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Am. Sub. H. B. No. 3

**Representatives Schlichter, 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**

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, 3313.6010, 3313.6012, 4
3313.61, 3313.611, 3313.612, 3313.64, 3313.65, 5
3313.97, 3314.012, 3314.02, 3314.03, 3314.20, 6
3317.01, 3317.023, 3317.03, 3317.04, 3317.08, 7
3334.01, 3334.12, 3334.17, 3334.19, and 5705.412; 8
to enact sections 3302.021 and 3314.033, and to 9
repeal sections 3301.0713 and 3365.15 of the 10
Revised Code to comply with the "No Child Left 11
Behind Act of 2001" by revising the system of 12
statewide achievement testing to include annual 13
achievement tests in reading and math in grades 14
three through eight; requiring the State Board of 15
Education to designate five ranges of scores on 16
the Ohio Graduation Tests; requiring an annual 17
determination of a district's progress toward 18
meeting a "proficient" level of achievement (AYP); 19
requiring school districts to provide intervention 20

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

payrolls and employment contracts for all district 54
employees and officers; to eliminate the 55
requirement that certain rules proposed by the 56
State Board of Education be approved by the 57
General Assembly before taking effect; to require 58
school districts to certify ADM biannually 59
beginning in FY 2005; to permit a student who 60
relocates or whose parent relocates outside of the 61
school district in which the student is entitled 62
to attend school after the end of the first full 63
week in October and who is enrolled in a school of 64
that district prior to that time to continue to 65
attend school in that district free of tuition for 66
the balance of the school year; to require school 67
district aid payments to reflect biannual ADM; to 68
define tuition calculations for purposes of 69
tuition caps for certain state colleges and 70
universities; to supersede provisions of Section 71
41.06 of Am. Sub. H.B. 95 of the 125th General 72
Assembly prescribing terms for earmarked funds for 73
training of community school sponsors; to clarify 74
that the reappraisal guarantee calculation does 75
not include the charge-off supplement; to clarify 76
that reappraisal guarantee calculations for fiscal 77
year 2005 include fiscal year 2004 transitional 78
aid payments; to amend the version of section 79
3313.608 of the Revised Code that is scheduled to 80
take effect July 1, 2003, to continue amendments 81
to that section by this act on and after that 82
effective date; to amend the version of section 83
3313.65 of the Revised Code that is scheduled to 84
take effect January 1, 2004, to continue the 85
provision of this act on and after that effective 86

date, and to declare an emergency.

87

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 88
3301.0712, 3301.0714, 3301.0715, 3301.801, 3301.91, 3302.01, 89
3302.02, 3302.03, 3302.031, 3302.04, 3302.05, 3313.532, 3313.6010, 90
3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 3313.65, 3313.97, 91
3314.012, 3314.02, 3314.03, 3314.20, 3317.01, 3317.023, 3317.03, 92
3317.04, 3317.08, 3334.01, 3334.12, 3334.17, 3334.19, and 5705.412 93
be amended and sections 3302.021 and 3314.033 of the Revised Code 94
be enacted to read as follows: 95

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 96
state board of education shall adopt statewide academic standards 97
for each of grades kindergarten through twelve in reading, 98
writing, and mathematics. Not later than December 31, 2002, the 99
state board shall adopt statewide academic standards for each of 100
grades kindergarten through twelve in science and social studies. 101
The standards shall specify the academic content and skills that 102
students are expected to know and be able to do at each grade 103
level. 104

(2) When academic standards have been completed for any 105
subject area required by this division, the state board shall 106
inform all school districts of the content of those standards. 107

(B) Not later than eighteen months after the completion of 108
academic standards for any subject area required by division (A) 109
of this section, the state board shall adopt a model curriculum 110
for instruction in that subject area for each of grades 111
kindergarten through twelve that is sufficient to meet the needs 112
of students in every community. The model curriculum shall be 113
aligned with the standards to ensure that the academic content and 114

skills specified for each grade level are taught to students. When 115
any model curriculum has been completed, the state board shall 116
inform all school districts of the content of that model 117
curriculum. 118

All school districts may utilize the state standards and the 119
model curriculum established by the state board, together with 120
other relevant resources, examples, or models to ensure that 121
students have the opportunity to attain the academic standards. 122
Upon request, the department of education shall provide technical 123
assistance to any district in implementing the model curriculum. 124

Nothing in this section requires any school district to 125
utilize all or any part of a model curriculum developed under this 126
division. 127

(C) The state board shall develop achievement tests aligned 128
with the academic standards and model curriculum for each of the 129
subject areas and grade levels required by section 3301.0710 of 130
the Revised Code. 131

When any achievement test has been completed, the state board 132
shall inform all school districts of its completion, and the 133
department of education shall make the achievement test available 134
to the districts. School districts shall administer the 135
achievement test beginning in the school year indicated in section 136
3301.0712 of the Revised Code. 137

(D)(1) Not later than July 1, 2007, and except as provided in 138
division (D)(3) of this section, the state board shall adopt a 139
diagnostic assessment aligned with the academic standards and 140
model curriculum for each of grades kindergarten through two in 141
reading, writing, and mathematics and for each of grades three 142
through eight in reading, writing, mathematics, science, and 143
social studies. The diagnostic assessment shall be designed to 144
measure student comprehension of academic content and mastery of 145

related skills for the relevant subject area and grade level. Any 146
diagnostic assessment shall not include components to identify 147
gifted students. Blank copies of diagnostic tests shall be public 148
records. 149

(2) When each diagnostic assessment has been completed, the 150
state board shall inform all school districts of its completion 151
and the department of education shall make the diagnostic 152
assessment available to the districts at no cost to the district. 153
School districts shall administer the diagnostic assessment 154
pursuant to section 3301.0715 of the Revised Code beginning the 155
first school year following the development of the assessment. 156

(3) The state board shall not adopt a diagnostic assessment 157
for any subject area and grade level for which the state board 158
develops an achievement test under division (C) of this section. 159

(E) Whenever the state board or the department of education 160
consults with persons for the purpose of drafting or reviewing any 161
standards, diagnostic assessments, achievement tests, or model 162
curriculum required under this section, the state board or the 163
department shall first consult with parents of students in 164
kindergarten through twelfth grade and with active Ohio classroom 165
teachers, other school personnel, and administrators with 166
expertise in the appropriate subject area. Whenever practicable, 167
the state board and department shall consult with teachers 168
recognized as outstanding in their fields. 169

