 1765
is declared to be in a state of academic emergency or in a state 1766
of academic watch fails to demonstrate to the department 1767
satisfactory improvement of the district or applicable buildings 1768
or fails to submit to the department any information required 1769
under rules established by the state board of education, prior to 1770
approving a three-year continuous improvement plan under rules 1771
established by the state board of education, the department shall 1772
conduct a site evaluation of the school district or applicable 1773
buildings to determine whether the school district is in 1774
compliance with minimum standards established by law or rule. 1775

(3) Site evaluations conducted under divisions (D)(1) and (2) 1776

of this section shall include, but not be limited to, the 1777
following: 1778

(a) Determining whether teachers are assigned to subject 1779
areas for which they are licensed or certified; 1780

(b) Determining pupil-teacher ratios; 1781

(c) Examination of compliance with minimum instruction time 1782
requirements for each school day and for each school year; 1783

(d) Determining whether materials and equipment necessary to 1784
implement the curriculum approved by the school district board are 1785
available. 1786

~~(E)(1) If, after three years under a continuous improvement 1787
plan developed pursuant to division (B) of this section, any 1788
school district that is declared to be in a state of academic 1789
emergency under section 3302.03 of the Revised Code has any 1790
building within the district that is declared to be in a state of 1791
academic emergency under that section and that fails to improve on 1792
the performance indicators that the building did not meet under 1793
that section to make progress toward becoming an excellent 1794
building, the district shall implement at least one of the 1795
following options with respect to that building: 1796~~

~~(a) Replace the building principal; 1797~~

~~(b) Examine the factors impeding student success and redesign 1798
the building to address those factors, including transferring or 1799
reassigning personnel; 1800~~

~~(C) Institute a new schoolwide curriculum or educational 1801
model that is consistent with the statewide academic standards 1802
adopted pursuant to division (A) of section 3301.079 of the 1803
Revised Code and alter the structure of the school day or year; 1804~~

~~(d) Contract with departments of education at public and 1805
private colleges in Ohio, educational service centers, or the 1806~~

~~state department of education to operate the building, including
the provision of personnel, supplies, and equipment;~~ 1807
1808

~~(e) Grant priority over all other applicants to students from
the building who apply to attend another building within the
district under the intradistrict open enrollment policy adopted by
the district pursuant to section 3313.97 of the Revised Code;~~ 1809
1810
1811
1812

~~(f) Close the building and reassign its students to other
buildings within the district;~~ 1813
1814

~~(g) Develop and implement a comprehensive alternative plan,
subject to approval by the department of education, to improve the
overall performance of the building.~~ 1815
1816
1817

~~Any action taken under division (E)(1)(f) of this section may
include the establishment of This division applies only to school
districts that operate a school building that fails to make
adequate yearly progress for two or more consecutive school years.~~ 1818
1819
1820
1821

~~(1) For any school building that fails to make adequate
yearly progress for two consecutive school years, the district
shall do all of the following:~~ 1822
1823
1824

~~(a) Provide written notification of the academic issues that
resulted in the building's failure to make adequate yearly
progress to the parent or guardian of each student enrolled in the
building. The notification shall also describe the actions being
taken by the district or building to improve the academic
performance of the building and any progress achieved toward that
goal in the immediately preceding school year.~~ 1825
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~~(b) If the building receives funds under Title 1, Part A of
the "Elementary and Secondary Education Act of 1965," 20 U.S.C.
6311 to 6339, from the district, in accordance with section
3313.97 of the Revised Code, offer all students enrolled in the
building the opportunity to enroll in an alternative building~~ 1832
1833
1834
1835
1836

within the district that is not in school improvement status as 1837
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1838
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1839
the district shall spend twenty per cent of the funds it receives 1840
under Title I, Part A of the "Elementary and Secondary Education 1841
Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation 1842
for students who enroll in alternative buildings under this 1843
division, unless the district can satisfy all demand for 1844
transportation with a lesser amount. If twenty per cent of the 1845
funds the district receives under Title I, Part A of the 1846
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1847
to 6339, is insufficient to satisfy all demand for transportation, 1848
the district shall grant priority over all other students to the 1849
lowest achieving students among the subgroup described in division 1850
(F)(3) of section 3302.01 of the Revised Code in providing 1851
transportation. Any district that does not receive funds under 1852
Title I, Part A of the "Elementary and Secondary Education Act of 1853
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 1854
transportation to any student who enrolls in an alternative 1855
building under this division. 1856

(2) For any school building that fails to make adequate 1857
yearly progress for three consecutive school years, the district 1858
shall do both of the following: 1859

(a) If the building receives funds under Title 1, Part A of 1860
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1861
6311 to 6339, from the district, in accordance with section 1862
3313.97 of the Revised Code, provide all students enrolled in the 1863
building the opportunity to enroll in an alternative building 1864
within the district that is not in school improvement status as 1865
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1866
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1867
the district shall provide transportation for students who enroll 1868

in alternative buildings under this division to the extent 1869
required under division (E)(2) of this section. 1870

(b) If the building receives funds under Title 1, Part A of 1871
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1872
6311 to 6339, from the district, offer supplemental educational 1873
services to students who are enrolled in the building and who are 1874
in the subgroup described in division (F)(3) of section 3302.01 of 1875
the Revised Code. 1876

The district shall spend a combined total of twenty per cent 1877
of the funds it receives under Title I, Part A of the "Elementary 1878
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 1879
provide transportation for students who enroll in alternative 1880
buildings under division (E)(1)(b) or (E)(2)(a) of this section 1881
and to pay the costs of the supplemental educational services 1882
provided to students under division (E)(2)(b) of this section, 1883
unless the district can satisfy all demand for transportation and 1884
pay the costs of supplemental educational services for those 1885
students who request them with a lesser amount. In allocating the 1886
funds the district receives under Title I, Part A of the 1887
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1888
to 6339, between the requirements of divisions (E)(1)(b) and 1889
(E)(2)(a) and (b) of this section, the district shall spend at 1890
least five per cent of such funds to provide transportation for 1891
students who enroll in alternative buildings under division 1892
(E)(1)(b) or (E)(2)(a) of this section, unless the district can 1893
satisfy all demand for transportation with a lesser amount, and at 1894
least five per cent of such funds to pay the costs of the 1895
supplemental educational services provided to students under 1896
division (E)(2)(b) of this section, unless the district can pay 1897
the costs of such services for all students requesting them with a 1898
lesser amount. If twenty per cent of the funds the district 1899
receives under Title I, Part A of the "Elementary and Secondary 1900

Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to 1901
satisfy all demand for transportation under divisions (E)(1)(b) 1902
and (E)(2)(a) of this section and to pay the costs of all of the 1903
supplemental educational services provided to students under 1904
division (E)(2)(b) of this section, the district shall grant 1905
priority over all other students in providing transportation and 1906
in paying the costs of supplemental educational services to the 1907
lowest achieving students among the subgroup described in division 1908
(F)(3) of section 3302.01 of the Revised Code. 1909

Any district that does not receive funds under Title I, Part 1910
A of the "Elementary and Secondary Education Act of 1965," 20 1911
U.S.C. 6311 to 6339, shall not be required to provide 1912
transportation to any student who enrolls in an alternative 1913
building under division (E)(2)(a) of this section or to pay the 1914
costs of supplemental educational services provided to any student 1915
under division (E)(2)(b) of this section. 1916

No student who enrolls in an alternative building under 1917
division (E)(2)(a) of this section shall be eligible for 1918
supplemental educational services under division (E)(2)(b) of this 1919
section. 1920

(3) For any school building that fails to make adequate 1921
yearly progress for four consecutive school years, the district 1922
shall continue to comply with division (E)(2) of this section and 1923
shall implement at least one of the following options with respect 1924
to the building: 1925

(a) Institute a new curriculum that is consistent with the 1926
statewide academic standards adopted pursuant to division (A) of 1927
section 3301.079 of the Revised Code; 1928

(b) Decrease the degree of authority the building has to 1929
manage its internal operations; 1930

(c) Appoint an outside expert to make recommendations for 1931

<u>improving the academic performance of the building. The district</u>	1932
<u>may request the department to establish a state intervention team</u>	1933
<u>for this purpose pursuant to division (G) of this section.</u>	1934
<u>(d) Extend the length of the school day or year;</u>	1935
<u>(e) Replace the building principal or other key personnel;</u>	1936
<u>(f) Reorganize the administrative structure of the building.</u>	1937
<u>(4) For any school building that fails to make adequate</u>	1938
<u>yearly progress for five consecutive school years, the district</u>	1939
<u>shall continue to comply with division (E)(2) of this section and</u>	1940
<u>shall develop a plan during the next succeeding school year to</u>	1941
<u>improve the academic performance of the building, which shall</u>	1942
<u>include at least one of the following options:</u>	1943
<u>(a) Reopen the school as a community school under Chapter</u>	1944
<u>3314. of the Revised Code;</u>	1945
<u>(b) Replace personnel;</u>	1946
<u>(c) Contract with a nonprofit or for-profit entity to operate</u>	1947
<u>the building;</u>	1948
<u>(d) Turn operation of the building over to the department;</u>	1949
<u>(e) Other significant restructuring of the building's</u>	1950
<u>governance.</u>	1951
<u>(5) For any school building that fails to make adequate</u>	1952
<u>yearly progress for six consecutive school years, the district</u>	1953
<u>shall continue to comply with division (E)(2) of this section and</u>	1954
<u>shall implement the plan developed pursuant to division (E)(4) of</u>	1955
<u>this section.</u>	1956
<u>(6) A district shall continue to comply with division</u>	1957
<u>(E)(1)(b) or (E)(2) of this section, whichever was most recently</u>	1958
<u>applicable, with respect to any building formerly subject to one</u>	1959
<u>of those divisions until the building makes adequate yearly</u>	1960

<u>progress for two consecutive school years.</u>	1961
<u>(F) This division applies only to school districts that fail to make adequate yearly progress for two or more consecutive school years.</u>	1962
	1963
	1964
<u>(1) If a school district fails to make adequate yearly progress for two consecutive school years, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district.</u>	1965
	1966
	1967
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	1970
<u>(2) If a school district fails to make adequate yearly progress for three consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) of this section.</u>	1971
	1972
	1973
	1974
<u>(3) If a school district fails to make adequate yearly progress for four consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:</u>	1975
	1976
	1977
	1978
<u>(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;</u>	1979
	1980
	1981
<u>(b) Direct the district to replace key district personnel;</u>	1982
<u>(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;</u>	1983
	1984
	1985
<u>(d) Establish alternative forms of governance for individual school buildings within the district;</u>	1986
	1987
<u>(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.</u>	1988
	1989
<u>The department shall conduct individual audits of a sampling</u>	1990

of districts subject to this division to determine compliance with 1991
the corrective actions taken by the department. 1992

(4) If a school district fails to make adequate yearly 1993
progress for five consecutive school years, the department shall 1994
continue to monitor implementation of the corrective action taken 1995
under division (F)(3) of this section with respect to the 1996
district. 1997

(5) If a school district fails to make adequate yearly 1998
progress for six consecutive school years, the department shall 1999
take at least one of the corrective actions identified in division 2000
(F)(3) of this section with respect to the district, provided that 2001
the corrective action the department takes is different from the 2002
corrective action previously taken under division (F)(3) of this 2003
section with respect to the district. 2004

(G) The department may establish a state intervention team to 2005
evaluate all aspects of the a school district or building, 2006
including management, curriculum, instructional methods, resource 2007
allocation, and scheduling. Any such intervention team shall be 2008
appointed by the department and shall include teachers and 2009
administrators recognized as outstanding in their fields. The 2010
intervention team shall make recommendations to the district 2011
regarding methods for improving the performance of the district or 2012
building. The 2013

The department shall not approve a district's request for an 2014
intervention team under division (E)(3) of this section if the 2015
department cannot adequately fund the work of the team, unless the 2016
district agrees to pay for the expenses of the team. 2017

~~(2) If any building subject to this division fails to improve~~ 2018
~~on the performance indicators that the building did not meet under~~ 2019
~~section 3302.03 of the Revised Code to make progress toward~~ 2020
~~becoming an excellent building within two years following any~~ 2021

~~action taken by the district under this division, the district shall select another option described by this division and implement such option with respect to the building.~~ 2022
2023
2024

(H) The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of the Revised Code to determine compliance with this section. 2025
2026
2027

(I) The state board shall adopt rules for implementing this section. 2028
2029

Sec. 3302.05. ~~The department~~ state board of education shall ~~recommend~~ adopt rules ~~to the general assembly~~ freeing school districts declared to be excellent under division (B)(1) or effective under division (B)(2) of section 3302.03 of the Revised Code from specified state mandates. Any mandates included in the ~~recommended~~ rules shall be only those statutes or rules pertaining to state education requirements. ~~The rules shall take effect upon their approval through passage of a joint resolution by the general assembly.~~ 2030
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Sec. 3313.532. (A) Any person twenty-two or more years of age and enrolled in an adult high school continuation program established pursuant to section 3313.531 of the Revised Code may request the board of education operating the program to conduct an evaluation in accordance with division (C) of this section. 2039
2040
2041
2042
2043

(B) Any applicant to a board of education for a diploma of adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section. 2044
2045
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(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is handicapped, in accordance with rules adopted by the 2048
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2051

state board of education. If the evaluation indicates that the 2052
person is handicapped, the board shall determine whether to excuse 2053
the person from taking any of the tests required by division (B) 2054
of section 3301.0710 of the Revised Code as a requirement for 2055
receiving a diploma under section 3313.611 of the Revised Code. 2056
~~The determination of whether to excuse the person from any such~~ 2057
~~test shall be made in the same manner as it would be for students~~ 2058
~~enrolled in the district who are receiving special education under~~ 2059
~~Chapter 3323 of the Revised Code~~ The board may require the person 2060
to take an alternate assessment in place of any test from which 2061
the person is so excused. 2062

Sec. 3313.6010. ~~By July 1, 1998, the department~~ The state 2063
board of education shall ~~recommend~~ adopt rules ~~to the general~~ 2064
~~assembly~~ permitting school districts to contract with public and 2065
private providers of academic remediation and intervention in 2066
mathematics, science, reading, writing, and social studies for the 2067
purpose of assisting pupils in grades one through six outside of 2068
regular school hours. 2069

~~The rules recommended under this section shall take effect~~ 2070
~~upon approval of the general assembly through passage of a joint~~ 2071
~~resolution.~~ 2072

Sec. 3313.6012. (A) The board of education of each city, 2073
exempted village, and local school district shall adopt a policy 2074
governing the conduct of academic prevention/intervention services 2075
for all grades and all schools throughout the district. The board 2076
shall update the policy annually. The policy shall include, but 2077
not be limited to, all of the following: 2078

(1) Procedures for using diagnostic assessments to measure 2079
student progress toward the attainment of academic standards and 2080
to identify students who may not attain the academic standards in 2081