If the department contracts with more than one outside entity 170
for the development of the achievement tests required by this 171
section, the department shall ensure the interchangeability of 172
those tests. 173

~~(F) Not later than forty five days prior to any deadline 174~~
~~established under division (A) or (B) of this section for the 175~~
~~adoption of academic standards or model curricula, the 176~~

~~superintendent of public instruction shall present the relevant
academic standards or curricula to a joint meeting of the house of
representatives and senate committees with jurisdiction over
education legislation.~~

(G) The fairness sensitivity review committee, established by
rule of the state board of education, shall not allow any question
on any achievement test or diagnostic assessment developed under
this section or any proficiency test prescribed by former section
3301.0710 of the Revised Code, as it existed prior to ~~the~~
~~effective date of this section~~ 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~~ 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 207
expected at the end of fourth grade; 208

(c) ~~Two~~ Four statewide achievement tests, one each designed 209
to measure the level of reading, mathematics, science, and social 210
studies skill expected at the end of fifth grade; 211

(d) Two statewide achievement tests, one each designed to 212
measure the level of reading and mathematics skill expected at the 213
end of sixth grade; 214

(e) Three statewide achievement tests, one each designed to 215
measure the level of reading, writing, and mathematics skill 216
expected at the end of seventh grade; 217

~~(e) Two~~ (f) Four statewide achievement tests, one each 218
designed to measure the level of reading, mathematics, science, 219
and social studies skill expected at the end of eighth grade. 220

(2) The state board shall determine and designate at least 221
~~four~~ five ranges of scores on each of the achievement tests 222
described in ~~division~~ divisions (A)(1) and (B) of this section. 223
Each range of scores shall be deemed to demonstrate a level of 224
achievement so that any student attaining a score within such 225
range has achieved one of the following: 226

(a) An advanced level of skill; 227

(b) An accelerated level of skill; 228

(c) A proficient level of skill; 229

~~(e)~~(d) A basic level of skill; 230

~~(d)~~(e) A ~~below basic~~ limited level of skill. 231

(B) The tests prescribed under this division shall 232
collectively be known as the Ohio graduation tests. The state 233
board shall prescribe five statewide high school achievement 234
tests, one each designed to measure the level of reading, writing, 235
mathematics, science, and social studies skill expected at the end 236

of tenth grade, ~~and shall determine and designate the score on~~ 237
~~each such test that shall be deemed to demonstrate that any~~ 238
~~student attaining such score has achieved at least a proficient~~ 239
~~level of skill appropriate for tenth grade. The state board shall~~ 240
~~designate a score in at least the range designated under division~~ 241
~~(A)(2)(b) of this section on each such test that shall be deemed~~ 242
~~to be a passing score on the test as a condition toward granting~~ 243
~~high school diplomas under sections 3313.61, 3313.611, 3313.612,~~ 244
~~and 3325.08 of the Revised Code.~~ 245

The state board may enter into a reciprocal agreement with 246
the appropriate body or agency of any other state that has similar 247
statewide achievement testing requirements for receiving high 248
school diplomas, under which any student who has met an 249
achievement testing requirement of one state is recognized as 250
having met the similar achievement testing requirement of the 251
other state for purposes of receiving a high school diploma. For 252
purposes of this section and sections 3301.0711 and 3313.61 of the 253
Revised Code, any student enrolled in any public high school in 254
this state who has met an achievement testing requirement 255
specified in a reciprocal agreement entered into under this 256
division shall be deemed to have attained at least the applicable 257
score designated under this division on each test required by this 258
division that is specified in the agreement. 259

(C) The state board shall annually designate as follows the 260
dates on which the tests prescribed under this section shall be 261
administered: 262

(1) For the reading test prescribed under division (A)(1)(a) 263
of this section, as follows: 264

(a) One date prior to the thirty-first day of December each 265
school year; 266

(b) At least one date of each school year that is not earlier 267

than Monday of the week containing the eighth day of March; 268

(c) One date during the summer for students receiving summer 269
remediation services under section 3313.608 of the Revised Code. 270

(2) For the mathematics test prescribed under division 271
(A)(1)(a) of this section and the tests prescribed under divisions 272
(A)(1)(b), (c), (d), ~~and~~ (e), and (f) of this section, at least 273
one date of each school year that is not earlier than Monday of 274
the week containing the eighth day of March; 275

(3) For the tests prescribed under division (B) of this 276
section, at least one date in each school year that is not earlier 277
than Monday of the week containing the fifteenth day of March for 278
all tenth grade students and at least one date prior to the 279
thirty-first day of December and at least one date subsequent to 280
that date but prior to the thirty-first day of March of each 281
school year for eleventh and twelfth grade students. 282

(D) In prescribing test dates pursuant to division (C)(3) of 283
this section, the state board shall, to the greatest extent 284
practicable, provide options to school districts in the case of 285
tests administered under that division to eleventh and twelfth 286
grade students and in the case of tests administered to students 287
pursuant to division (C)(2) of section 3301.0711 of the Revised 288
Code. Such options shall include at least an opportunity for 289
school districts to give such tests outside of regular school 290
hours. 291

(E) In prescribing test dates pursuant to this section, the 292
state board of education shall designate the dates in such a way 293
as to allow a reasonable length of time between the administration 294
of tests prescribed under this section and any administration of 295
the National Assessment of Education Progress Test given to 296
students in the same grade level pursuant to section 3301.27 of 297
the Revised Code or federal law. 298

(F) Any committee established by the department of education 299
for the purpose of making recommendations to the state board 300
regarding the state board's designation of scores on the tests 301
described by this section shall inform the state board of the 302
probable percentage of students who would score in each of the 303
ranges established under division (A)(2) of this section on the 304
tests if the committee's recommendations are adopted by the state 305
board. To the extent possible, these percentages shall be 306
disaggregated by gender, major racial and ethnic groups, limited 307
English proficient students, economically disadvantaged students, 308
students with disabilities, and migrant students. 309

If the state board intends to make any change to the 310
committee's recommendations, the state board shall explain the 311
intended change to the Ohio accountability task force established 312
by section 3302.021 of the Revised Code. The task force shall 313
recommend whether the state board should proceed to adopt the 314
intended change. Nothing in this division shall require the state 315
board to designate test scores based upon the recommendations of 316
the task force. 317

Sec. 3301.0711. (A) The department of education shall: 318

(1) Annually furnish to, grade, and score all tests required 319
by section 3301.0710 of the Revised Code to be administered by 320
city, local, exempted village, and joint vocational school 321
districts. In awarding contracts for grading tests, the department 322
shall give preference to Ohio-based entities employing Ohio 323
residents. 324

(2) Adopt rules for the ethical use of tests and prescribing 325
the manner in which the tests prescribed by section 3301.0710 of 326
the Revised Code shall be administered to students. 327

(B) Except as provided in divisions (C) and (J) of this 328

section, the board of education of each city, local, and exempted 329
village school district shall, in accordance with rules adopted 330
under division (A) of this section: 331

(1) Administer the reading test prescribed under division 332
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 333
to all students in the third grade who have not attained the score 334
designated for that test under division (A)(2)~~(b)~~(c) of section 335
3301.0710 of the Revised Code and once each summer to students 336
receiving summer remediation services under section 3313.608 of 337
the Revised Code. 338

(2) Administer the mathematics test prescribed under division 339
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 340
annually to all students in the third grade. 341

(3) Administer the tests prescribed under division (A)(1)(b) 342
of section 3301.0710 of the Revised Code at least once annually to 343
all students in the fourth grade. 344

~~(3)~~(4) Administer the tests prescribed under division 345
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 346
annually to all students in the fifth grade. 347

~~(4)~~(5) Administer the tests prescribed under division 348
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 349
annually to all students in the sixth grade. 350

(6) Administer the tests prescribed under division 351
(A)(1)~~(d)~~(e) of section 3301.0710 of the Revised Code at least 352
once annually to all students in the seventh grade. 353

~~(5)~~(7) Administer the tests prescribed under division 354
(A)(1)~~(e)~~(f) of section 3301.0710 of the Revised Code at least 355
once annually to all students in the eighth grade. 356

~~(6)~~(8) Except as provided in division (B)~~(7)~~(9) of this 357
~~sections~~ section, administer any test prescribed under division 358

(B) of section 3301.0710 of the Revised Code as follows: 359

(a) At least once annually to all tenth grade students and at 360
least twice annually to all students in eleventh or twelfth grade 361
who have not yet attained the score on that test designated under 362
that division; 363

(b) To any person who has successfully completed the 364
curriculum in any high school or the individualized education 365
program developed for the person by any high school pursuant to 366
section 3323.08 of the Revised Code but has not received a high 367
school diploma and who requests to take such test, at any time 368
such test is administered in the district. 369

~~(7)~~(9) In lieu of the board of education of any city, local, 370
or exempted village school district in which the student is also 371
enrolled, the board of a joint vocational school district shall 372
administer any test prescribed under division (B) of section 373
3301.0710 of the Revised Code at least twice annually to any 374
student enrolled in the joint vocational school district who has 375
not yet attained the score on that test designated under that 376
division. A board of a joint vocational school district may also 377
administer such a test to any student described in division 378
(B)~~(6)~~(8)(b) of this section. 379

(C)(1)(a) Any student receiving special education services 380
under Chapter 3323. of the Revised Code may be excused from taking 381
any particular test required to be administered under this section 382
if the individualized education program developed for the student 383
pursuant to section 3323.08 of the Revised Code excuses the 384
student from taking that test and instead specifies an alternate 385
assessment method approved by the department of education as 386
conforming to requirements of federal law for receipt of federal 387
funds for disadvantaged pupils. To the extent possible, the 388
individualized education program shall not excuse the student from 389
taking a test unless no reasonable accommodation can be made to 390

enable the student to take the test. 391

(b) Any alternate assessment approved by the department for a 392
student under this division shall produce measurable results 393
comparable to those produced by the tests which the alternate 394
assessments are replacing in order to allow for the student's 395
assessment results to be included in the data compiled for a 396
school district or building under section 3302.03 of the Revised 397
Code. 398

(c) Any student enrolled in a chartered nonpublic school who 399
has been identified, based on an evaluation conducted in 400
accordance with section 3323.03 of the Revised Code or section 504 401
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 402
794, as amended, as a child with a disability shall be excused 403
from taking any particular test required to be administered under 404
this section if a plan developed for the student pursuant to rules 405
adopted by the state board excuses the student from taking that 406
test. In the case of any student so excused from taking a test, 407
the chartered nonpublic school shall not prohibit the student from 408
taking the test. 409

(2) A district board may, for medical reasons or other good 410
cause, excuse a student from taking a test administered under this 411
section on the date scheduled, but any such test shall be 412
administered to such excused student not later than nine days 413
following the scheduled date. The board shall annually report the 414
number of students who have not taken one or more of the tests 415
required by this section to the state board of education not later 416
than the thirtieth day of June. 417

(3) As used in this division, "~~English-limited~~ limited 418
English proficient student" ~~means a student whose primary language~~ 419
~~is not English, who has been enrolled in United States schools for~~ 420
~~less than three full school years, and who within the school year~~ 421
~~has been identified, in accordance with criteria provided by the~~ 422

~~department of education, as lacking adequate proficiency in~~ 423
~~English for a test under this section to produce valid results~~ 424
~~with respect to that student's academic progress has the same~~ 425
~~meaning as in 20 U.S.C. 7801.~~ 426

~~A No school district board ~~or governing authority of a~~ 427
~~nonpublic school may grant a temporary, one year exemption from~~ 428
~~any test administered under this section to an English limited~~ 429
~~student. Not more than three temporary one year exemptions may be~~ 430
~~granted to any student shall excuse any limited English proficient~~ 431
~~student from taking any particular test required to be~~ 432
~~administered under this section, but a board may permit any~~ 433
~~limited English proficient student to take the test with~~ 434
~~appropriate accommodations, as determined by the department.~~ 435
~~During any school year in which a For each limited English~~ 436
~~proficient student ~~is excused from taking one or more tests~~~~ 437
~~administered under this section, the each school district shall~~ 438
~~annually assess that student's progress in learning English, in~~ 439
accordance with procedures approved by the department. 440~~

~~No district board ~~or~~ The governing authority of a chartered~~ 441
nonpublic school ~~may excuse a limited English proficient student~~ 442
~~from taking any test administered under this section. However, no~~ 443
~~governing authority shall prohibit an English limited a limited~~ 444
~~English proficient student from taking a the test ~~under this~~~~ 445
section. 446