<u>accordance with section 3301.0715 of the Revised Code;</u>	2082
(2) A plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments;	2083 2084 2085
(3) Procedures for the regular collection of student performance data;	2086 2087
(4) Procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to modify such services.	2088 2089 2090
The policy shall include any prevention/intervention services required under sections 3301.0711, 3301.0715, and 3313.608 of the Revised Code.	2091 2092 2093
(B) In accordance with the policy adopted under division (A) of this section, each school district shall provide prevention/intervention services in pertinent subject areas to students who score below the proficient level on a reading, writing, mathematics, social studies, or science proficiency <u>or achievement</u> test administered in the fourth, sixth, or ninth grade or below the basic level on any achievement test or who do not demonstrate academic performance at their grade level based on the results of a diagnostic assessment.	2094 2095 2096 2097 2098 2099 2100 2101 2102
Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:	2103 2104 2105 2106
(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;	2107 2108 2109 2110
(2) Subject to section 3313.614 of the Revised Code, the	2111

person either: 2112

(a) Has attained at least the applicable scores designated 2113
under division (B) of section 3301.0710 of the Revised Code on all 2114
the tests required by that division unless the person was excused 2115
from taking any such test pursuant to section 3313.532 of the 2116
Revised Code or unless division (H) or (L) of this section applies 2117
to the person; 2118

(b) Has satisfied the alternative conditions prescribed in 2119
section 3313.615 of the Revised Code. 2120

(3) The person is not eligible to receive an honors diploma 2121
granted pursuant to division (B) of this section. 2122

Except as provided in divisions (C), (E), (J), and (L) of 2123
this section, no diploma shall be granted under this division to 2124
anyone except as provided under this division. 2125

(B) In lieu of a diploma granted under division (A) of this 2126
section, an honors diploma shall be granted, in accordance with 2127
rules of the state board of education, by any such district board 2128
to anyone who successfully completes the curriculum in any high 2129
school or the individualized education program developed for the 2130
person by any high school pursuant to section 3323.08 of the 2131
Revised Code, who has attained subject to section 3313.614 of the 2132
Revised Code at least the applicable scores designated under 2133
division (B) of section 3301.0710 of the Revised Code on all the 2134
tests required by that division, or has satisfied the alternative 2135
conditions prescribed in section 3313.615 of the Revised Code, and 2136
who has met additional criteria established by the state board for 2137
the granting of such a diploma. Except as provided in divisions 2138
(C), (E), and (J) of this section, no honors diploma shall be 2139
granted to anyone failing to comply with this division and no more 2140
than one honors diploma shall be granted to any student under this 2141
division. 2142

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any such district board administering any of the tests required by section 3301.0710 or 3301.0712 of the Revised Code to any person requesting to take such test pursuant to division (B) ~~(6)~~ (8)(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 attaining the applicable score on any such test pursuant to division (H) or (L) of this section or from taking any such test pursuant to 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 the correctional institution shall be signed by the director of the institution, and by the person serving as principal of the institution's high school and shall bear the date of issue.

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

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

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

<u>11, 2001:</u>	2207
(1) The person is not a citizen of the United States;	2208
(2) The person is not a permanent resident of the United States;	2209 2210
(3) The person indicates no intention to reside in the United States after the completion of high school.	2211 2212
(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3311.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.	2213 2214 2215 2216 2217 2218
(J) Upon receipt of a notice under division (D) of section 3325.08 of the Revised Code that a student has received a diploma under that section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 of the Revised Code.	2219 2220 2221 2222 2223 2224 2225 2226 2227 2228
(K) As used in this division, " English limited <u>limited English proficient</u> student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.	2229 2230 2231
Notwithstanding the exemption for English limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English limited <u>No limited English proficient</u> student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division shall be awarded a diploma under this	2232 2233 2234 2235 2236 2237

section.	2238
(L) Any student described by division (A)(1) of this section	2239
may be awarded a diploma without attaining the applicable scores	2240
designated on the tests prescribed under division (B) of section	2241
3301.0710 of the Revised Code provided an individualized education	2242
program specifically exempts the student from attaining such	2243
scores. This division does not negate the requirement for such a	2244
student to take all such tests or alternate assessments required	2245
by division (C)(1) of section 3301.0711 of the Revised Code for	2246
the purpose of assessing student progress as required by federal	2247
law.	2248
Sec. 3313.611. (A) The state board of education shall adopt,	2249
by rule, standards for awarding high school credit equivalent to	2250
credit for completion of high school academic and vocational	2251
education courses to applicants for diplomas under this section.	2252
The standards may permit high school credit to be granted to an	2253
applicant for any of the following:	2254
(1) Work experiences or experiences as a volunteer;	2255
(2) Completion of academic, vocational, or self-improvement	2256
courses offered to persons over the age of twenty-one by a	2257
chartered public or nonpublic school;	2258
(3) Completion of academic, vocational, or self-improvement	2259
courses offered by an organization, individual, or educational	2260
institution other than a chartered public or nonpublic school;	2261
(4) Other life experiences considered by the board to provide	2262
knowledge and learning experiences comparable to that gained in a	2263
classroom setting.	2264
(B) The board of education of any city, exempted village, or	2265
local school district that operates a high school shall grant a	2266
diploma of adult education to any applicant if all of the	2267

following apply:	2268
(1) The applicant is a resident of the district;	2269
(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;	2270 2271 2272
(3) Subject to section 3313.614 of the Revised Code, the applicant either:	2273 2274
(a) Has attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all of the tests required by that division or was excused or exempted from any such test pursuant to section 3313.532 or <u>was exempted</u> <u>from attaining the applicable score on any such test pursuant to</u> division (H) or (L) of section 3313.61 of the Revised Code;	2275 2276 2277 2278 2279 2280
(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	2281 2282
(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation.	2283 2284 2285 2286 2287 2288
(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, it shall inform the applicant of the reason the applicant is ineligible and shall provide a list of any courses required for the diploma for which the applicant has not received credit. An applicant may reapply for a diploma under this section at any time.	2289 2290 2291 2292 2293 2294 2295
(D) If a district board awards an adult education diploma under this section, the president and treasurer of the board and	2296 2297

the superintendent of schools shall sign it. Each diploma shall 2298
bear the date of its issuance, be in such form as the district 2299
board prescribes, and be paid for from the district's general 2300
fund, except that the state board may by rule prescribe standard 2301
language to be included on each diploma. 2302

(E) As used in this division, "~~English-limited~~ limited 2303
English proficient student" has the same meaning as in division 2304
(C)(3) of section 3301.0711 of the Revised Code. 2305

~~Notwithstanding the exemption for English-limited students~~ 2306
~~provided in division (C)(3) of section 3301.0711 of the Revised~~ 2307
~~Code, no English-limited~~ No limited English proficient student who 2308
has not attained the applicable scores designated under division 2309
(B) of section 3301.0710 of the Revised Code on all the tests 2310
required by that division shall be awarded a diploma under this 2311
section. 2312

Sec. 3313.612. (A) No nonpublic school chartered by the state 2313
board of education shall grant any high school diploma to any 2314
person unless the person has attained, subject to section 3313.614 2315
of the Revised Code at least the applicable scores designated 2316
under division (B) of section 3301.0710 of the Revised Code on all 2317
the tests required by that division, or has satisfied the 2318
alternative conditions prescribed in section 3313.615 of the 2319
Revised Code. 2320

(B) This section does not apply to either of the following: 2321

(1) Any person with regard to any test from which the person 2322
was excused pursuant to division (C)(1)(c) of section 3301.0711 of 2323
the Revised Code; 2324

(2) Any person with regard to the social studies test or the 2325
citizenship test under former division (B) of section 3301.0710 of 2326
the Revised Code as it existed prior to ~~the effective date of this~~ 2327

amendment <u>September 11, 2001</u> , if all of the following apply:	2328
(a) The person is not a citizen of the United States;	2329
(b) The person is not a permanent resident of the United States;	2330 2331
(c) The person indicates no intention to reside in the United States after completion of high school.	2332 2333
(C) As used in this division, " English-limited <u>limited English proficient</u> student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.	2334 2335 2336
Notwithstanding the exemption for English-limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English-limited <u>No limited English proficient</u> student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division shall be awarded a diploma under this section.	2337 2338 2339 2340 2341 2342 2343
Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:	2344 2345
(1) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal	2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357

custodian of the child and all residual parental rights, 2358
privileges, and responsibilities. 2359

(2) "Legal custody," "permanent custody," and "residual 2360
parental rights, privileges, and responsibilities" have the same 2361
meanings as in section 2151.011 of the Revised Code. 2362

(3) "School district" or "district" means a city, local, or 2363
exempted village school district and excludes any school operated 2364
in an institution maintained by the department of youth services. 2365

(4) Except as used in division (C)(2) of this section, "home" 2366
means a home, institution, foster home, group home, or other 2367
residential facility in this state that receives and cares for 2368
children, to which any of the following applies: 2369

(a) The home is licensed, certified, or approved for such 2370
purpose by the state or is maintained by the department of youth 2371
services. 2372

(b) The home is operated by a person who is licensed, 2373
certified, or approved by the state to operate the home for such 2374
purpose. 2375

(c) The home accepted the child through a placement by a 2376
person licensed, certified, or approved to place a child in such a 2377
home by the state. 2378

(d) The home is a children's home created under section 2379
5153.21 or 5153.36 of the Revised Code. 2380

(5) "Agency" means all of the following: 2381

(a) A public children services agency; 2382

(b) An organization that holds a certificate issued by the 2383
Ohio department of job and family services in accordance with the 2384
requirements of section 5103.03 of the Revised Code and assumes 2385
temporary or permanent custody of children through commitment, 2386
agreement, or surrender, and places children in family homes for 2387

the purpose of adoption;	2388
(c) Comparable agencies of other states or countries that	2389
have complied with applicable requirements of section 2151.39, or	2390
sections 5103.20 to 5103.28 of the Revised Code.	2391
(6) A child is placed for adoption if either of the following	2392
occurs:	2393
(a) An agency to which the child has been permanently	2394
committed or surrendered enters into an agreement with a person	2395
pursuant to section 5103.16 of the Revised Code for the care and	2396
adoption of the child.	2397
(b) The child's natural parent places the child pursuant to	2398
section 5103.16 of the Revised Code with a person who will care	2399
for and adopt the child.	2400
(7) "Handicapped preschool child" means a handicapped child,	2401
as defined by division (A) of section 3323.01 of the Revised Code,	2402
who is at least three years of age but is not of compulsory school	2403
age, as defined in section 3321.01 of the Revised Code, and who is	2404
not currently enrolled in kindergarten.	2405
(8) "Child," unless otherwise indicated, includes handicapped	2406
preschool children.	2407
(B) Except as otherwise provided in section 3321.01 of the	2408
Revised Code for admittance to kindergarten and first grade, a	2409
child who is at least five but under twenty-two years of age and	2410
any handicapped preschool child shall be admitted to school as	2411
provided in this division.	2412
(1) A child shall be admitted to the schools of the school	2413
district in which the child's parent resides.	2414
(2) A child who does not reside in the district where the	2415
child's parent resides shall be admitted to the schools of the	2416
district in which the child resides if any of the following	2417

applies:	2418
(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.	2419 2420 2421
(b) The child resides in a home.	2422
(c) The child requires special education.	2423
(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:	2424 2425 2426 2427 2428 2429
(a) The placement for adoption has been terminated.	2430
(b) Another school district is required to admit the child under division (B)(1) of this section.	2431 2432
Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	2433 2434 2435 2436 2437
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:	2438 2439 2440 2441
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	2442 2443 2444 2445 2446
(2) Except as otherwise provided in division (C)(2)(d) of	2447

this section, if the child is in the permanent or legal custody of 2448
a government agency or person other than the child's parent, 2449
tuition shall be paid by: 2450

(a) The district in which the child's parent resided at the 2451
time the court removed the child from home or at the time the 2452
court vested legal or permanent custody of the child in the person 2453
or government agency, whichever occurred first; 2454

(b) If the parent's residence at the time the court removed 2455
the child from home or placed the child in the legal or permanent 2456
custody of the person or government agency is unknown, tuition 2457
shall be paid by the district in which the child resided at the 2458
time the child was removed from home or placed in legal or 2459
permanent custody, whichever occurred first; 2460

(c) If a school district cannot be established under division 2461
(C)(2)(a) or (b) of this section, tuition shall be paid by the 2462
district determined as required by section 2151.357 of the Revised 2463
Code by the court at the time it vests custody of the child in the 2464
person or government agency; 2465

(d) If at the time the court removed the child from home or 2466
vested legal or permanent custody of the child in the person or 2467
government agency, whichever occurred first, one parent was in a 2468
residential or correctional facility or a juvenile residential 2469
placement and the other parent, if living and not in such a 2470
facility or placement, was not known to reside in this state, 2471
tuition shall be paid by the district determined under division 2472
(D) of section 3313.65 of the Revised Code as the district 2473
required to pay any tuition while the parent was in such facility 2474
or placement. 2475

(3) If the child is not in the permanent or legal custody of 2476
a government agency or person other than the child's parent and 2477
the child resides in a home, tuition shall be paid by one of the 2478

following:	2479
(a) The school district in which the child's parent resides;	2480
(b) If the child's parent is not a resident of this state, the home in which the child resides.	2481 2482
(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.	2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497
(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.	2498 2499 2500 2501
(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:	2502 2503 2504 2505 2506
(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high	2507 2508 2509

school curriculum or the individualized education program 2510
developed for the person by the high school pursuant to section 2511
3323.08 of the Revised Code, are entitled to attend school in the 2512
district in which they reside. 2513

(2) Any child under eighteen years of age who is married is 2514
entitled to attend school in the child's district of residence. 2515

(3) A child is entitled to attend school in the district in 2516
which either of the child's parents is employed if the child has a 2517
medical condition that may require emergency medical attention. 2518
The parent of a child entitled to attend school under division 2519
(F)(3) of this section shall submit to the board of education of 2520
the district in which the parent is employed a statement from the 2521
child's physician certifying that the child's medical condition 2522
may require emergency medical attention. The statement shall be 2523
supported by such other evidence as the board may require. 2524

(4) Any child residing with a person other than the child's 2525
parent is entitled, for a period not to exceed twelve months, to 2526
attend school in the district in which that person resides if the 2527
child's parent files an affidavit with the superintendent of the 2528
district in which the person with whom the child is living resides 2529
stating all of the following: 2530

(a) That the parent is serving outside of the state in the 2531
armed services of the United States; 2532

(b) That the parent intends to reside in the district upon 2533
returning to this state; 2534

(c) The name and address of the person with whom the child is 2535
living while the parent is outside the state. 2536

(5) Any child under the age of twenty-two years who, after 2537
the death of a parent, resides in a school district other than the 2538
district in which the child attended school at the time of the 2539
parent's death is entitled to continue to attend school in the 2540

district in which the child attended school at the time of the 2541
parent's death for the remainder of the school year, subject to 2542
approval of that district board. 2543

(6) A child under the age of twenty-two years who resides 2544
with a parent who is having a new house built in a school district 2545
outside the district where the parent is residing is entitled to 2546
attend school for a period of time in the district where the new 2547
house is being built. In order to be entitled to such attendance, 2548
the parent shall provide the district superintendent with the 2549
following: 2550

(a) A sworn statement explaining the situation, revealing the 2551
location of the house being built, and stating the parent's 2552
intention to reside there upon its completion; 2553

(b) A statement from the builder confirming that a new house 2554
is being built for the parent and that the house is at the 2555
location indicated in the parent's statement. 2556

(7) A child under the age of twenty-two years residing with a 2557
parent who has a contract to purchase a house in a school district 2558
outside the district where the parent is residing and who is 2559
waiting upon the date of closing of the mortgage loan for the 2560
purchase of such house is entitled to attend school for a period 2561
of time in the district where the house is being purchased. In 2562
order to be entitled to such attendance, the parent shall provide 2563
the district superintendent with the following: 2564

(a) A sworn statement explaining the situation, revealing the 2565
location of the house being purchased, and stating the parent's 2566
intent to reside there; 2567

(b) A statement from a real estate broker or bank officer 2568
confirming that the parent has a contract to purchase the house, 2569
that the parent is waiting upon the date of closing of the 2570
mortgage loan, and that the house is at the location indicated in 2571

the parent's statement. 2572

The district superintendent shall establish a period of time 2573
not to exceed ninety days during which the child entitled to 2574
attend school under division (F)(6) or (7) of this section may 2575
attend without tuition obligation. A student attending a school 2576
under division (F)(6) or (7) of this section shall be eligible to 2577
participate in interscholastic athletics under the auspices of 2578
that school, provided the board of education of the school 2579
district where the student's parent resides, by a formal action, 2580
releases the student to participate in interscholastic athletics 2581
at the school where the student is attending, and provided the 2582
student receives any authorization required by a public agency or 2583
private organization of which the school district is a member 2584
exercising authority over interscholastic sports. 2585

(8) A child whose parent is a full-time employee of a city, 2586
local, or exempted village school district, or of an educational 2587
service center, may be admitted to the schools of the district 2588
where the child's parent is employed, or in the case of a child 2589
whose parent is employed by an educational service center, in the 2590
district that serves the location where the parent's job is 2591
primarily located, provided the district board of education 2592
establishes such an admission policy by resolution adopted by a 2593
majority of its members. Any such policy shall take effect on the 2594
first day of the school year and the effective date of any 2595
amendment or repeal may not be prior to the first day of the 2596
subsequent school year. The policy shall be uniformly applied to 2597
all such children and shall provide for the admission of any such 2598
child upon request of the parent. No child may be admitted under 2599
this policy after the first day of classes of any school year. 2600

(9) A child who is with the child's parent under the care of 2601
a shelter for victims of domestic violence, as defined in section 2602
3113.33 of the Revised Code, is entitled to attend school free in 2603

the district in which the child is with the child's parent, and no 2604
other school district shall be required to pay tuition for the 2605
child's attendance in that school district. 2606

The enrollment of a child in a school district under this 2607
division shall not be denied due to a delay in the school 2608
district's receipt of any records required under section 3313.672 2609
of the Revised Code or any other records required for enrollment. 2610
Any days of attendance and any credits earned by a child while 2611
enrolled in a school district under this division shall be 2612
transferred to and accepted by any school district in which the 2613
child subsequently enrolls. The state board of education shall 2614
adopt rules to ensure compliance with this division. 2615

(10) Any child under the age of twenty-two years whose parent 2616
has moved out of the school district after the commencement of 2617
classes in the child's senior year of high school is entitled, 2618
subject to the approval of that district board, to attend school 2619
in the district in which the child attended school at the time of 2620
the parental move for the remainder of the school year and for one 2621
additional semester or equivalent term. A district board may also 2622
adopt a policy specifying extenuating circumstances under which a 2623
student may continue to attend school under division (F)(10) of 2624
this section for an additional period of time in order to 2625
successfully complete the high school curriculum for the 2626
individualized education program developed for the student by the 2627
high school pursuant to section 3323.08 of the Revised Code. 2628

(11) As used in this division, "grandparent" means a parent 2629
of a parent of a child. A child under the age of twenty-two years 2630
who is in the custody of the child's parent, resides with a 2631
grandparent, and does not require special education is entitled to 2632
attend the schools of the district in which the child's 2633
grandparent resides, provided that, prior to such attendance in 2634
any school year, the board of education of the school district in 2635

which the child's grandparent resides and the board of education 2636
of the school district in which the child's parent resides enter 2637
into a written agreement specifying that good cause exists for 2638
such attendance, describing the nature of this good cause, and 2639
consenting to such attendance. 2640

In lieu of a consent form signed by a parent, a board of 2641
education may request the grandparent of a child attending school 2642
in the district in which the grandparent resides pursuant to 2643
division (F)(11) of this section to complete any consent form 2644
required by the district, including any authorization required by 2645
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 2646
Upon request, the grandparent shall complete any consent form 2647
required by the district. A school district shall not incur any 2648
liability solely because of its receipt of a consent form from a 2649
grandparent in lieu of a parent. 2650

Division (F)(11) of this section does not create, and shall 2651
not be construed as creating, a new cause of action or substantive 2652
legal right against a school district, a member of a board of 2653
education, or an employee of a school district. This section does 2654
not affect, and shall not be construed as affecting, any 2655
immunities from defenses to tort liability created or recognized 2656
by Chapter 2744. of the Revised Code for a school district, 2657
member, or employee. 2658

(12) A child under the age of twenty-two years is entitled to 2659
attend school in a school district other than the district in 2660
which the child is entitled to attend school under division (B), 2661
(C), or (E) of this section provided that, prior to such 2662
attendance in any school year, both of the following occur: 2663

(a) The superintendent of the district in which the child is 2664
entitled to attend school under division (B), (C), or (E) of this 2665
section contacts the superintendent of another district for 2666
purposes of this division; 2667

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year.
Division (I)(1) of this section applies only if both of the

following conditions are satisfied: 2730

(a) The board of education of the school district in which 2731
the child was entitled to attend school at the end of the first 2732
full week in October and of the district to which the child or 2733
child's parent has relocated each has adopted a policy to enroll 2734
children described in division (I)(1) of this section. 2735

(b) The child's parent provides written notification of the 2736
relocation outside of the school district to the superintendent of 2737
each of the two school districts. 2738

(2) At the beginning of the school year following the school 2739
year in which the child or the child's parent relocated outside of 2740
the school district as described in division (I)(1) of this 2741
section, the child is not entitled to attend school in the school 2742
district under that division. 2743

(3) Any person or entity owing tuition to the school district 2744
on behalf of the child at the end of the first full week in 2745
October, as provided in division (C) of this section, shall 2746
continue to owe such tuition to the district for the child's 2747
attendance under division (I)(1) of this section for the lesser of 2748
the balance of the school year or the balance of the time that the 2749
child attends school in the district under division (I)(1) of this 2750
section. 2751

(4) A pupil who may attend school in the district under 2752
division (I)(1) of this section shall be entitled to 2753
transportation services pursuant to an agreement between the 2754
district and the district in which the child or child's parent has 2755
relocated unless the districts have not entered into such 2756
agreement, in which case the child shall be entitled to 2757
transportation services in the same manner as a pupil attending 2758
school in the district under interdistrict open enrollment as 2759
described in division (H) of section 3313.981 of the Revised Code, 2760

regardless of whether the district has adopted an open enrollment 2761
policy as described in division (B)(1)(b) or (c) of section 2762
3313.98 of the Revised Code. 2763

(J) This division does not apply to a child receiving special 2764
education. 2765

A school district required to pay tuition pursuant to 2766
division (C)(2) or (3) of this section or section 3313.65 of the 2767
Revised Code shall have an amount deducted under division (F) of 2768
section 3317.023 of the Revised Code equal to its own tuition rate 2769
for the same period of attendance. A school district entitled to 2770
receive tuition pursuant to division (C)(2) or (3) of this section 2771
or section 3313.65 of the Revised Code shall have an amount 2772
credited under division (F) of section 3317.023 of the Revised 2773
Code equal to its own tuition rate for the same period of 2774
attendance. If the tuition rate credited to the district of 2775
attendance exceeds the rate deducted from the district required to 2776
pay tuition, the department of education shall pay the district of 2777
attendance the difference from amounts deducted from all 2778
districts' payments under division (F) of section 3317.023 of the 2779
Revised Code but not credited to other school districts under such 2780
division and from appropriations made for such purpose. The 2781
treasurer of each school district shall, by the fifteenth day of 2782
January and July, furnish the superintendent of public instruction 2783
a report of the names of each child who attended the district's 2784
schools under divisions (C)(2) and (3) of this section or section 2785
3313.65 of the Revised Code during the preceding six calendar 2786
months, the duration of the attendance of those children, the 2787
school district responsible for tuition on behalf of the child, 2788
and any other information that the superintendent requires. 2789

Upon receipt of the report the superintendent, pursuant to 2790
division (F) of section 3317.023 of the Revised Code, shall deduct 2791
each district's tuition obligations under divisions (C)(2) and (3) 2792

of this section or section 3313.65 of the Revised Code and pay to 2793
the district of attendance that amount plus any amount required to 2794
be paid by the state. 2795

~~(J)~~(K) In the event of a disagreement, the superintendent of 2796
public instruction shall determine the school district in which 2797
the parent resides. 2798

~~(K)~~(L) Nothing in this section requires or authorizes, or 2799
shall be construed to require or authorize, the admission to a 2800
public school in this state of a pupil who has been permanently 2801
excluded from public school attendance by the superintendent of 2802
public instruction pursuant to sections 3301.121 and 3313.662 of 2803
the Revised Code. 2804

Sec. 3313.65. (A) As used in this section and section 3313.64 2805
of the Revised Code: 2806

(1) A person is "in a residential facility" if the person is 2807
a resident or a resident patient of an institution, home, or other 2808
residential facility that is: 2809

(a) Licensed as a nursing home, residential care facility, or 2810
home for the aging by the director of health under section 3721.02 2811
of the Revised Code or licensed as a community alternative home by 2812
the director of health under section 3724.03 of the Revised Code; 2813

(b) Licensed as an adult care facility by the director of 2814
health under Chapter 3722. of the Revised Code; 2815

(c) Maintained as a county home or district home by the board 2816
of county commissioners or a joint board of county commissioners 2817
under Chapter 5155. of the Revised Code; 2818

(d) Operated or administered by a board of alcohol, drug 2819
addiction, and mental health services under section 340.03 or 2820
340.06 of the Revised Code, or provides residential care pursuant 2821
to contracts made under section 340.03 or 340.033 of the Revised 2822

Code;	2823
(e) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;	2824 2825
(f) Licensed by the department of mental health under section 5119.20 or 5119.22 of the Revised Code;	2826 2827
(g) Licensed as a residential facility by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code;	2828 2829 2830
(h) Operated by the veteran's administration or another agency of the United States government;	2831 2832
(i) The Ohio soldiers' and sailors' home.	2833
(2) A person is "in a correctional facility" if any of the following apply:	2834 2835
(a) The person is an Ohio resident and is:	2836
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	2837 2838
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	2839 2840
(iii) Required, as a condition of parole, probation, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to the effective date of this amendment <u>March 17,</u> <u>1998,</u> to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the common pleas court that established the condition or by the adult parole authority.	2841 2842 2843 2844 2845 2846 2847 2848 2849 2850
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution	2851 2852

but was an Ohio resident at the time the sentence was imposed for 2853
the crime for which the person is imprisoned. 2854

(3) A person is "in a juvenile residential placement" if the 2855
person is an Ohio resident who is under twenty-one years of age 2856
and has been removed, by the order of a juvenile court, from the 2857
place the person resided at the time the person became subject to 2858
the court's jurisdiction in the matter that resulted in the 2859
person's removal. 2860

(B) If the circumstances described in division (C) of this 2861
section apply, the determination of what school district must 2862
admit a child to its schools and what district, if any, is liable 2863
for tuition shall be made in accordance with this section, rather 2864
than section 3313.64 of the Revised Code. 2865

(C) A child who does not reside in the school district in 2866
which the child's parent resides and for whom a tuition obligation 2867
previously has not been established under division (C)(2) of 2868
section 3313.64 of the Revised Code shall be admitted to the 2869
schools of the district in which the child resides if at least one 2870
of the child's parents is in a residential or correctional 2871
facility or a juvenile residential placement and the other parent, 2872
if living and not in such a facility or placement, is not known to 2873
reside in this state. 2874

(D) Regardless of who has custody or care of the child, 2875
whether the child resides in a home, or whether the child receives 2876
special education, if a district admits a child under division (C) 2877
of this section, tuition shall be paid to that district as 2878
follows: 2879

(1) If the child's parent is in a juvenile residential 2880
placement, by the district in which the child's parent resided at 2881
the time the parent became subject to the jurisdiction of the 2882
juvenile court; 2883

(2) If the child's parent is in a correctional facility, by 2884
the district in which the child's parent resided at the time the 2885
sentence was imposed; 2886

(3) If the child's parent is in a residential facility, by 2887
the district in which the parent resided at the time the parent 2888
was admitted to the residential facility, except that if the 2889
parent was transferred from another residential facility, tuition 2890
shall be paid by the district in which the parent resided at the 2891
time the parent was admitted to the facility from which the parent 2892
first was transferred; 2893

(4) In the event of a disagreement as to which school 2894
district is liable for tuition under division (C)(1), (2), or (3) 2895
of this section, the superintendent of public instruction shall 2896
determine which district shall pay tuition. 2897

(E) If a child covered by division (D) of this section 2898
receives special education in accordance with Chapter 3323. of the 2899
Revised Code, the tuition shall be paid in accordance with section 2900
3323.13 or 3323.14 of the Revised Code. Tuition for children who 2901
do not receive special education shall be paid in accordance with 2902
division ~~(I)~~(J) of section 3313.64 of the Revised Code. 2903

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 2904
and division (D) of section 3311.52 of the Revised Code, this 2905
section does not apply to any joint vocational or cooperative 2906
education school district. 2907

(A) As used in this section: 2908

(1) "Parent" has the same meaning as in section 3313.64 of 2909
the Revised Code. 2910

(2) "Alternative school" means a school building other than 2911
the one to which a student is assigned by the district 2912
superintendent. 2913

(3) "IEP" means an individualized education program defined 2914
by division (E) of section 3323.01 of the Revised Code. 2915

(B) The board of education of each city, local, and exempted 2916
village school district shall adopt an open enrollment policy 2917
allowing students entitled to attend school in the district 2918
pursuant to section 3313.64 or 3313.65 of the Revised Code, 2919
~~effective with the school year that begins July 1, 1993,~~ to enroll 2920
in an alternative school. Each policy shall provide for the 2921
following: 2922

(1) Application procedures, including deadlines for 2923
application and for notification of students and principals of 2924
alternative schools whenever a student's application is accepted. 2925
The policy shall require a student to apply only if he the student 2926
wishes to attend an alternative school. 2927

(2) ~~Procedures for admitting applicants to alternative 2928
schools, including but not limited to:~~ 2929

~~(a)~~ The establishment of district capacity limits by grade 2930
level, school building, and education program; 2931

~~(b)~~(3) A requirement that students enrolled in a school 2932
building or living in any attendance area of the school building 2933
established by the superintendent or board be given preference 2934
over applicants; 2935

~~(c)~~(4) Procedures to ensure that an appropriate racial 2936
balance is maintained in the district schools. 2937

(C) Except as provided in section 3313.982 of the Revised 2938
Code, the procedures for admitting applicants to alternative 2939
schools shall not include: 2940

(1) Any requirement of academic ability, or any level of 2941
athletic, artistic, or other extracurricular skills; 2942

(2) Limitations on admitting applicants because of 2943

handicapping conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and except as provided in division (D)(2) of this section, a district board is not required to provide transportation to a nonhandicapped student enrolled in an alternative school unless such student can be picked up and dropped off at a regular school bus stop designated in accordance with the board's transportation policy or unless the board is required to provide additional transportation to the student in accordance with a court-approved desegregation plan.