(D) In the school year next succeeding the school year in 447
which the tests prescribed by division (A)(1) ~~or (B)~~ of section 448
3301.0710 of the Revised Code or former division (A)(1), ~~(A)(2),~~ 449
or (B) of section 3301.0710 of the Revised Code as it existed 450
prior to ~~the effective date of this amendment~~ September 11, 2001, 451
are administered to any student, the board of education of any 452
school district in which the student is enrolled in that year 453
shall provide to the student intervention services commensurate 454

with the student's test performance, including any intensive 455
intervention required under section 3313.608 of the Revised Code, 456
in any skill in which the student failed to demonstrate at least a 457
score at the proficient level on ~~a proficiency the test or a score~~ 458
~~in the basic range on an achievement test. This division does not~~ 459
~~apply to any student receiving services pursuant to an~~ 460
~~individualized education program developed for the student~~ 461
~~pursuant to section 3323.08 of the Revised Code.~~ 462

(E) Except as provided in section 3313.608 of the Revised 463
Code and division (M) of this section, no school district board of 464
education shall utilize any student's failure to attain a 465
specified score on any test administered under this section as a 466
factor in any decision to deny the student promotion to a higher 467
grade level. However, a district board may choose not to promote 468
to the next grade level any student who does not take any test 469
administered under this section or make up such test as provided 470
by division (C)(2) of this section ~~and who is not exempted from~~ 471
~~the requirement to take the test under division (C)(1) or (3) of~~ 472
~~this section.~~ 473

(F) No person shall be charged a fee for taking any test 474
administered under this section. 475

(G) Not later than sixty days after any administration of any 476
test prescribed by section 3301.0710 of the Revised Code, the 477
department shall send to each school district board a list of the 478
individual test scores of all persons taking the test. For any 479
tests administered under this section by a joint vocational school 480
district, the department shall also send to each city, local, or 481
exempted village school district a list of the individual test 482
scores of any students of such city, local, or exempted village 483
school district who are attending school in the joint vocational 484
school district. 485

(H) Individual test scores on any tests administered under 486

this section shall be released by a district board only in 487
accordance with section 3319.321 of the Revised Code and the rules 488
adopted under division (A) of this section. No district board or 489
its employees shall utilize individual or aggregate test results 490
in any manner that conflicts with rules for the ethical use of 491
tests adopted pursuant to division (A) of this section. 492

(I) Except as provided in division (G) of this section, the 493
department shall not release any individual test scores on any 494
test administered under this section and shall adopt rules to 495
ensure the protection of student confidentiality at all times. 496

(J) Notwithstanding division (D) of section 3311.52 of the 497
Revised Code, this section does not apply to the board of 498
education of any cooperative education school district except as 499
provided under rules adopted pursuant to this division. 500

(1) In accordance with rules that the state board of 501
education shall adopt, the board of education of any city, 502
exempted village, or local school district with territory in a 503
cooperative education school district established pursuant to 504
divisions (A) to (C) of section 3311.52 of the Revised Code may 505
enter into an agreement with the board of education of the 506
cooperative education school district for administering any test 507
prescribed under this section to students of the city, exempted 508
village, or local school district who are attending school in the 509
cooperative education school district. 510

(2) In accordance with rules that the state board of 511
education shall adopt, the board of education of any city, 512
exempted village, or local school district with territory in a 513
cooperative education school district established pursuant to 514
section 3311.521 of the Revised Code shall enter into an agreement 515
with the cooperative district that provides for the administration 516
of any test prescribed under this section to both of the 517
following: 518

(a) Students who are attending school in the cooperative 519
district and who, if the cooperative district were not 520
established, would be entitled to attend school in the city, 521
local, or exempted village school district pursuant to section 522
3313.64 or 3313.65 of the Revised Code; 523

(b) Persons described in division (B)~~(6)~~(8)(b) of this 524
section. 525

Any testing of students pursuant to such an agreement shall 526
be in lieu of any testing of such students or persons pursuant to 527
this section. 528

(K)(1) Any chartered nonpublic school may participate in the 529
testing program by administering any of the tests prescribed by 530
section 3301.0710 or 3301.0712 of the Revised Code if the chief 531
administrator of the school specifies which tests the school 532
wishes to administer. Such specification shall be made in writing 533
to the superintendent of public instruction prior to the first day 534
of August of any school year in which tests are administered and 535
shall include a pledge that the nonpublic school will administer 536
the specified tests in the same manner as public schools are 537
required to do under this section and rules adopted by the 538
department. 539

(2) The department of education shall furnish the tests 540
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 541
to any chartered nonpublic school electing to participate under 542
this division. 543

(L)(1) The superintendent of the state school for the blind 544
and the superintendent of the state school for the deaf shall 545
administer the tests described by section 3301.0710 of the Revised 546
Code. Each superintendent shall administer the tests in the same 547
manner as district boards are required to do under this section 548
and rules adopted by the department of education and in conformity 549

with division (C)(1)(a) of this section. 550

(2) The department of education shall furnish the tests 551
described by section 3301.0710 of the Revised Code to each 552
superintendent. 553

(M) Notwithstanding division (E) of this section, a school 554
district may use a student's failure to attain a score in at least 555
the basic range on the mathematics test described by division 556
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 557
the tests described by division (A)(1)(b), (c), (d), ~~or~~ (e), or 558
(f) of section 3301.0710 of the Revised Code as a factor in 559
retaining that student in the current grade level. 560

(N)(1) All tests required by section 3301.0710 of the Revised 561
Code shall become public records pursuant to section 149.43 of the 562
Revised Code on the first day of July following the school year 563
that the test was administered. 564

(2) The department may field test proposed test questions 565
with samples of students to determine the validity, reliability, 566
or appropriateness of test questions for possible inclusion in a 567
future year's test. The department also may use anchor questions 568
on tests to ensure that different versions of the same test are of 569
comparable difficulty. 570

Field test questions and anchor questions shall not be 571
considered in computing test scores for individual students. Field 572
test questions and anchor questions may be included as part of the 573
administration of any test required by section 3301.0710 of the 574
Revised Code. 575

(3) Any field test question or anchor question administered 576
under division (N)(2) of this section shall not be a public 577
record. Such field test questions and anchor questions shall be 578
redacted from any tests which are released as a public record 579
pursuant to division (N)(1) of this section. 580

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 581
3301.0711 of the Revised Code, the state board of education shall 582
continue to prescribe and the department of education and each 583
school district shall continue to administer any proficiency test 584
~~as required by~~ in accordance with those former sections, as they 585
existed prior to September 11, 2001, until the applicable test is 586
no longer required to be administered as indicated on the chart 587
below. ~~When any~~ achievement test, ~~as indicated on the chart below,~~ 588
has been developed and made available in accordance with section 589
3301.079 of the Revised Code. ~~Thereafter,~~ such achievement test 590
shall be administered to students under sections 3301.0710 and 591
3301.0711 of the Revised Code beginning in the school year 592
indicated on the chart below. School districts shall continue to 593
provide intervention services as required under former division 594
(D) of section 3301.0711 of the Revised Code, as it existed prior 595
to September 11, 2001, to students who fail to attain a score in 596
the proficient range on a fourth grade proficiency test. 597

		First	598
		administration	
Proficiency	Achievement	in school year	599
Test	Test	beginning July 1 of	600
4th grade reading	3rd grade		601
	reading		
test	test	2003	602
4th grade writing	4th grade		603
	writing		
test	test	2004	604
4th grade	4th grade		605
mathematics	mathematics		
test	test	2004	606
4th grade science	5th grade		607
	science		

test	test	2005	608
4th grade	5th grade social		609
citizenship			
test	studies test	2005	610
6th grade reading	7th grade		611
	reading		
test	test	2006	612
6th grade writing	7th grade		613
	writing		
test	test	2006	614
6th grade	7th grade		615
mathematics	mathematics		
test	test	2006	616
6th grade science	8th grade		617
	science		
test	test	2006	618
6th grade	8th grade social		619
citizenship			
test	studies test	2006	620
9th grade reading	Ohio graduation	2004	621
test	test in reading		
9th grade writing	Ohio graduation	2004	622
test	test in writing		
9th grade	Ohio graduation	2004	623
mathematics test	test in		
	mathematics		
9th grade science	Ohio graduation	2004	624
test	test in science		
9th grade	Ohio graduation	2004	625
citizenship test	test in social		
	studies		
<u>Proficiency Last</u>	<u>Achievement</u>	<u>First</u>	626
<u>Test</u>	<u>administration</u>	<u>Test</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>	627
	<u>reading test</u>		
	<u>3rd grade</u>	<u>2004</u>	628
	<u>mathematics</u>		
	<u>test</u>		
<u>4th grade</u>	<u>4th grade</u>	<u>2004</u>	629
<u>2003</u>	<u>reading test</u>		
<u>reading test</u>			
<u>4th grade</u>	<u>4th grade</u>	<u>2005</u>	630
<u>2004</u>	<u>mathematics</u>		
<u>mathematics</u>	<u>test</u>		
<u>test</u>			
<u>4th grade</u>	<u>4th grade</u>	<u>2004</u>	631
<u>2003</u>	<u>writing test</u>		
<u>writing test</u>			
<u>4th grade</u>	<u>5th grade</u>	<u>2006</u>	632
<u>2004</u>	<u>science test</u>		
<u>science test</u>			
<u>4th grade</u>	<u>5th grade</u>	<u>2006</u>	633
<u>2004</u>	<u>social</u>		
<u>citizenship</u>	<u>studies test</u>		
<u>test</u>			
	<u>5th grade</u>	<u>2004</u>	634
	<u>reading test</u>		
	<u>5th grade</u>	<u>2005</u>	635
	<u>mathematics</u>		
	<u>test</u>		
<u>6th grade</u>	<u>6th grade</u>	<u>2005</u>	636
<u>2004</u>	<u>reading test</u>		
<u>reading test</u>			
<u>6th grade</u>	<u>6th grade</u>	<u>2005</u>	637
<u>2004</u>	<u>mathematics</u>		
<u>mathematics</u>	<u>test</u>		
<u>test</u>			
<u>6th grade</u>	<u>7th grade</u>	<u>2006</u>	638
<u>2004</u>	<u>writing test</u>		
<u>writing test</u>			

	<u>7th grade</u>	<u>2005</u>	639
	<u>reading test</u>		
	<u>7th grade</u>	<u>2004</u>	640
	<u>mathematics</u>		
	<u>test</u>		
<u>6th grade</u>	<u>2004</u>	<u>8th grade</u>	<u>2006</u>
<u>641</u>	<u>science test</u>	<u>science test</u>	
<u>6th grade</u>	<u>2004</u>	<u>8th grade</u>	<u>2007</u>
<u>642</u>	<u>citizenship</u>	<u>social</u>	
<u>test</u>	<u>studies test</u>		
	<u>8th grade</u>	<u>2004</u>	643
	<u>reading test</u>		
	<u>8th grade</u>	<u>2004</u>	644
	<u>mathematics</u>		
	<u>test</u>		
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2002</u>	645
<u>reading test</u>	<u>as provided</u>	<u>graduation</u>	
	<u>in division</u>	<u>test in</u>	
	<u>(B) of this</u>	<u>reading</u>	
	<u>section</u>		
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2002</u>	646
<u>mathematics</u>	<u>as provided</u>	<u>graduation</u>	
<u>test</u>	<u>in division</u>	<u>test in</u>	
	<u>(B) of this</u>	<u>mathematics</u>	
	<u>section</u>		
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2004</u>	647
<u>writing test</u>	<u>as provided</u>	<u>graduation</u>	
	<u>in division</u>	<u>test in</u>	
	<u>(B) of this</u>	<u>writing</u>	
	<u>section</u>		
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2004</u>	648
<u>science test</u>	<u>as provided</u>	<u>graduation</u>	
	<u>in division</u>	<u>test in</u>	

(B) of this science
section
9th grade 2002, except Ohio 2004 649
citizenship as provided graduation
test in division test in
(B) of this social
section studies

(B) ~~The Notwithstanding division (A) of this section, the~~ 650
state board shall continue to prescribe and school districts and 651
chartered nonpublic schools shall continue to administer ninth 652
grade proficiency tests in reading, writing, mathematics, science, 653
and citizenship to students who enter ninth grade prior to July 1, 654
2003, for as long as those students remain eligible under section 655
3313.614 of the Revised Code to receive their high school diplomas 656
based on passage of those ninth grade proficiency tests. ~~No~~ 657
~~student who enters ninth grade prior to July 1, 2003, is required~~ 658
~~to take any Ohio graduation test, even if any are administered to~~ 659
~~the student's grade level, until the student is required by~~ 660
~~section 3313.614 of the Revised Code to pass Ohio graduation tests~~ 661
~~to receive a high school diploma.~~ 662