(2) A district board shall provide transportation to any student enrolled in an alternative school pursuant to division (E) of section 3302.04 of the Revised Code to the extent required by that division, except that no district board shall be required to provide transportation to any student enrolled in an alternative school pursuant to division (E) of section 3302.04 of the Revised Code after the date the school in which the student was enrolled immediately prior to enrolling in the alternative school ceases to be subject to that division.

(E) Each school board shall provide information about the 2975
policy adopted under this section and the application procedures 2976
and deadlines to the parent of each student in the district and to 2977
the general public. 2978

(F) The state board of education shall monitor school 2979
districts to ensure compliance with this section and the 2980
districts' policies. 2981

Sec. 3314.012. (A) Within ninety days of ~~the effective date~~ 2982
~~of this section~~ September 28, 1999, the superintendent of public 2983
instruction shall appoint representatives of the department of 2984
education, including employees who work with the education 2985
management information system and employees of the office of 2986
~~school options~~ community schools established by section 3314.11 of 2987
the Revised Code, to a committee to develop report card models for 2988
community schools. The director of the legislative office of 2989
education oversight shall also appoint representatives to the 2990
committee. The committee shall design model report cards 2991
appropriate for the various types of community schools approved to 2992
operate in the state. Sufficient models shall be developed to 2993
reflect the variety of grade levels served and the missions of the 2994
state's community schools. All models shall include both financial 2995
and academic data. The initial models shall be developed by March 2996
31, 2000. 2997

(B) The department of education shall issue an annual report 2998
card for each community school. The report card shall report the 2999
academic and financial performance of the school utilizing one of 3000
the models developed under division (A) of this section. The 3001
report card shall include all information applicable to school 3002
buildings under division (A) of section 3302.03 of the Revised 3003
Code. 3004

(C) Upon receipt of a copy of a contract between a sponsor 3005

and a community school entered into under this chapter, the 3006
department of education shall notify the community school of the 3007
specific model report card that will be used for that school. 3008

(D) Report cards shall be distributed to the parents of all 3009
students in the community school, to the members of the board of 3010
education of the school district in which the community school is 3011
located, and to any person who requests one from the department. 3012

(E) No report card shall be issued for any community school 3013
under this section until the school has been open for instruction 3014
for two full school years. 3015

Sec. 3314.02. (A) As used in this chapter: 3016

(1) "Sponsor" means an entity listed in division (C)(1) of 3017
this section, which has been approved by the department of 3018
education to sponsor community schools and with which the 3019
governing authority of the proposed community school enters into a 3020
contract pursuant to this section. 3021

(2) "Pilot project area" means the school districts included 3022
in the territory of the former community school pilot project 3023
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 3024
the 122nd general assembly. 3025

(3) "Challenged school district" means any of the following: 3026

(a) A school district that is part of the pilot project area; 3027

(b) A school district that is either in a state of academic 3028
emergency or in a state of academic watch under section 3302.03 of 3029
the Revised Code; 3030

(c) A big eight school district; 3031

~~(d) An urban school district.~~ 3032

(4) "Big eight school district" means a school district that 3033
for fiscal year 1997 had both of the following: 3034

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the

public school, indicating the intention of the board of education 3066
to support the conversion to a community school. A proposing 3067
person or group that has a preliminary agreement under this 3068
division may proceed to finalize plans for the school, establish a 3069
governing authority for the school, and negotiate a contract with 3070
the board of education. Provided the proposing person or group 3071
adheres to the preliminary agreement and all provisions of this 3072
chapter, the board of education shall negotiate in good faith to 3073
enter into a contract in accordance with section 3314.03 of the 3074
Revised Code and division (C) of this section. 3075

(C)(1) Any person or group of individuals may propose under 3076
this division the establishment of a new start-up school to be 3077
located in a challenged school district. The proposal may be made 3078
to any of the following entities: 3079

(a) The board of education of the district in which the 3080
school is proposed to be located; 3081

(b) The board of education of any joint vocational school 3082
district with territory in the county in which is located the 3083
majority of the territory of the district in which the school is 3084
proposed to be located; 3085

(c) The board of education of any other city, local, or 3086
exempted village school district having territory in the same 3087
county where the district in which the school is proposed to be 3088
located has the major portion of its territory; 3089

(d) The governing board of any educational service center ~~as~~ 3090
~~long as the proposed school will be located in a county within the~~ 3091
~~territory of the service center or in a county contiguous to such~~ 3092
~~county;~~ 3093

(e) A sponsoring authority designated by the board of 3094
trustees of any of the thirteen state universities listed in 3095
section 3345.011 of the Revised Code or the board of trustees 3096

itself as long as a mission of the proposed school to be specified 3097
in the contract under division (A)(2) of section 3314.03 of the 3098
Revised Code and as approved by the department of education under 3099
division (B)(2) of section 3314.015 of the Revised Code will be 3100
the practical demonstration of teaching methods, educational 3101
technology, or other teaching practices that are included in the 3102
curriculum of the university's teacher preparation program 3103
approved by the state board of education; 3104

(f) Any qualified tax-exempt entity under section 501(c)(3) 3105
of the Internal Revenue Code as long as all of the following 3106
conditions are satisfied: 3107

(i) The entity has been in operation for at least five years 3108
prior to applying to be a community school sponsor. 3109

(ii) The entity has assets of at least five hundred thousand 3110
dollars. 3111

(iii) The department of education has determined that the 3112
entity is an education-oriented entity under division (B)(3) of 3113
section 3314.015 of the Revised Code. 3114

Until July 1, 2005, any entity described in division 3115
(C)(1)(f) of this section may sponsor only schools that formerly 3116
were sponsored by the state board of education under division 3117
(C)(1)(d) of this section, as it existed prior to April 8, 2003. 3118
After July 1, 2005, such entity may sponsor any new or existing 3119
school. 3120

Any entity described in division (C)(1) of this section may 3121
enter into a preliminary agreement pursuant to division (C)(2) of 3122
this section with the proposing person or group. 3123

(2) A preliminary agreement indicates the intention of an 3124
entity described in division (C)(1) of this section to sponsor the 3125
community school. A proposing person or group that has such a 3126
preliminary agreement may proceed to finalize plans for the 3127

school, establish a governing authority as described in division 3128
(E) of this section for the school, and negotiate a contract with 3129
the entity. Provided the proposing person or group adheres to the 3130
preliminary agreement and all provisions of this chapter, the 3131
entity shall negotiate in good faith to enter into a contract in 3132
accordance with section 3314.03 of the Revised Code. 3133

(3) A new start-up school that is established in a school 3134
district while that district is either in a state of academic 3135
emergency or in a state of academic watch under section 3302.03 of 3136
the Revised Code may continue in existence once the school 3137
district is no longer in a state of academic emergency or academic 3138
watch, provided there is a valid contract between the school and a 3139
sponsor. 3140

(4) A copy of every preliminary agreement entered into under 3141
this division shall be filed with the superintendent of public 3142
instruction. 3143

(D) A majority vote of the board of a sponsoring entity and a 3144
majority vote of the members of the governing authority of a 3145
community school shall be required to adopt a contract and convert 3146
the public school to a community school or establish the new 3147
start-up school. Up to the statewide limit prescribed in section 3148
3314.013 of the Revised Code, an unlimited number of community 3149
schools may be established in any school district provided that a 3150
contract is entered into for each community school pursuant to 3151
this chapter. 3152

(E) As used in this division, "immediate relatives" are 3153
limited to spouses, children, parents, grandparents, siblings, and 3154
in-laws. 3155

Each new start-up community school established under this 3156
chapter shall be under the direction of a governing authority 3157
which shall consist of a board of not less than five individuals 3158

who are not owners or employees, or immediate relatives of owners 3159
or employees, of any for-profit firm that operates or manages a 3160
school for the governing authority. 3161

No person shall serve on the governing authority or operate 3162
the community school under contract with the governing authority 3163
so long as the person owes the state any money or is in a dispute 3164
over whether the person owes the state any money concerning the 3165
operation of a community school that has closed. 3166

(F) Nothing in this chapter shall be construed to permit the 3167
establishment of a community school in more than one school 3168
district under the same contract. 3169

(G) A new start-up school that is established prior to the 3170
effective date of this amendment in an urban school district that 3171
is not also a big-eight school district may continue to operate 3172
after the effective date of this amendment and the contract 3173
between the school's governing authority and the school's sponsor 3174
may be renewed, as provided under this chapter, after the 3175
effective date of this amendment, but no additional new start-up 3176
schools may be established in such a district unless the district 3177
is a challenged school district as defined in this section as it 3178
exists on and after the effective date of this amendment. 3179

Sec. 3314.03. A copy of every contract entered into under 3180
this section shall be filed with the superintendent of public 3181
instruction. 3182

(A) Each contract entered into between a sponsor and the 3183
governing authority of a community school shall specify the 3184
following: 3185

(1) That the school shall be established as either of the 3186
following: 3187

(a) A nonprofit corporation established under Chapter 1702. 3188

of the Revised Code, if established prior to ~~the effective date of~~ 3189
~~this amendment~~ April 8, 2003; 3190

(b) A public benefit corporation established under Chapter 3191
1702. of the Revised Code, if established after ~~the effective date~~ 3192
~~of this amendment~~ April 8, 2003; 3193

(2) The education program of the school, including the 3194
school's mission, the characteristics of the students the school 3195
is expected to attract, the ages and grades of students, and the 3196
focus of the curriculum; 3197

(3) The academic goals to be achieved and the method of 3198
measurement that will be used to determine progress toward those 3199
goals, which shall include the statewide achievement tests; 3200

(4) Performance standards by which the success of the school 3201
will be evaluated by the sponsor; 3202

(5) The admission standards of section 3314.06 of the Revised 3203
Code; 3204

(6)(a) Dismissal procedures; 3205

(b) A requirement that the governing authority adopt an 3206
attendance policy that includes a procedure for automatically 3207
withdrawing a student from the school if the student without a 3208
legitimate excuse fails to participate in one hundred five 3209
cumulative hours of the learning opportunities offered to the 3210
student. Such a policy shall provide for withdrawing the student 3211
by the end of the thirtieth day after the student has failed to 3212
participate as required under this division. 3213

(7) The ways by which the school will achieve racial and 3214
ethnic balance reflective of the community it serves; 3215

(8) Requirements for financial audits by the auditor of 3216
state. The contract shall require financial records of the school 3217
to be maintained in the same manner as are financial records of 3218

school districts, pursuant to rules of the auditor of state, and 3219
the audits shall be conducted in accordance with section 117.10 of 3220
the Revised Code. 3221

(9) The facilities to be used and their locations; 3222

(10) Qualifications of teachers, including a requirement that 3223
the school's classroom teachers be licensed in accordance with 3224
sections 3319.22 to 3319.31 of the Revised Code, except that a 3225
community school may engage noncertificated persons to teach up to 3226
twelve hours per week pursuant to section 3319.301 of the Revised 3227
Code; 3228

(11) That the school will comply with the following 3229
requirements: 3230

(a) The school will provide learning opportunities to a 3231
minimum of twenty-five students for a minimum of nine hundred 3232
twenty hours per school year; 3233

(b) The governing authority will purchase liability 3234
insurance, or otherwise provide for the potential liability of the 3235
school; 3236

(c) The school will be nonsectarian in its programs, 3237
admission policies, employment practices, and all other 3238
operations, and will not be operated by a sectarian school or 3239
religious institution; 3240

(d) The school will comply with sections 9.90, 9.91, 109.65, 3241
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3242
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 3243
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 3244
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3245
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3246
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 3247
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 3248
4123., 4141., and 4167. of the Revised Code as if it were a school 3249

district and will comply with section 3301.0714 of the Revised 3250
Code in the manner specified in section 3314.17 of the Revised 3251
Code; 3252

(e) The school shall comply with Chapter 102. of the Revised 3253
Code except that nothing in that chapter shall prohibit a member 3254
of the school's governing board from also being an employee of the 3255
school and nothing in that chapter or section 2921.42 of the 3256
Revised Code shall prohibit a member of the school's governing 3257
board from having an interest in a contract into which the 3258
governing board enters that is not a contract with a for-profit 3259
firm for the operation or management of a school under the 3260
auspices of the governing authority; 3261

(f) The school will comply with sections 3313.61, 3313.611, 3262
and 3313.614 of the Revised Code, except that the requirement in 3263
sections 3313.61 and 3313.611 of the Revised Code that a person 3264
must successfully complete the curriculum in any high school prior 3265
to receiving a high school diploma may be met by completing the 3266
curriculum adopted by the governing authority of the community 3267
school rather than the curriculum specified in Title XXXIII of the 3268
Revised Code or any rules of the state board of education; 3269

(g) The school governing authority will submit within four 3270
months after the end of each school year a report of its 3271
activities and progress in meeting the goals and standards of 3272
divisions (A)(3) and (4) of this section and its financial status 3273
to the sponsor, the parents of all students enrolled in the 3274
school, and the legislative office of education oversight. The 3275
school will collect and provide any data that the legislative 3276
office of education oversight requests in furtherance of any study 3277
or research that the general assembly requires the office to 3278
conduct, including the studies required under Section 50.39 of Am. 3279
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 3280
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 3281

(12) Arrangements for providing health and other benefits to employees;	3282 3283
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	3284 3285 3286 3287
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	3288 3289
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of disadvantaged pupil impact aid calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.	3290 3291 3292 3293 3294 3295 3296 3297 3298 3299 3300 3301
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	3302 3303 3304
(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such	3305 3306 3307 3308 3309 3310 3311 3312

employees;	3313
(18) Provisions establishing procedures for resolving	3314
disputes or differences of opinion between the sponsor and the	3315
governing authority of the community school;	3316
(19) A provision requiring the governing authority to adopt a	3317
policy regarding the admission of students who reside outside the	3318
district in which the school is located. That policy shall comply	3319
with the admissions procedures specified in section 3314.06 of the	3320
Revised Code and, at the sole discretion of the authority, shall	3321
do one of the following:	3322
(a) Prohibit the enrollment of students who reside outside	3323
the district in which the school is located;	3324
(b) Permit the enrollment of students who reside in districts	3325
adjacent to the district in which the school is located;	3326
(c) Permit the enrollment of students who reside in any other	3327
district in the state.	3328
(20) A provision recognizing the authority of the department	3329
of education to take over the sponsorship of the school in	3330
accordance with the provisions of division (C) of section 3314.015	3331
of the Revised Code;	3332
(21) A provision recognizing the sponsor's authority to	3333
assume the operation of a school under the conditions specified in	3334
division (B) of section 3314.073 of the Revised Code;	3335
(22) A provision recognizing both of the following:	3336
(a) The authority of public health and safety officials to	3337
inspect the facilities of the school and to order the facilities	3338
closed if those officials find that the facilities are not in	3339
compliance with health and safety laws and regulations;	3340
(b) The authority of the department of education as the	3341
community school oversight body to suspend the operation of the	3342

school under section 3314.072 of the Revised Code if the 3343
department has evidence of conditions or violations of law at the 3344
school that pose an imminent danger to the health and safety of 3345
the school's students and employees and the sponsor refuses to 3346
take such action; 3347

(23) A description of the learning opportunities that will be 3348
offered to students including both classroom-based and 3349
non-classroom-based learning opportunities that is in compliance 3350
with criteria for student participation established by the 3351
department under division (L)(2) of section 3314.08 of the Revised 3352
Code; 3353

(24) The school will comply with section 3302.04 of the 3354
Revised Code, including division (E) of that section to the extent 3355
possible, except that any action required to be taken by a school 3356
district pursuant to that section shall be taken by the sponsor of 3357
the school. However, the sponsor shall not be required to take any 3358
action described in division (F) of that section. 3359

(B) The community school shall also submit to the sponsor a 3360
comprehensive plan for the school. The plan shall specify the 3361
following: 3362

(1) The process by which the governing authority of the 3363
school will be selected in the future; 3364

(2) The management and administration of the school; 3365

(3) If the community school is a currently existing public 3366
school, alternative arrangements for current public school 3367
students who choose not to attend the school and teachers who 3368
choose not to teach in the school after conversion; 3369

(4) The instructional program and educational philosophy of 3370
the school; 3371

(5) Internal financial controls. 3372

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract

of the school pursuant to section 3314.07 of the Revised Code as 3404
determined necessary by the sponsor; 3405

(6) Have in place a plan of action to be undertaken in the 3406
event the community school experiences financial difficulties or 3407
closes prior to the end of a school year. 3408

(E) Upon the expiration of a contract entered into under this 3409
section, the sponsor of a community school may, with the approval 3410
of the governing authority of the school, renew that contract for 3411
a period of time determined by the sponsor, but not ending earlier 3412
than the end of any school year, if the sponsor finds that the 3413
school's compliance with applicable laws and terms of the contract 3414
and the school's progress in meeting the academic goals prescribed 3415
in the contract have been satisfactory. Any contract that is 3416
renewed under this division remains subject to the provisions of 3417
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 3418

Sec. 3314.033. Not later than September 30, 2003, the state 3419
board of education shall recommend to the general assembly 3420
standards governing the operation of internet- or computer-based 3421
community schools, as defined in section 3314.02 of the Revised 3422
Code, and other educational courses delivered primarily via 3423
electronic media. 3424

Sec. 3314.20. This section does not apply to any school 3425
district declared to be excellent or effective pursuant to 3426
division (B)(1) or (2) of section 3302.03 of the Revised Code. 3427

(A) The ~~department~~ state board of education shall ~~recommend~~ 3428
adopt rules ~~to the general assembly~~ requiring school districts 3429
with a total student count of over five thousand, as determined 3430
pursuant to section 3317.03 of the Revised Code, to designate one 3431
school building to be operated by a site-based management council. 3432
The rules shall specify the composition of the council and the 3433

manner in which members of the council are to be selected and 3434
removed. 3435

(B) The rules adopted under division (A) of this section 3436
shall specify those powers, duties, functions, and 3437
responsibilities that shall be vested in the management council 3438
and that would otherwise be exercised by the district board of 3439
education. The rules shall also establish a mechanism for 3440
resolving any differences between the council and the district 3441
board if there is disagreement as to their respective powers, 3442
duties, functions, and responsibilities. 3443

(C) The board of education of any school district described 3444
by division (A) of this section may, in lieu of complying with the 3445
rules adopted under this section, file with the department of 3446
education an alternative structure for a district site-based 3447
management program in at least one of its school buildings. The 3448
proposal shall specify the composition of the council, which shall 3449
include an equal number of parents and teachers and the building 3450
principal, and the method of selection and removal of the council 3451
members. The proposal shall also clearly delineate the respective 3452
powers, duties, functions, and responsibilities of the district 3453
board and the council. The district's proposal shall comply 3454
substantially with the rules ~~approved by the general assembly.~~ 3455

~~(D) The rules recommended under this section shall take 3456
effect upon approval of the general assembly through the passage 3457
of a joint resolution adopted under division (A) of this section. 3458~~

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 3459
Revised Code, the amounts required to be paid to a district under 3460
this chapter shall be adjusted by the amount of the computations 3461
made under divisions (B) to (L) of this section. 3462

As used in this section: 3463

(1) "Classroom teacher" means a licensed employee who 3464
provides direct instruction to pupils, excluding teachers funded 3465
from money paid to the district from federal sources; educational 3466
service personnel; and vocational and special education teachers. 3467

(2) "Educational service personnel" shall not include such 3468
specialists funded from money paid to the district from federal 3469
sources or assigned full-time to vocational or special education 3470
students and classes and may only include those persons employed 3471
in the eight specialist areas in a pattern approved by the 3472
department of education under guidelines established by the state 3473
board of education. 3474

(3) "Annual salary" means the annual base salary stated in 3475
the state minimum salary schedule for the performance of the 3476
teacher's regular teaching duties that the teacher earns for 3477
services rendered for the first full week of October of the fiscal 3478
year for which the adjustment is made under division (C) of this 3479
section. It shall not include any salary payments for supplemental 3480
teachers contracts. 3481

(4) "Regular student population" means the formula ADM plus 3482
the number of students reported as enrolled in the district 3483
pursuant to division (A)(1) of section 3313.981 of the Revised 3484
Code; minus the number of students reported under division (A)(2) 3485
of section 3317.03 of the Revised Code; minus the FTE of students 3486
reported under division (B)(5), (6), (7), (8), (9), (10), (11), or 3487
(12) of that section who are enrolled in a vocational education 3488
class or receiving special education; and minus one-fourth of the 3489
students enrolled concurrently in a joint vocational school 3490
district. 3491

(5) "State share percentage" has the same meaning as in 3492
section 3317.022 of the Revised Code. 3493

(6) "VEPD" means a school district or group of school 3494

districts designated by the department of education as being 3495
responsible for the planning for and provision of vocational 3496
education services to students within the district or group. 3497

(7) "Lead district" means a school district, including a 3498
joint vocational school district, designated by the department as 3499
a VEPD, or designated to provide primary vocational education 3500
leadership within a VEPD composed of a group of districts. 3501

(B) If the district employs less than one full-time 3502
equivalent classroom teacher for each twenty-five pupils in the 3503
regular student population in any school district, deduct the sum 3504
of the amounts obtained from the following computations: 3505

(1) Divide the number of the district's full-time equivalent 3506
classroom teachers employed by one twenty-fifth; 3507

(2) Subtract the quotient in (1) from the district's regular 3508
student population; 3509

(3) Multiply the difference in (2) by seven hundred fifty-two 3510
dollars. 3511

(C) If a positive amount, add one-half of the amount obtained 3512
by multiplying the number of full-time equivalent classroom 3513
teachers by: 3514

(1) The mean annual salary of all full-time equivalent 3515
classroom teachers employed by the district at their respective 3516
training and experience levels minus; 3517

(2) The mean annual salary of all such teachers at their 3518
respective levels in all school districts receiving payments under 3519
this section. 3520

The number of full-time equivalent classroom teachers used in 3521
this computation shall not exceed one twenty-fifth of the 3522
district's regular student population. In calculating the 3523
district's mean salary under this division, those full-time 3524

equivalent classroom teachers with the highest training level 3525
shall be counted first, those with the next highest training level 3526
second, and so on, in descending order. Within the respective 3527
training levels, teachers with the highest years of service shall 3528
be counted first, the next highest years of service second, and so 3529
on, in descending order. 3530

(D) This division does not apply to a school district that 3531
has entered into an agreement under division (A) of section 3532
3313.42 of the Revised Code. Deduct the amount obtained from the 3533
following computations if the district employs fewer than five 3534
full-time equivalent educational service personnel, including 3535
elementary school art, music, and physical education teachers, 3536
counselors, librarians, visiting teachers, school social workers, 3537
and school nurses for each one thousand pupils in the regular 3538
student population: 3539

(1) Divide the number of full-time equivalent educational 3540
service personnel employed by the district by five 3541
one-thousandths; 3542

(2) Subtract the quotient in (1) from the district's regular 3543
student population; 3544

(3) Multiply the difference in (2) by ninety-four dollars. 3545

(E) If a local school district, or a city or exempted village 3546
school district to which a governing board of an educational 3547
service center provides services pursuant to section 3313.843 of 3548
the Revised Code, deduct the amount of the payment required for 3549
the reimbursement of the governing board under section 3317.11 of 3550
the Revised Code. 3551

(F)(1) If the district is required to pay to or entitled to 3552
receive tuition from another school district under division (C)(2) 3553
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 3554
or if the superintendent of public instruction is required to 3555

determine the correct amount of tuition and make a deduction or 3556
credit under section 3317.08 of the Revised Code, deduct and 3557
credit such amounts as provided in division ~~(I)~~(J) of section 3558
3313.64 or section 3317.08 of the Revised Code. 3559

(2) For each child for whom the district is responsible for 3560
tuition or payment under division (A)(1) of section 3317.082 or 3561
section 3323.091 of the Revised Code, deduct the amount of tuition 3562
or payment for which the district is responsible. 3563

(G) If the district has been certified by the superintendent 3564
of public instruction under section 3313.90 of the Revised Code as 3565
not in compliance with the requirements of that section, deduct an 3566
amount equal to ten per cent of the amount computed for the 3567
district under section 3317.022 of the Revised Code. 3568

(H) If the district has received a loan from a commercial 3569
lending institution for which payments are made by the 3570
superintendent of public instruction pursuant to division (E)(3) 3571
of section 3313.483 of the Revised Code, deduct an amount equal to 3572
such payments. 3573

(I)(1) If the district is a party to an agreement entered 3574
into under division (D), (E), or (F) of section 3311.06 or 3575
division (B) of section 3311.24 of the Revised Code and is 3576
obligated to make payments to another district under such an 3577
agreement, deduct an amount equal to such payments if the district 3578
school board notifies the department in writing that it wishes to 3579
have such payments deducted. 3580

(2) If the district is entitled to receive payments from 3581
another district that has notified the department to deduct such 3582
payments under division (I)(1) of this section, add the amount of 3583
such payments. 3584

(J) If the district is required to pay an amount of funds to 3585
a cooperative education district pursuant to a provision described 3586

by division (B)(4) of section 3311.52 or division (B)(8) of 3587
section 3311.521 of the Revised Code, deduct such amounts as 3588
provided under that provision and credit those amounts to the 3589
cooperative education district for payment to the district under 3590
division (B)(1) of section 3317.19 of the Revised Code. 3591

(K)(1) If a district is educating a student entitled to 3592
attend school in another district pursuant to a shared education 3593
contract, compact, or cooperative education agreement other than 3594
an agreement entered into pursuant to section 3313.842 of the 3595
Revised Code, credit to that educating district on an FTE basis 3596
both of the following: 3597

(a) An amount equal to the formula amount times the cost of 3598
doing business factor of the school district where the student is 3599
entitled to attend school pursuant to section 3313.64 or 3313.65 3600
of the Revised Code; 3601

(b) An amount equal to the formula amount times the state 3602
share percentage times any multiple applicable to the student 3603
pursuant to section 3317.013 or 3317.014 of the Revised Code. 3604

(2) Deduct any amount credited pursuant to division (K)(1) of 3605
this section from amounts paid to the school district in which the 3606
student is entitled to attend school pursuant to section 3313.64 3607
or 3313.65 of the Revised Code. 3608

(3) If the district is required by a shared education 3609
contract, compact, or cooperative education agreement to make 3610
payments to an educational service center, deduct the amounts from 3611
payments to the district and add them to the amounts paid to the 3612
service center pursuant to section 3317.11 of the Revised Code. 3613

(L)(1) If a district, including a joint vocational school 3614
district, is a lead district of a VEPP, credit to that district 3615
the amounts calculated for all the school districts within that 3616
VEPP pursuant to division (E)(2) of section 3317.022 of the 3617

Revised Code. 3618

(2) Deduct from each appropriate district that is not a lead 3619
district, the amount attributable to that district that is 3620
credited to a lead district under division (L)(1) of this section. 3621

Sec. 3317.04. The amount paid to school districts in each 3622
fiscal year under Chapter 3317. of the Revised Code shall not be 3623
less than the following: 3624

(A) In the case of a district created under section 3311.26 3625
or 3311.37 of the Revised Code, the amount paid shall not be less, 3626
in any of the three succeeding fiscal years following the 3627
creation, than the sum of the amounts allocated under Chapter 3628
3317. of the Revised Code to the districts separately in the year 3629
of the creation. 3630

(B) In the case of a school district which is transferred to 3631
another school district or districts, pursuant to section 3311.22, 3632
3311.231, or 3311.38 of the Revised Code, the amount paid to the 3633
district accepting the transferred territory shall not be less, in 3634
any of the three succeeding fiscal years following the transfer, 3635
than the sum of the amounts allocated under Chapter 3317. of the 3636
Revised Code to the districts separately in the year of the 3637
consummation of the transfer. 3638

(C) In the case of any school district, the amount paid under 3639
Chapter 3317. of the Revised Code to the district in the fiscal 3640
year of distribution shall not be less than that paid under such 3641
chapter in the preceding fiscal year, less any amount paid in that 3642
preceding fiscal year under section 3317.0216 of the Revised Code, 3643
if in the calendar year ending the thirty-first day of December 3644
preceding the fiscal year of distribution, the county auditor of 3645
the county to which the district has been assigned by the 3646
department of education for administrative purposes has completed 3647
reassessment of all real estate within ~~his~~ the county, or the tax 3648

duplicate of that county was increased by the application of a 3649
uniform taxable value per cent of true value pursuant to a rule or 3650
order of the tax commissioner and the revised valuations were 3651
entered on the tax list and duplicate. Notwithstanding sections 3652
3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised 3653
Code, this minimum guarantee is applicable only during the fiscal 3654
year immediately following the reassessment or application. 3655

(D) In the case of any school district that has territory in 3656
three or more counties, each of which contains at least twenty per 3657
cent of the district's territory, the amount paid under Chapter 3658
3317. of the Revised Code to the district in the fiscal year of 3659
distribution shall not be less than that paid under such chapter 3660
in the preceding fiscal year, less any amount paid in that 3661
preceding fiscal year under section 3317.0216 of the Revised Code, 3662
if in the calendar year ending the thirty-first day of December 3663
preceding the fiscal year of distribution, the county auditor of 3664
any such county completed reassessment of all real estate within 3665
~~his~~ the county, or the tax duplicate of any such county was 3666
increased by the application of a uniform taxable value per cent 3667
of true value pursuant to a rule or order of the tax commissioner 3668
and the revised valuations were entered on the tax list and 3669
duplicate. Notwithstanding sections 3311.22, 3311.231, 3311.26, 3670
3311.37, and 3311.38 of the Revised Code, this minimum guarantee 3671
is applicable only during the fiscal year immediately following 3672
the reassessment or application. 3673

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 3674
and 3311.38 of the Revised Code, the minimum guarantees prescribed 3675
by divisions (A) and (B) of this section shall not affect the 3676
amount of aid received by a school district for more than three 3677
consecutive years. 3678

Sec. 3317.08. A board of education may admit to its schools a 3679

child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a handicapped preschool child described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 or 5748.08 of the Revised Code that are disbursed to the district during the fiscal year. On or before the first day of June of each year, the tax commissioner shall certify the amount to be used in the calculation under this division for the next fiscal year to the department of education for each city, local, and exempted village school district that levies a school district income tax.