Sec. 3301.0714. (A) The state board of education shall adopt 663
rules for a statewide education management information system. The 664
rules shall require the state board to establish guidelines for 665
the establishment and maintenance of the system in accordance with 666
this section and the rules adopted under this section. The 667
guidelines shall include: 668

(1) Standards identifying and defining the types of data in 669
the system in accordance with divisions (B) and (C) of this 670
section; 671

(2) Procedures for annually collecting and reporting the data 672
to the state board in accordance with division (D) of this 673

section; 674

(3) Procedures for annually compiling the data in accordance 675
with division (G) of this section; 676

(4) Procedures for annually reporting the data to the public 677
in accordance with division (H) of this section. 678

(B) The guidelines adopted under this section shall require 679
the data maintained in the education management information system 680
to include at least the following: 681

(1) Student participation and performance data, for each 682
grade in each school district as a whole and for each grade in 683
each school building in each school district, that includes: 684

(a) The numbers of students receiving each category of 685
instructional service offered by the school district, such as 686
regular education instruction, vocational education instruction, 687
specialized instruction programs or enrichment instruction that is 688
part of the educational curriculum, instruction for gifted 689
students, instruction for handicapped students, and remedial 690
instruction. The guidelines shall require instructional services 691
under this division to be divided into discrete categories if an 692
instructional service is limited to a specific subject, a specific 693
type of student, or both, such as regular instructional services 694
in mathematics, remedial reading instructional services, 695
instructional services specifically for students gifted in 696
mathematics or some other subject area, or instructional services 697
for students with a specific type of handicap. The categories of 698
instructional services required by the guidelines under this 699
division shall be the same as the categories of instructional 700
services used in determining cost units pursuant to division 701
(C)(3) of this section. 702

(b) The numbers of students receiving support or 703
extracurricular services for each of the support services or 704

extracurricular programs offered by the school district, such as 705
counseling services, health services, and extracurricular sports 706
and fine arts programs. The categories of services required by the 707
guidelines under this division shall be the same as the categories 708
of services used in determining cost units pursuant to division 709
(C)(4)(a) of this section. 710

(c) Average student grades in each subject in grades nine 711
through twelve; 712

(d) Academic achievement levels as assessed by the testing of 713
student achievement under sections 3301.0710 and 3301.0711 of the 714
Revised Code; 715

(e) The number of students designated as having a 716
handicapping condition pursuant to division (C)(1) of section 717
3301.0711 of the Revised Code; 718

(f) The numbers of students reported to the state board 719
pursuant to division (C)(2) of section 3301.0711 of the Revised 720
Code; 721

(g) Attendance rates and the average daily attendance for the 722
year. For purposes of this division, a student shall be counted as 723
present for any field trip that is approved by the school 724
administration. 725

(h) Expulsion rates; 726

(i) Suspension rates; 727

(j) The percentage of students receiving corporal punishment; 728

(k) Dropout rates; 729

(l) Rates of retention in grade; 730

(m) For pupils in grades nine through twelve, the average 731
number of carnegie units, as calculated in accordance with state 732
board of education rules; 733

(n) Graduation rates, to be calculated in a manner specified 734
by the department of education that reflects the rate at which 735
students who were in the ninth grade three years prior to the 736
current year complete school and that is consistent with 737
nationally accepted reporting requirements; 738

(o) Results of diagnostic assessments administered to 739
kindergarten students as required under section 3301.0715 of the 740
Revised Code to permit a comparison of the academic readiness of 741
kindergarten students. However, no district shall be required to 742
report to the department the results of any diagnostic assessment 743
administered to a kindergarten student if the parent of that 744
student requests the district not to report those results. 745

(2) Personnel and classroom enrollment data for each school 746
district, including: 747

(a) The total numbers of licensed employees and nonlicensed 748
employees and the numbers of full-time equivalent licensed 749
employees and nonlicensed employees providing each category of 750
instructional service, instructional support service, and 751
administrative support service used pursuant to division (C)(3) of 752
this section. The guidelines adopted under this section shall 753
require these categories of data to be maintained for the school 754
district as a whole and, wherever applicable, for each grade in 755
the school district as a whole, for each school building as a 756
whole, and for each grade in each school building. 757

(b) The total number of employees and the number of full-time 758
equivalent employees providing each category of service used 759
pursuant to divisions (C)(4)(a) and (b) of this section, and the 760
total numbers of licensed employees and nonlicensed employees and 761
the numbers of full-time equivalent licensed employees and 762
nonlicensed employees providing each category used pursuant to 763
division (C)(4)(c) of this section. The guidelines adopted under 764

this section shall require these categories of data to be 765
maintained for the school district as a whole and, wherever 766
applicable, for each grade in the school district as a whole, for 767
each school building as a whole, and for each grade in each school 768
building. 769

(c) The total number of regular classroom teachers teaching 770
classes of regular education and the average number of pupils 771
enrolled in each such class, in each of grades kindergarten 772
through five in the district as a whole and in each school 773
building in the school district. 774

(3)(a) Student demographic data for each school district, 775
including information regarding the gender ratio of the school 776
district's pupils, the racial make-up of the school district's 777
pupils, the number of limited English proficient students in the 778
district, and an appropriate measure of the number of the school 779
district's pupils who reside in economically disadvantaged 780
households. The demographic data shall be collected in a manner to 781
allow correlation with data collected under division (B)(1) of 782
this section. Categories for data collected pursuant to division 783
(B)(3) of this section shall conform, where appropriate, to 784
standard practices of agencies of the federal government. 785

(b) With respect to each student entering kindergarten, 786
whether the student previously participated in a public preschool 787
program, a private preschool program, or a head start program, and 788
the number of years the student participated in each of these 789
programs. 790

(4) Any data required to be collected pursuant to federal 791
law. 792

(C) The education management information system shall include 793
cost accounting data for each district as a whole and for each 794
school building in each school district. The guidelines adopted 795

under this section shall require the cost data for each school 796
district to be maintained in a system of mutually exclusive cost 797
units and shall require all of the costs of each school district 798
to be divided among the cost units. The guidelines shall require 799
the system of mutually exclusive cost units to include at least 800
the following: 801

(1) Administrative costs for the school district as a whole. 802
The guidelines shall require the cost units under this division 803
(C)(1) to be designed so that each of them may be compiled and 804
reported in terms of average expenditure per pupil in formula ADM 805
in the school district, as determined pursuant to section 3317.03 806
of the Revised Code. 807