(B) For any handicapped preschool child not included in a unit approved under division (B) of section 3317.05 of the Revised Code, an amount computed for the school year as follows:

(1) For each type of special education service provided to the child for whom tuition is being calculated, determine the amount of the district's operating expenses in providing that type of service to all handicapped preschool children not included in units approved under division (B) of section 3317.05 of the

Revised Code;	3710
(2) For each type of special education service for which	3711
operating expenses are determined under division (B)(1) of this	3712
section, determine the amount of such operating expenses that was	3713
paid from any state funds received under this chapter;	3714
(3) For each type of special education service for which	3715
operating expenses are determined under division (B)(1) of this	3716
section, divide the difference between the amount determined under	3717
division (B)(1) of this section and the amount determined under	3718
division (B)(2) of this section by the total number of handicapped	3719
preschool children not included in units approved under division	3720
(B) of section 3317.05 of the Revised Code who received that type	3721
of service;	3722
(4) Determine the sum of the quotients obtained under	3723
division (B)(3) of this section for all types of special education	3724
services provided to the child for whom tuition is being	3725
calculated.	3726
The state board of education shall adopt rules defining the	3727
types of special education services and specifying the operating	3728
expenses to be used in the computation under this section.	3729
If any child for whom a tuition charge is computed under this	3730
section for any school year is enrolled in a district for only	3731
part of that school year, the amount of the district's tuition	3732
charge for the child for the school year shall be computed in	3733
proportion to the number of school days the child is enrolled in	3734
the district during the school year.	3735
Except as otherwise provided in division (I) (J) of section	3736
3313.64 of the Revised Code, whenever a district admits a child to	3737
its schools for whom tuition computed in accordance with this	3738
section is an obligation of another school district, the amount of	3739
the tuition shall be certified by the treasurer of the board of	3740

education of the district of attendance, to the board of education 3741
of the district required to pay tuition for its approval and 3742
payment. If agreement as to the amount payable or the district 3743
required to pay the tuition cannot be reached, or the board of 3744
education of the district required to pay the tuition refuses to 3745
pay that amount, the board of education of the district of 3746
attendance shall notify the superintendent of public instruction. 3747
The superintendent shall determine the correct amount and the 3748
district required to pay the tuition and shall deduct that amount, 3749
if any, under division (G) of section 3317.023 of the Revised 3750
Code, from the district required to pay the tuition and add that 3751
amount to the amount allocated to the district attended under such 3752
division. The superintendent of public instruction shall send to 3753
the district required to pay the tuition an itemized statement 3754
showing such deductions at the time of such deduction. 3755

When a political subdivision owns and operates an airport, 3756
welfare, or correctional institution or other project or facility 3757
outside its corporate limits, the territory within which the 3758
facility is located is exempt from taxation by the school district 3759
within which such territory is located, and there are school age 3760
children residing within such territory, the political subdivision 3761
owning such tax exempt territory shall pay tuition to the district 3762
in which such children attends school. The tuition for these 3763
children shall be computed as provided for in this section. 3764

Sec. 3334.01. As used in this chapter: 3765

(A) "Aggregate original principal amount" means the aggregate 3766
of the initial offering prices to the public of college savings 3767
bonds, exclusive of accrued interest, if any. "Aggregate original 3768
principal amount" does not mean the aggregate accreted amount 3769
payable at maturity or redemption of such bonds. 3770

(B) "Beneficiary" means: 3771

(1) An individual designated by the purchaser under a tuition payment contract or through a scholarship program as the individual on whose behalf tuition credits purchased under the contract or awarded through the scholarship program will be applied toward the payment of undergraduate, graduate, or professional tuition; or

(2) An individual designated by the contributor under a variable college savings program contract as the individual whose tuition and other higher education expenses will be paid from a variable college savings program account.

(C) "Capital appreciation bond" means a bond for which the following is true:

(1) The principal amount is less than the amount payable at maturity or early redemption; and

(2) No interest is payable on a current basis.

(D) "Tuition credit" means a credit of the Ohio tuition trust authority purchased under section 3334.09 of the Revised Code.

(E) "College savings bonds" means revenue and other obligations issued on behalf of the state or any agency or issuing authority thereof as a zero-coupon or capital appreciation bond, and designated as college savings bonds as provided in this chapter. "College savings bond issue" means any issue of bonds of which any part has been designated as college savings bonds.

(F) "Institution of higher education" means a state institution of higher education, a private college, university, or other postsecondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code, or

an accredited college, university, or other postsecondary 3802
institution located outside this state that is accredited by an 3803
accrediting organization or professional association recognized by 3804
the authority. To be considered an institution of higher 3805
education, an institution shall meet the definition of an eligible 3806
educational institution under section 529 of the Internal Revenue 3807
Code. 3808

(G) "Issuing authority" means any authority, commission, 3809
body, agency, or individual empowered by the Ohio Constitution or 3810
the Revised Code to issue bonds or any other debt obligation of 3811
the state or any agency or department thereof. "Issuer" means the 3812
issuing authority or, if so designated under division (B) of 3813
section 3334.04 of the Revised Code, the treasurer of state. 3814

(H) "Tuition" means the charges imposed to attend an 3815
institution of higher education as an undergraduate, graduate, or 3816
professional student and all fees required as a condition of 3817
enrollment, as determined by the Ohio tuition trust authority. 3818
"Tuition" does not include laboratory fees, room and board, or 3819
other similar fees and charges. 3820

(I) "Weighted average tuition" means the tuition cost 3821
resulting from the following calculation: 3822

(1) Add the products of the annual undergraduate tuition 3823
charged to Ohio residents at each four-year state university 3824
multiplied by that institution's total number of undergraduate 3825
fiscal year equated students; and 3826

(2) Divide the gross total of the products from division 3827
(I)(1) of this section by the total number of undergraduate fiscal 3828
year equated students attending four-year state universities. 3829

(J) "Zero-coupon bond" means a bond which has a stated 3830
interest rate of zero per cent and on which no interest is payable 3831
until the maturity or early redemption of the bond, and is offered 3832

at a substantial discount from its original stated principal 3833
amount. 3834

(K) "State institution of higher education" includes the 3835
state universities listed in section 3345.011 of the Revised Code, 3836
community colleges created pursuant to Chapter 3354. of the 3837
Revised Code, university branches created pursuant to Chapter 3838
3355. of the Revised Code, technical colleges created pursuant to 3839
Chapter 3357. of the Revised Code, state community colleges 3840
created pursuant to Chapter 3358. of the Revised Code, the medical 3841
college of Ohio at Toledo, and the northeastern Ohio universities 3842
college of medicine. 3843

(L) "Four-year state university" means those state 3844
universities listed in section 3345.011 of the Revised Code. 3845

(M) "Principal amount" refers to the initial offering price 3846
to the public of an obligation, exclusive of the accrued interest, 3847
if any. "Principal amount" does not refer to the aggregate 3848
accrued amount payable at maturity or redemption of an 3849
obligation. 3850

(N) "Scholarship program" means a program registered with the 3851
Ohio tuition trust authority pursuant to section 3334.17 of the 3852
Revised Code. 3853

(O) "Internal Revenue Code" means the "Internal Revenue Code 3854
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 3855

(P) "Other higher education expenses" means room and board 3856
and books, supplies, equipment, and nontuition-related fees 3857
associated with the cost of attendance of a beneficiary at an 3858
institution of higher education, but only to the extent that such 3859
expenses meet the definition of "qualified higher education 3860
expenses" under section 529 of the Internal Revenue Code. "Other 3861
higher education expenses" does not include tuition as defined in 3862
division (H) of this section. 3863

(Q) "Purchaser" means the person signing the tuition payment contract, who controls the account and acquires tuition credits for an account under the terms and conditions of the contract.

(R) "Contributor" means a person who signs a variable college savings program contract with the Ohio tuition trust authority and contributes to and owns the account created under the contract.

(S) "Contribution" means any payment directly allocated to an account for the benefit of the designated beneficiary of the account.

Sec. 3334.12. Notwithstanding anything to the contrary in sections 3334.07 and 3334.09 of the Revised Code:

(A) Annually, the Ohio tuition trust authority shall have the actuarial soundness of the Ohio tuition trust fund evaluated by a nationally recognized actuary and shall determine whether additional assets are necessary to defray the obligations of the authority. If, after the authority sets the price for tuition credits, circumstances arise that the executive director determines necessitate an additional evaluation of the actuarial soundness of the fund, the executive director shall have a nationally recognized actuary conduct the necessary evaluation. If the assets of the fund are insufficient to ensure the actuarial soundness of the fund, the authority shall adjust the price of subsequent purchases of tuition credits to the extent necessary to help restore the actuarial soundness of the fund. If, at any time, the adjustment is likely, in the opinion of the authority, to diminish the marketability of tuition credits to an extent that the continued sale of the credits likely would not restore the actuarial soundness of the fund and external economic factors continue to negatively impact the soundness of the program, the authority may suspend sales, either permanently or temporarily, of tuition credits. During any suspension, the authority shall

continue to service existing college savings program accounts. 3895

(B) Upon termination of the program or liquidation of the 3896
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 3897
the Ohio tuition trust operating fund, any remaining assets of the 3898
funds after all obligations of the funds have been satisfied 3899
pursuant to division (B) of section 3334.11 of the Revised Code 3900
shall be transferred to the general revenue fund of the state. 3901

(C) The authority shall prepare and cause to have audited an 3902
annual financial report on all financial activity of the Ohio 3903
tuition trust authority within ninety days of the end of the 3904
fiscal year. The authority shall transmit a copy of the audited 3905
financial report to the governor, the president of the senate, the 3906
speaker of the house of representatives, and the minority leaders 3907
of the senate and the house of representatives. Copies of the 3908
audited financial report also shall be made available, upon 3909
request, to the persons entering into contracts with the authority 3910
and to prospective purchasers of tuition credits and prospective 3911
contributors to variable college savings program accounts. 3912

Sec. 3334.17. (A) The state, any political subdivision of the 3913
state, and any organization that is exempt from federal income 3914
taxation under section 501 (a) and described in section 501 (c)(3) 3915
of the Internal Revenue Code, including the Ohio tuition trust 3916
authority if this is authorized under federal tax law, may 3917
establish a scholarship program to award scholarships consisting 3918
of ~~tuition credits~~ contributions made to any college savings 3919
program for students. Any scholarship program established under 3920
this section shall be registered with the ~~Ohio tuition trust~~ 3921
authority. The authority shall be notified of the name and address 3922
of each scholarship beneficiary under the program, the ~~number of~~ 3923
~~credits~~ amounts awarded, and the institution of higher education 3924
in which the beneficiary is enrolled. Scholarship beneficiaries 3925

shall be selected by the entity establishing the scholarship 3926
program, in accordance with criteria established by the entity. 3927

(B) Any person or governmental entity may purchase tuition 3928
credits on behalf of a scholarship program that is or is to be 3929
established in accordance with division (A) of this section at the 3930
same price as is established for the purchase of credits for named 3931
beneficiaries pursuant to this chapter. Tuition credits shall have 3932
the same value to the beneficiary of a scholarship awarded 3933
pursuant to this section as they would have to any other 3934
beneficiary pursuant to division (B) of section 3334.09 of the 3935
Revised Code. 3936

(C) The entity establishing and maintaining a scholarship 3937
program shall specify whether a scholarship beneficiary may 3938
receive a refund or payment for the ~~tuition credits~~ amount awarded 3939
under the scholarship program directly from the ~~tuition trust~~ 3940
authority, or whether the amount ~~of such credits~~ awarded shall be 3941
paid by the authority only to the institution of higher education 3942
in which the student is enrolled. 3943

(D) If a scholarship beneficiary does not use ~~tuition credits~~ 3944
the amount awarded within a length of time specified under the 3945
scholarship program, the ~~credits~~ amount may be awarded to another 3946
beneficiary. 3947

Sec. 3334.19. (A) The Ohio tuition trust authority shall 3948
adopt an investment plan that sets forth investment policies and 3949
guidelines to be utilized in administering the variable college 3950
savings program. Except as provided in section 3334.20 of the 3951
Revised Code, the authority shall contract with one or more 3952
insurance companies, banks, or other financial institutions to act 3953
as its investment agents and to provide such services as the 3954
authority considers appropriate to the investment plan, including: 3955

(1) Purchase, control, and safekeeping of assets;	3956
(2) Record keeping and accounting for individual accounts and for the program as a whole;	3957 3958
(3) Provision of consolidated statements of account.	3959
(B) The authority or its investment agents shall maintain a separate account for the beneficiary of each contract entered into under the variable college savings program. If a beneficiary has more than one such account, the authority or its agents shall track total contributions and earnings and provide a consolidated system of account distributions to institutions of higher education.	3960 3961 3962 3963 3964 3965 3966
(C) The authority or its <u>investment</u> agents may place assets of the program in savings accounts and may purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the investment plan.	3967 3968 3969 3970 3971
(D) Contributors shall not direct the investment of their contributions under the investment plan. The authority shall impose other limits on contributors' investment discretion as to <u>the extent</u> required under section 529 of the Internal Revenue Code.	3972 3973 3974 3975 3976
(E) The investment agents with which the authority contracts shall discharge their duties with respect to program funds with the care and diligence that a prudent person familiar with such matters and with the character and aims of the program would use.	3977 3978 3979 3980
(F) The assets of the program shall be preserved, invested, and expended solely for the purposes of this chapter and shall not be loaned or otherwise transferred or used by the state for any other purpose. This section shall not be construed to prohibit the investment agents of the authority from investing, by purchase or	3981 3982 3983 3984 3985

otherwise, in bonds, notes, or other obligations of the state or 3986
any agency or instrumentality of the state. Unless otherwise 3987
specified by the authority, assets of the program shall be 3988
expended in the following order of priority: 3989

(1) To make payments on behalf of beneficiaries; 3990

(2) To make refunds upon termination of variable college 3991
savings program contracts; 3992

(3) To pay the authority's costs of administering the program 3993
administration and operations; 3994

(4) To pay or cover any other expenditure or disbursement the 3995
authority determines necessary or appropriate. 3996

(G) Fees, charges, and other costs imposed or collected by 3997
the authority in connection with the variable college savings 3998
program, including any fees or other payments that the authority 3999
requires an investment agent to pay to the authority, shall be 4000
credited to the variable operating fund. The fund shall be in the 4001
custody of the treasurer of state, but shall not be part of the 4002
state treasury. Expenses incurred in the administration of the 4003
variable college savings program, as well as other expenses, 4004
disbursements, or payments the authority considers appropriate for 4005
the benefit of any college savings programs administered by the 4006
authority, the state of Ohio and its citizens, shall be paid from 4007
the variable operating fund. 4008

(H) No records of the authority indicating the identity of 4009
purchasers, contributors, and beneficiaries under the program or 4010
amounts contributed to, earned by, or distributed from program 4011
accounts are public records within the meaning of section 149.43 4012
of the Revised Code. 4013

Sec. 5705.412. (A) As used in this section, "qualifying 4014
contract" means any agreement for the expenditure of money under 4015

which aggregate payments from the funds included in the school 4016
district's five-year forecast under section 5705.391 of the 4017
Revised Code will exceed the lesser of the following amounts: 4018

(1) Five hundred thousand dollars; 4019

(2) One per cent of the total revenue to be credited in the 4020
current fiscal year to the district's general fund, as specified 4021
in the district's most recent certificate of estimated resources 4022
certified under section 5705.36 of the Revised Code. 4023

(B) Notwithstanding section 5705.41 of the Revised Code, no 4024
school district shall adopt any appropriation measure, make any 4025
qualifying contract, or increase during any school year any wage 4026
or salary schedule unless there is attached thereto a certificate, 4027
signed as required by this section, that the school district has 4028
in effect the authorization to levy taxes including the renewal or 4029
replacement of existing levies which, when combined with the 4030
estimated revenue from all other sources available to the district 4031
at the time of certification, are sufficient to provide the 4032
operating revenues necessary to enable the district to maintain 4033
all personnel and programs for all the days set forth in its 4034
adopted school calendars for the current fiscal year and for a 4035
number of days in succeeding fiscal years equal to the number of 4036
days instruction was held or is scheduled for the current fiscal 4037
year, as follows: 4038