(2) Administrative costs for each school building in the 808
school district. The guidelines shall require the cost units under 809
this division (C)(2) to be designed so that each of them may be 810
compiled and reported in terms of average expenditure per 811
full-time equivalent pupil receiving instructional or support 812
services in each building. 813

(3) Instructional services costs for each category of 814
instructional service provided directly to students and required 815
by guidelines adopted pursuant to division (B)(1)(a) of this 816
section. The guidelines shall require the cost units under 817
division (C)(3) of this section to be designed so that each of 818
them may be compiled and reported in terms of average expenditure 819
per pupil receiving the service in the school district as a whole 820
and average expenditure per pupil receiving the service in each 821
building in the school district and in terms of a total cost for 822
each category of service and, as a breakdown of the total cost, a 823
cost for each of the following components: 824

(a) The cost of each instructional services category required 825
by guidelines adopted under division (B)(1)(a) of this section 826
that is provided directly to students by a classroom teacher; 827

(b) The cost of the instructional support services, such as 828
services provided by a speech-language pathologist, classroom 829
aide, multimedia aide, or librarian, provided directly to students 830
in conjunction with each instructional services category; 831

(c) The cost of the administrative support services related 832
to each instructional services category, such as the cost of 833
personnel that develop the curriculum for the instructional 834
services category and the cost of personnel supervising or 835
coordinating the delivery of the instructional services category. 836

(4) Support or extracurricular services costs for each 837
category of service directly provided to students and required by 838
guidelines adopted pursuant to division (B)(1)(b) of this section. 839
The guidelines shall require the cost units under division (C)(4) 840
of this section to be designed so that each of them may be 841
compiled and reported in terms of average expenditure per pupil 842
receiving the service in the school district as a whole and 843
average expenditure per pupil receiving the service in each 844
building in the school district and in terms of a total cost for 845
each category of service and, as a breakdown of the total cost, a 846
cost for each of the following components: 847

(a) The cost of each support or extracurricular services 848
category required by guidelines adopted under division (B)(1)(b) 849
of this section that is provided directly to students by a 850
licensed employee, such as services provided by a guidance 851
counselor or any services provided by a licensed employee under a 852
supplemental contract; 853

(b) The cost of each such services category provided directly 854
to students by a nonlicensed employee, such as janitorial 855
services, cafeteria services, or services of a sports trainer; 856

(c) The cost of the administrative services related to each 857
services category in division (C)(4)(a) or (b) of this section, 858

such as the cost of any licensed or nonlicensed employees that 859
develop, supervise, coordinate, or otherwise are involved in 860
administering or aiding the delivery of each services category. 861

(D)(1) The guidelines adopted under this section shall 862
require school districts to collect information about individual 863
students, staff members, or both in connection with any data 864
required by division (B) or (C) of this section or other reporting 865
requirements established in the Revised Code. The guidelines may 866
also require school districts to report information about 867
individual staff members in connection with any data required by 868
division (B) or (C) of this section or other reporting 869
requirements established in the Revised Code. The guidelines shall 870
not authorize school districts to request social security numbers 871
of individual students. The guidelines shall prohibit the 872
reporting under this section of a student's name, address, and 873
social security number to the state board of education or the 874
department of education. The guidelines shall also prohibit the 875
reporting under this section of any personally identifiable 876
information about any student, except for the purpose of assigning 877
the data verification code required by division (D)(2) of this 878
section, to any other person unless such person is employed by the 879
school district or the data acquisition site operated under 880
section 3301.075 of the Revised Code and is authorized by the 881
district or acquisition site to have access to such information. 882
The guidelines may require school districts to provide the social 883
security numbers of individual staff members. 884

(2) The guidelines shall provide for each school district or 885
community school to assign a data verification code that is unique 886
on a statewide basis over time to each student whose initial Ohio 887
enrollment is in that district or school and to report all 888
required individual student data for that student utilizing such 889
code. The guidelines shall also provide for assigning data 890

verification codes to all students enrolled in districts or 891
community schools on the effective date of the guidelines 892
established under this section. 893

Individual student data shall be reported to the department 894
through the data acquisition sites utilizing the code but at no 895
time shall the state board or the department have access to 896
information that would enable any data verification code to be 897
matched to personally identifiable student data. 898

Each school district shall ensure that the data verification 899
code is included in the student's records reported to any 900
subsequent school district or community school in which the 901
student enrolls ~~and shall remove all references to the code in any~~ 902
~~records retained in the district or school that pertain to any~~ 903
~~student no longer enrolled.~~ Any such subsequent district or school 904
shall utilize the same identifier in its reporting of data under 905
this section. 906

(E) The guidelines adopted under this section may require 907
school districts to collect and report data, information, or 908
reports other than that described in divisions (A), (B), and (C) 909
of this section for the purpose of complying with other reporting 910
requirements established in the Revised Code. The other data, 911
information, or reports may be maintained in the education 912
management information system but are not required to be compiled 913
as part of the profile formats required under division (G) of this 914
section or the annual statewide report required under division (H) 915
of this section. 916

(F) Beginning with the school year that begins July 1, 1991, 917
the board of education of each school district shall annually 918
collect and report to the state board, in accordance with the 919
guidelines established by the board, the data required pursuant to 920
this section. A school district may collect and report these data 921
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 922

(G) The state board shall, in accordance with the procedures 923
it adopts, annually compile the data reported by each school 924
district pursuant to division (D) of this section. The state board 925
shall design formats for profiling each school district as a whole 926
and each school building within each district and shall compile 927
the data in accordance with these formats. These profile formats 928
shall: 929

(1) Include all of the data gathered under this section in a 930
manner that facilitates comparison among school districts and 931
among school buildings within each school district; 932

(2) Present the data on academic achievement levels as 933
assessed by the testing of student achievement maintained pursuant 934
to division (B)(1)(e)(d) of this section ~~so that the academic~~ 935
~~achievement levels of students who are excused from taking any~~ 936
~~such test pursuant to division (C)(1) of section 3301.0711 of the~~ 937
~~Revised Code are distinguished from the academic achievement~~ 938
~~levels of students who are not so excused.~~ 939

(H)(1) The state board shall, in accordance with the 940
procedures it adopts, annually prepare a statewide report for all 941
school districts and the general public that includes the profile 942
of each of the school districts developed pursuant to division (G) 943
of this section. Copies of the report shall be sent to each school 944
district. 945