(1) A certificate attached to an appropriation measure under 4039
this section shall cover only the fiscal year in which the 4040
appropriation measure is effective and shall not consider the 4041
renewal or replacement of an existing levy as the authority to 4042
levy taxes that are subject to appropriation in the current fiscal 4043
year unless the renewal or replacement levy has been approved by 4044
the electors and is subject to appropriation in the current fiscal 4045
year. 4046

(2) A certificate attached, in accordance with this section, 4047
to any qualifying contract shall cover the term of the contract. 4048

(3) A certificate attached under this section to a wage or 4049
salary schedule shall cover the term of the schedule. 4050

If the board of education has not adopted a school calendar 4051
for the school year beginning on the first day of the fiscal year 4052
in which a certificate is required, the certificate attached to an 4053
appropriation measure shall include the number of days on which 4054
instruction was held in the preceding fiscal year and other 4055
certificates required under this section shall include that number 4056
of days for the fiscal year in which the certificate is required 4057
and any succeeding fiscal years that the certificate must cover. 4058

The certificate shall be signed by the treasurer and 4059
president of the board of education and the superintendent of the 4060
school district, unless the district is in a state of fiscal 4061
emergency declared under Chapter 3316. of the Revised Code. In 4062
that case, the certificate shall be signed by a member of the 4063
district's financial planning and supervision commission who is 4064
designated by the commission for this purpose. 4065

(C) Every qualifying contract made or wage or salary schedule 4066
adopted or put into effect without such a certificate shall be 4067
void, and no payment of any amount due thereon shall be made. 4068

(D) The department of education and the auditor of state 4069
jointly shall adopt rules governing the methods by which 4070
treasurers, presidents of boards of education, superintendents, 4071
and members of financial planning and supervision commissions 4072
shall estimate revenue and determine whether such revenue is 4073
sufficient to provide necessary operating revenue for the purpose 4074
of making certifications required by this section. 4075

(E) The auditor of state shall be responsible for determining 4076
whether school districts are in compliance with this section. At 4077

the time a school district is audited pursuant to section 117.11 4078
of the Revised Code, the auditor of state shall review each 4079
certificate issued under this section since the district's last 4080
audit, and the appropriation measure, contract, or wage and salary 4081
schedule to which such certificate was attached. If the auditor of 4082
state determines that a school district has not complied with this 4083
section with respect to any qualifying contract or wage or salary 4084
schedule, the auditor of state shall notify the prosecuting 4085
attorney for the county, the city director of law, or other chief 4086
law officer of the school district. That officer may file a civil 4087
action in any court of appropriate jurisdiction to seek a 4088
declaration that the contract or wage or salary schedule is void, 4089
to recover for the school district from the payee the amount of 4090
payments already made under it, or both, except that the officer 4091
shall not seek to recover payments made under any collective 4092
bargaining agreement entered into under Chapter 4117. of the 4093
Revised Code. If the officer does not file such an action within 4094
one hundred twenty days after receiving notice of noncompliance 4095
from the auditor of state, any taxpayer may institute the action 4096
in the taxpayer's own name on behalf of the school district. 4097

(F) This section does not apply to any contract or increase 4098
in any wage or salary schedule that is necessary in order to 4099
enable a board of education to comply with division (B) of section 4100
3317.13 of the Revised Code, provided the contract or increase 4101
does not exceed the amount required to be paid to be in compliance 4102
with such division. 4103

(G) Any officer, employee, or other person who expends or 4104
authorizes the expenditure of any public funds or authorizes or 4105
executes any contract or schedule contrary to this section, 4106
expends or authorizes the expenditure of any public funds on the 4107
void contract or schedule, or issues a certificate under this 4108
section which contains any false statements is liable to the 4109

school district for the full amount paid from the district's funds 4110
on the contract or schedule. The officer, employee, or other 4111
person is jointly and severally liable in person and upon any 4112
official bond that the officer, employee, or other person has 4113
given to the school district to the extent of any payments on the 4114
void claim, not to exceed ten thousand dollars. However, no 4115
officer, employee, or other person shall be liable for a mistaken 4116
estimate of available resources made in good faith and based upon 4117
reasonable grounds. If an officer, employee, or other person is 4118
found to have complied with rules jointly adopted by the 4119
department of education and the auditor of state under this 4120
section governing methods by which revenue shall be estimated and 4121
determined sufficient to provide necessary operating revenue for 4122
the purpose of making certifications required by this section, the 4123
officer, employee, or other person shall not be liable under this 4124
section if the estimates and determinations made according to 4125
those rules do not, in fact, conform with actual revenue. The 4126
prosecuting attorney of the county, the city director of law, or 4127
other chief law officer of the district shall enforce this 4128
liability by civil action brought in any court of appropriate 4129
jurisdiction in the name of and on behalf of the school district. 4130
If the prosecuting attorney, city director of law, or other chief 4131
law officer of the district fails, upon the written request of any 4132
taxpayer, to institute action for the enforcement of the 4133
liability, the attorney general, or the taxpayer in the taxpayer's 4134
own name, may institute the action on behalf of the subdivision. 4135

(H) This section does not require the attachment of an 4136
additional certificate beyond that required by section 5705.41 of 4137
the Revised Code for current payrolls of, or contracts of 4138
employment with, ~~regular~~ any employees or officers of the school 4139
district. 4140

This section does not require the attachment of a certificate 4141

to a temporary appropriation measure if all of the following 4142
apply: 4143

(1) The amount appropriated does not exceed twenty-five per 4144
cent of the total amount from all sources available for 4145
expenditure from any fund during the preceding fiscal year; 4146

(2) The measure will not be in effect on or after the 4147
thirtieth day following the earliest date on which the district 4148
may pass an annual appropriation measure; 4149

(3) An amended official certificate of estimated resources 4150
for the current year, if required, has not been certified to the 4151
board of education under division (B) of section 5705.36 of the 4152
Revised Code. 4153

Section 2. That existing sections 3301.079, 3301.0710, 4154
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.801, 3301.91, 4155
3302.01, 3302.02, 3302.03, 3302.031, 3302.04, 3302.05, 3313.532, 4156
3313.6010, 3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 4157
3313.65, 3313.97, 3314.012, 3314.02, 3314.03, 3314.20, 3317.023, 4158
3317.04, 3317.08, 3334.01, 3334.12, 3334.17, 3334.19, and 5705.412 4159
and sections 3301.0713 and 3365.15 of the Revised Code are hereby 4160
repealed. 4161

Section 3. (A) In each school year prior to July 1, 2005, the 4162
performance index score, as defined in section 3302.01 of the 4163
Revised Code, as amended by this act, calculated for school 4164
districts and school buildings shall include data from any 4165
proficiency tests required to be administered under section 4166
3301.0712 in the applicable year, except that weights shall only 4167
be assigned for the four ranges of scores established by division 4168
(B) of this section. 4169

(B) For each proficiency test required to be administered 4170
pursuant to section 3301.0712 of the Revised Code, as amended by 4171

this act, the four ranges of scores used to denote different 4172
levels of achievement on each test shall be the same as the levels 4173
of achievement described in division (A)(2) of section 3301.0710 4174
of the Revised Code, as it existed prior to the effective date of 4175
this act. 4176

Section 4. That section 3313.608 of the Revised Code be 4177
amended to read as follows: 4178

Sec. 3313.608. (A) Beginning with students who enter third 4179
grade in the school year that starts July 1, 2003, for any student 4180
who attains a score in the range designated under division 4181
(A)(2)~~(d)~~(e) of section 3301.0710 of the Revised Code on the test 4182
prescribed under that section to measure skill in reading expected 4183
at the end of third grade, each school district, in accordance 4184
with the policy adopted under section 3313.609 of the Revised 4185
Code, shall do one of the following: 4186

(1) Promote the student to fourth grade if the student's 4187
principal and reading teacher agree that other evaluations of the 4188
student's skill in reading demonstrate that the student is 4189
academically prepared to be promoted to fourth grade; 4190

(2) Promote the student to fourth grade but provide the 4191
student with intensive intervention services in fourth grade; 4192

(3) Retain the student in third grade. 4193

~~This section does not apply to any student excused from 4194
taking such test under division (C)(1) of section 3301.0711 of the 4195
Revised Code. 4196~~

(B)(1) To assist students in meeting this third grade 4197
guarantee established by this section, each school district shall 4198
adopt policies and procedures with which it shall annually assess 4199
the reading skills of each student at the end of first and second 4200

grade and identify students who are reading below their grade 4201
level. If the diagnostic assessment to measure reading ability for 4202
the appropriate grade level has been developed in accordance with 4203
division (D)(1) of section 3301.079 of the Revised Code, each 4204
school district shall use such diagnostic assessment to identify 4205
such students, except that any district ~~declared excellent under~~ 4206
to which division ~~(B)(1)~~ (E) of section ~~3302.03~~ 3301.0715 of the 4207
Revised Code applies may use another assessment to identify such 4208
students. The policies and procedures shall require the students' 4209
classroom teachers to be involved in the assessment and the 4210
identification of students reading below grade level. The district 4211
shall notify the parent or guardian of each student whose reading 4212
skills are below grade level and, in accordance with division (C) 4213
of this section, provide intervention services to each student 4214
reading below grade level. Such intervention services shall 4215
include instruction in intensive, systematic phonetics pursuant to 4216
rules adopted by the state board of education. 4217

(2) For each student entering third grade after July 1, 2003, 4218
who does not attain by the end of the third grade at least a score 4219
in the range designated under division (A)(2)~~(b)~~(c) of section 4220
3301.0710 of the Revised Code on the test prescribed under that 4221
section to measure skill in reading expected at the end of third 4222
grade, the district also shall offer intense remediation services, 4223
and another opportunity to take that test, during the summer 4224
following third grade. 4225

(C) For each student required to be offered intervention 4226
services under this section, the district shall involve the 4227
student's parent or guardian and classroom teacher in developing 4228
the intervention strategy, and shall offer to the parent or 4229
guardian the opportunity to be involved in the intervention 4230
services. 4231

(D) Any summer remediation services funded in whole or in 4232

part by the state and offered by school districts to students 4233
under this section shall meet the following conditions: 4234

(1) The remediation methods are based on reliable educational 4235
research. 4236

(2) The school districts conduct testing before and after 4237
students participate in the program to facilitate monitoring 4238
results of the remediation services. 4239

(3) The parents of participating students are involved in 4240
programming decisions. 4241

(4) The services are conducted in a school building or 4242
community center and not on an at-home basis. 4243

~~(E) In addition to the dates designated under division (C)(1)~~ 4244
~~of section 3301.0710 of the Revised Code for the administration of~~ 4245
~~the test prescribed under that section to measure skill in reading~~ 4246
~~expected at the end of third grade, the state board of education~~ 4247
~~shall annually designate dates on which such test shall be~~ 4248
~~administered to students in the fourth and fifth grades who have~~ 4249
~~not attained at least a score in the range designated under~~ 4250
~~division (A)(2)(b) of section 3301.0710 of the Revised Code as~~ 4251
~~follows:~~ 4252

~~(1) One date prior to the thirty first day of December each~~ 4253
~~school year for fourth grade students;~~ 4254

~~(2) One date that is not earlier than Monday of the week~~ 4255
~~containing the eighth day of March each school year for fourth and~~ 4256
~~fifth grade students;~~ 4257

~~(3) One date during the summer for fourth grade students.~~ 4258

~~(F) If any fourth grade student attains a score in the range~~ 4259
~~designated under division (A)(2)(d) of section 3301.0710 of the~~ 4260
~~Revised Code, on the test administered under division (E)(3) of~~ 4261
~~this section, the school district, in accordance with the district~~ 4262

~~policy adopted under section 3313.609 of the Revised Code, shall~~ 4263
~~do one of the following:~~ 4264

~~(1) Promote the student to fifth grade if the student's~~ 4265
~~principal and reading teacher agree that other evaluations of the~~ 4266
~~student's skill in reading demonstrate that the student is~~ 4267
~~academically prepared to be promoted to fifth grade;~~ 4268

~~(2) Promote the student to fifth grade but provide the~~ 4269
~~student with intensive intervention services in fifth grade;~~ 4270

~~(3) Retain the student in fourth grade.~~ 4271

~~(G) This section does not create a new cause of action or a~~ 4272
~~substantive legal right for any person.~~ 4273

Section 5. That existing section 3313.608 of the Revised Code 4274
is hereby repealed. 4275

Section 6. That the version of section 3313.65 of the Revised 4276
Code that is scheduled to take effect on January 1, 2004, be 4277
amended to read as follows: 4278

Sec. 3313.65. (A) As used in this section and section 3313.64 4279
of the Revised Code: 4280

(1) A person is "in a residential facility" if the person is 4281
a resident or a resident patient of an institution, home, or other 4282
residential facility that is: 4283

(a) Licensed as a nursing home, residential care facility, or 4284
home for the aging by the director of health under section 3721.02 4285
of the Revised Code or licensed as a community alternative home by 4286
the director of health under section 3724.03 of the Revised Code; 4287

(b) Licensed as an adult care facility by the director of 4288
health under Chapter 3722. of the Revised Code; 4289

(c) Maintained as a county home or district home by the board	4290
of county commissioners or a joint board of county commissioners	4291
under Chapter 5155. of the Revised Code;	4292
(d) Operated or administered by a board of alcohol, drug	4293
addiction, and mental health services under section 340.03 or	4294
340.06 of the Revised Code, or provides residential care pursuant	4295
to contracts made under section 340.03 or 340.033 of the Revised	4296
Code;	4297
(e) Maintained as a state institution for the mentally ill	4298
under Chapter 5119. of the Revised Code;	4299
(f) Licensed by the department of mental health under section	4300
5119.20 or 5119.22 of the Revised Code;	4301
(g) Licensed as a residential facility by the department of	4302
mental retardation and developmental disabilities under section	4303
5123.19 of the Revised Code;	4304
(h) Operated by the veteran's administration or another	4305
agency of the United States government;	4306
(i) The Ohio soldiers' and sailors' home.	4307
(2) A person is "in a correctional facility" if any of the	4308
following apply:	4309
(a) The person is an Ohio resident and is:	4310
(i) Imprisoned, as defined in section 1.05 of the Revised	4311
Code;	4312
(ii) Serving a term in a community-based correctional	4313
facility or a district community-based correctional facility;	4314
(iii) Required, as a condition of parole, a post-release	4315
control sanction, a community control sanction, transitional	4316
control, or early release from imprisonment, as a condition of	4317
shock parole or shock probation granted under the law in effect	4318

prior to July 1, 1996, or as a condition of a furlough granted 4319
under the version of section 2967.26 of the Revised Code in effect 4320
prior to March 17, 1998, to reside in a halfway house or other 4321
community residential center licensed under section 2967.14 of the 4322
Revised Code or a similar facility designated by the court of 4323
common pleas that established the condition or by the adult parole 4324
authority. 4325

(b) The person is imprisoned in a state correctional 4326
institution of another state or a federal correctional institution 4327
but was an Ohio resident at the time the sentence was imposed for 4328
the crime for which the person is imprisoned. 4329

(3) A person is "in a juvenile residential placement" if the 4330
person is an Ohio resident who is under twenty-one years of age 4331
and has been removed, by the order of a juvenile court, from the 4332
place the person resided at the time the person became subject to 4333
the court's jurisdiction in the matter that resulted in the 4334
person's removal. 4335

(4) "Community control sanction" has the same meaning as in 4336
section 2929.01 of the Revised Code. 4337

(5) "Post-release control sanction" has the same meaning as 4338
in section 2967.01 of the Revised Code. 4339

(B) If the circumstances described in division (C) of this 4340
section apply, the determination of what school district must 4341
admit a child to its schools and what district, if any, is liable 4342
for tuition shall be made in accordance with this section, rather 4343
than section 3313.64 of the Revised Code. 4344

(C) A child who does not reside in the school district in 4345
which the child's parent resides and for whom a tuition obligation 4346
previously has not been established under division (C)(2) of 4347
section 3313.64 of the Revised Code shall be admitted to the 4348
schools of the district in which the child resides if at least one 4349

of the child's parents is in a residential or correctional 4350
facility or a juvenile residential placement and the other parent, 4351
if living and not in such a facility or placement, is not known to 4352
reside in this state. 4353

(D) Regardless of who has custody or care of the child, 4354
whether the child resides in a home, or whether the child receives 4355
special education, if a district admits a child under division (C) 4356
of this section, tuition shall be paid to that district as 4357
follows: 4358

(1) If the child's parent is in a juvenile residential 4359
placement, by the district in which the child's parent resided at 4360
the time the parent became subject to the jurisdiction of the 4361
juvenile court; 4362

(2) If the child's parent is in a correctional facility, by 4363
the district in which the child's parent resided at the time the 4364
sentence was imposed; 4365

(3) If the child's parent is in a residential facility, by 4366
the district in which the parent resided at the time the parent 4367
was admitted to the residential facility, except that if the 4368
parent was transferred from another residential facility, tuition 4369
shall be paid by the district in which the parent resided at the 4370
time the parent was admitted to the facility from which the parent 4371
first was transferred; 4372

(4) In the event of a disagreement as to which school 4373
district is liable for tuition under division (C)(1), (2), or (3) 4374
of this section, the superintendent of public instruction shall 4375
determine which district shall pay tuition. 4376

(E) If a child covered by division (D) of this section 4377
receives special education in accordance with Chapter 3323. of the 4378
Revised Code, the tuition shall be paid in accordance with section 4379
3323.13 or 3323.14 of the Revised Code. Tuition for children who 4380

do not receive special education shall be paid in accordance with 4381
division ~~(I)~~(J) of section 3313.64 of the Revised Code. 4382

Section 7. That the existing version of section 3313.65 of 4383
the Revised Code that is scheduled to take effect on January 1, 4384
2004, is hereby repealed. 4385

Section 8. Sections 6 and 7 of this act take effect on 4386
January 1, 2004. 4387

Section 9. Within thirty days after the effective date of 4388
this act, the Governor, the President of the Senate, and the 4389
Speaker of the House of Representatives shall appoint members to 4390
the Ohio Accountability Task Force pursuant to section 3302.021 of 4391
the Revised Code, as enacted by this act. Within sixty days after 4392
the effective date of this act, the Ohio Accountability Task Force 4393
shall convene for its initial meeting. 4394

Section 10. Not later than ninety days after the effective 4395
date of this section, the Superintendent of Public Instruction 4396
shall submit to the General Assembly a detailed financial analysis 4397
of the projected costs for the state and for each school district 4398
of compliance with the "No Child Left Behind Act of 2001," Pub. L. 4399
107-110, 20 U.S.C. 6301 et seq.; the amount of new federal funds 4400
the state can reasonably expect to receive per year under that 4401
act; and the financial consequences to the state and each school 4402
district for noncompliance with that act. The financial analysis 4403
shall examine the costs involved in building the capacity of 4404
school districts and buildings to assist students in achieving at 4405
levels that satisfy federal and state requirements. These costs 4406
shall include, but not be limited to, the following: 4407

(A) The costs for all school districts and buildings to make 4408
adequate yearly progress each year through the 2013-2014 school 4409

year and to have all students performing at the proficient level 4410
on achievement tests by June 30, 2014; 4411

(B) The costs of providing intervention services to students 4412
who are not achieving at expected levels; 4413

(C) The costs of professional development for teachers and 4414
administrators on the statewide academic standards adopted 4415
pursuant to section 3301.079 of the Revised Code and on the 4416
interpretation of student performance data; 4417

(D) The costs of extending the school day or year under 4418
division (E)(3) of section 3302.04 of the Revised Code; 4419

(E) The costs of complying with the requirement that teachers 4420
of core subject areas be "highly qualified" as defined in federal 4421
law. 4422

Section 11. The Legislative Office of Education Oversight 4423
shall conduct a study that evaluates the correlation between 4424
students' race and class and academic achievement, particularly 4425
comparing the academic achievement of low-income, African-American 4426
and Hispanic students with that of middle-class, white students. 4427
In conducting the study, the Office shall use at least five years 4428
of data collected and maintained by the Ohio Department of 4429
Education. The study shall focus on the academic achievement of 4430
students in the fourth, sixth, and ninth grades. The Office shall 4431
submit the final results of the study to the General Assembly not 4432
later than September 30, 2004. 4433

Section 12. The Legislative Office of Education Oversight 4434
shall conduct a study of the intervention services required to be 4435
provided by school districts under sections 3301.0711, 3313.608, 4436
and 3313.6012 of the Revised Code. If any diagnostic assessment is 4437
administered by school districts in accordance with section 4438
3301.0715 of the Revised Code in the school year beginning July 1, 4439

2003, the Office also shall include the intervention services 4440
required by that section in the study. In conducting the study, 4441
the Office shall examine each of the following issues: 4442

(A) The types of intervention services that districts are 4443
currently providing to students; 4444

(B) The manner in which the Department of Education informs 4445
districts of their obligation to provide intervention services and 4446
assists the districts in developing appropriate intervention 4447
strategies; 4448

(C) The manner in which the Department tracks compliance by 4449
school districts with requirements to provide intervention 4450
services; 4451

(D) The cost to districts of providing intervention services; 4452

(E) Whether there are any intervention services that 4453
districts are not providing due to insufficient funding. 4454

The Office shall issue a written report of its findings to 4455
the General Assembly not later than December 31, 2004. 4456

Section 13. The Legislative Office of Education Oversight 4457
shall conduct a study of the performance of students in the Class 4458
of 2007 on the Ohio Graduation Tests prescribed by division (B) of 4459
section 3301.0710 of the Revised Code to determine how well 4460
students meet the statewide academic standards developed pursuant 4461
to section 3301.079 of the Revised Code. The study shall include 4462
all students who enter the ninth grade in the school year 4463
beginning July 1, 2003; the Office shall not exclude from any 4464
analysis students who leave school prior to graduation. In 4465
conducting the study, the Office shall determine the number of 4466
such students who attain a score at the proficient level on all 4467
five of the Ohio Graduation Tests by June 30, 2007. To the extent 4468
possible, the Office also shall determine the number of such 4469

students who satisfy the alternative conditions described in 4470
section 3313.615 of the Revised Code for meeting the testing 4471
requirement to be eligible for a diploma. The Office shall issue 4472
annual written reports to the General Assembly, and shall issue a 4473
final, comprehensive written report of its findings to the General 4474
Assembly not later than December 31, 2007. 4475

Section 14. The Legislative Office of Education Oversight 4476
shall conduct a study that reviews the progress of school 4477
districts and the Department of Education in hiring highly 4478
qualified teachers in the core subject areas of English, reading, 4479
language arts, mathematics, science, foreign language, civics and 4480
government, economics, arts, history, and geography, as required 4481
by Title I of the "No Child Left Behind Act," Pub. L. No. 107-110. 4482
The study shall evaluate, over a five-year period, all of the 4483
following: 4484

(A) The progress of individual school districts in complying 4485
with the highly qualified teacher requirement; 4486

(B) Whether the definition of "highly qualified teacher" 4487
adopted by the State Board of Education complies with the "No 4488
Child Left Behind Act"; 4489

(C) The efforts of the Department of Education in assisting 4490
school districts to comply with the "No Child Left Behind Act's" 4491
requirement, and in monitoring the progress of school districts in 4492
ensuring highly qualified teachers are employed in core subject 4493
areas. 4494

The Office shall submit three interim reports of its findings 4495
to the General Assembly. The first interim report shall evaluate 4496
compliance with the highly qualified teacher requirement in the 4497
2002-2003 and 2003-2004 school years, the second interim report 4498
shall evaluate compliance with the requirement in the 2004-2005 4499

school year, and the third interim report shall evaluate 4500
compliance with the requirement in the 2005-2006 school year. A 4501
final report shall be submitted to the General Assembly that 4502
evaluates compliance in the 2006-2007 school year and the prior 4503
four school years. 4504

Section 15. Until the Department of Education incorporates a 4505
value-added progress dimension into the performance ratings in 4506
accordance with section 3302.021 of the Revised Code, as enacted 4507
by this act, the Department shall include a growth factor based 4508
upon the performance index score, as defined in section 3302.01 of 4509
the Revised Code, as amended by this act, in the determination of 4510
performance ratings for school districts and buildings. 4511

Section 16. The amendment of rule 3301-35-10 of the 4512
Administrative Code, as proposed by the State Board of Education 4513
on January 14, 2003, is not subject to the requirement of former 4514
section 3314.20 of the Revised Code that the rule be approved by 4515
the General Assembly through the passage of a joint resolution 4516
before the rule may take effect. Notwithstanding any provision of 4517
Chapter 119. of the Revised Code to the contrary, the State Board 4518
may file the amendment in final form under section 119.04 of the 4519
Revised Code on or after the effective date of this act. The 4520
amendment takes effect on the tenth day after being filed in final 4521
form under section 119.04 of the Revised Code, unless the State 4522
Board designates a later date. 4523

Section 17. The amendment of rule 3301-101-01 of the 4524
Administrative Code, as proposed by the State Board of Education 4525
on January 14, 2003, is not subject to the requirement of former 4526
section 3302.05 of the Revised Code that the rule be approved by 4527
the General Assembly through the passage of a joint resolution 4528
before the rule may take effect. Notwithstanding any provision of 4529

Chapter 119. of the Revised Code to the contrary, the State Board 4530
may file the amendment in final form under section 119.04 of the 4531
Revised Code on or after the effective date of this act. The 4532
amendment takes effect on the tenth day after being filed in final 4533
form under section 119.04 of the Revised Code, unless the State 4534
Board designates a later date. 4535

Section 18. The amendment of section 3301.91 of the Revised 4536
Code by this act is not intended to supersede its earlier repeal, 4537
effective July 1, 2004, by Am. Sub. H.B. 1 of the 123rd General 4538
Assembly. 4539

Section 19. Of the amounts appropriated for fiscal year 2004 4540
and fiscal year 2005 in appropriation item 200-455, Community 4541
Schools, Section 41 of Am. Sub. H.B. 95 of the 125th General 4542
Assembly, up to \$250,000 in each fiscal year shall be used by the 4543
Department of Education to contract with the Ohio Foundation for 4544
School Choice to develop and conduct training sessions for 4545
sponsors of community schools as prescribed in division (A)(1) of 4546
section 3314.015 of the Revised Code. The contract shall require 4547
that in developing such training sessions, the Ohio Foundation for 4548
School Choice shall collect and disseminate examples of best 4549
practices used by sponsors of independent charter schools in Ohio 4550
and other states. 4551

This section supersedes the second paragraph under the 4552
heading "COMMUNITY SCHOOLS" in Section 41.06 of Am. Sub. H.B. 95 4553
of the 125th General Assembly. The Department shall not implement 4554
the provisions of that paragraph. 4555

Section 20. Not later than one year after the effective date 4556
of this section, the Department of Education shall make 4557
recommendations to the State Board of Education for assigning 4558

performance ratings pursuant to section 3302.03 of the Revised Code to school districts and buildings that make adequate yearly progress but show statistically significant differences in performance among white, middle-class students and any of the subgroups defined in section 3302.01 of the Revised Code. The recommendations shall provide for lowering the performance ratings assigned to such districts and buildings. The recommendations shall also specify the degree of difference between the performance of white, middle-class students and subgroups that should be deemed unacceptable and the appropriate length of time that districts and buildings should be granted to close the performance differences before having their performance ratings lowered. Copies of the recommendations shall be provided to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking minority members of the education committees.

Section 21. For purposes of calculating the instructional and general fees charged in the prior academic year in implementing any instructional and general fee increase limitations imposed by Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, the instructional and general fees during an academic year for any state-assisted institution of higher education on the quarter system that does not increase its instructional and general fees during the summer term shall be defined as the sum of the instructional and general fees charged to a full-time student in the fall, winter, and spring quarters.

For purposes of calculating the instructional and general fees charged in the prior academic year in implementing any instructional and general fee increase limitations imposed by Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly,

the instructional and general fees during an academic year for any 4590
state-assisted institution of higher education on the quarter 4591
system that does increase its instructional and general fees 4592
during the summer term shall be defined as three-fourths of the 4593
sum of the instructional and general fees charged to a full-time 4594
student in the fall, winter, spring, and summer quarters. 4595

For purposes of calculating the instructional and general 4596
fees charged in the prior academic year in implementing any 4597
instructional and general fee increase limitations imposed by 4598
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 4599
the instructional and general fees during an academic year for any 4600
state-assisted institution of higher education on the semester 4601
system that does not increase its instructional and general fees 4602
during the summer term shall be defined as the sum of the 4603
instructional and general fees charged to a full-time student in 4604
the fall and spring semesters. 4605

For purposes of calculating the instructional and general 4606
fees charged in the prior academic year in implementing any 4607
instructional and general fee increase limitations imposed by 4608
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 4609
the instructional and general fees during an academic year for any 4610
state-assisted institution of higher education on the semester 4611
system that does increase its instructional and general fees 4612
during the summer term shall be defined as two-thirds of the sum 4613
of the instructional and general fees charged to a full-time 4614
student in the fall, spring, and summer semesters. 4615

This section shall not apply to Miami University in 4616
implementing the pilot tuition restructuring plan recognized by 4617
Am. Sub. H.B. 95 of the 125th General Assembly. 4618

Section 22. When calculating the reappraisal guarantee under 4619
division (C) or (D) of section 3317.04 of the Revised Code in 4620

fiscal year 2005, the Department of Education shall include in a 4621
school district's fiscal year 2004 payments any transitional aid 4622
paid to the district under Section 41.37 of Am. Sub. H.B. 95 of 4623
the 125th General Assembly. 4624

Section 23. Section 3314.03 of the Revised Code is presented 4625
in this act as a composite of the section as amended by both Sub. 4626
H.B. 248 and Sub. H.B. 364 of the 124th General Assembly. The 4627
General Assembly, applying the principle stated in division (B) of 4628
section 1.52 of the Revised Code that amendments are to be 4629
harmonized if reasonably capable of simultaneous operation, finds 4630
that the composite is the resulting version of the section in 4631
effect prior to the effective date of the section as presented in 4632
this act. 4633

Section 24. This act is hereby declared to be an emergency 4634
measure necessary for the immediate preservation of the public 4635
peace, health, and safety. The reason for such necessity is that 4636
Ohio needs to comply with the federal requirements contained in 4637
the "No Child Left Behind Act of 2001" and public schools need to 4638
know the accountability standards to which they will be held in 4639
future school years. Therefore, this act shall go into immediate 4640
effect. 4641