(2) The state board shall, in accordance with the procedures 946
it adopts, annually prepare an individual report for each school 947
district and the general public that includes the profiles of each 948
of the school buildings in that school district developed pursuant 949
to division (G) of this section. Copies of the report shall be 950
sent to the superintendent of the district and to each member of 951
the district board of education. 952

(3) Copies of the reports received from the state board under 953

divisions (H)(1) and (2) of this section shall be made available 954
to the general public at each school district's offices. Each 955
district board of education shall make copies of each report 956
available to any person upon request and payment of a reasonable 957
fee for the cost of reproducing the report. The board shall 958
annually publish in a newspaper of general circulation in the 959
school district, at least twice during the two weeks prior to the 960
week in which the reports will first be available, a notice 961
containing the address where the reports are available and the 962
date on which the reports will be available. 963

(I) Any data that is collected or maintained pursuant to this 964
section and that identifies an individual pupil is not a public 965
record for the purposes of section 149.43 of the Revised Code. 966

(J) As used in this section: 967

(1) "School district" means any city, local, exempted 968
village, or joint vocational school district. 969

(2) "Cost" means any expenditure for operating expenses made 970
by a school district excluding any expenditures for debt 971
retirement except for payments made to any commercial lending 972
institution for any loan approved pursuant to section 3313.483 of 973
the Revised Code. 974

(K) Any person who removes data from the information system 975
established under this section for the purpose of releasing it to 976
any person not entitled under law to have access to such 977
information is subject to section 2913.42 of the Revised Code 978
prohibiting tampering with data. 979

(L) Any time the department of education determines that a 980
school district has taken any of the actions described under 981
division (L)(1), (2), or (3) of this section, it shall make a 982
report of the actions of the district, send a copy of the report 983
to the superintendent of such school district, and maintain a copy 984

of the report in its files:	985
(1) The school district fails to meet any deadline	986
established pursuant to this section for the reporting of any data	987
to the education management information system;	988
(2) The school district fails to meet any deadline	989
established pursuant to this section for the correction of any	990
data reported to the education management information system;	991
(3) The school district reports data to the education	992
management information system in a condition, as determined by the	993
department, that indicates that the district did not make a good	994
faith effort in reporting the data to the system.	995
Any report made under this division shall include	996
recommendations for corrective action by the school district.	997
Upon making a report for the first time in a fiscal year, the	998
department shall withhold ten per cent of the total amount due	999
during that fiscal year under Chapter 3317. of the Revised Code to	1000
the school district to which the report applies. Upon making a	1001
second report in a fiscal year, the department shall withhold an	1002
additional twenty per cent of such total amount due during that	1003
fiscal year to the school district to which the report applies.	1004
The department shall not release such funds unless it determines	1005
that the district has taken corrective action. However, no such	1006
release of funds shall occur if the district fails to take	1007
corrective action within forty-five days of the date upon which	1008
the report was made by the department.	1009
(M) The department of education, after consultation with the	1010
Ohio education computer network, may provide at no cost to school	1011
districts uniform computer software for use in reporting data to	1012
the education management information system, provided that no	1013
school district shall be required to utilize such software to	1014
report data to the education management information system if such	1015

district is so reporting data in an accurate, complete, and timely 1016
manner in a format compatible with that required by the education 1017
management information system. 1018

(N) The state board of education, in accordance with sections 1019
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1020
license as defined under division (A) of section 3319.31 of the 1021
Revised Code that has been issued to any school district employee 1022
found to have willfully reported erroneous, inaccurate, or 1023
incomplete data to the education management information system. 1024

(O) No person shall release or maintain any information about 1025
any student in violation of this section. Whoever violates this 1026
division is guilty of a misdemeanor of the fourth degree. 1027

(P) The department shall disaggregate the data collected 1028
under division (B)(1)(o) of this section according to the race and 1029
socioeconomic status of the students assessed. No data collected 1030
under that division shall be included on the report cards required 1031
by section 3302.03 of the Revised Code. 1032

(Q) If the department cannot compile any of the information 1033
required by division ~~(D)~~(C)(5) of section 3302.03 of the Revised 1034
Code based upon the data collected under this section, the 1035
department shall develop a plan and a reasonable timeline for the 1036
collection of any data necessary to comply with that division. 1037

Sec. 3301.0715. (A) Except as provided in division (E) of 1038
this section, the board of education of each city, local, and 1039
exempted village school district shall administer each applicable 1040
diagnostic assessment developed and provided to the district in 1041
accordance with section 3301.079 of the Revised Code to ~~measure~~ 1042
~~student progress toward the attainment of academic standards for~~ 1043
~~grades kindergarten through two in reading, writing, and~~ 1044
~~mathematics and for grades three through eight in reading,~~ 1045
~~writing, mathematics, science, and social studies~~ the following: 1046

(1) Each student enrolled in a building subject to division 1047
(E) of section 3302.04 of the Revised Code; 1048

(2) Any student who transfers into the district or to a 1049
different school within the district, within thirty days after the 1050
date of transfer; 1051

(3) Each kindergarten student, within six weeks after the 1052
first day of school. For the purpose of division (A)(3) of this 1053
section, the district shall administer the kindergarten readiness 1054
assessment provided by the department of education. 1055

(4) Each student enrolled in first or second grade. 1056

(B) Each district board shall administer each diagnostic 1057
assessment as the board deems appropriate. However, the board 1058
shall administer any diagnostic assessment at least once annually 1059
to all students in the appropriate grade level. A district board 1060
may administer any diagnostic assessment in the fall and spring of 1061
a school year to measure the "value-added" amount of academic 1062
growth attributable to the instruction received by students during 1063
that school year. 1064

(C) Each district board shall utilize and score any 1065
diagnostic assessment administered under division (A) of this 1066
section in accordance with rules established by the department ~~of~~ 1067
~~education~~. Except as required by division (B)(1)(o) of section 1068
3301.0714 of the Revised Code, neither the state board of 1069
education nor the department shall require school districts to 1070
report the results of diagnostic assessments for any students to 1071
the department or to make any such results available in any form 1072
to the public. After the administration of any diagnostic 1073
assessment, each district shall provide a student's completed 1074
diagnostic assessment, the results of such assessment, and any 1075
other accompanying documents used during the administration of the 1076
assessment to the parent of that student upon the parent's 1077

request. 1078

(D) Each district board shall provide intervention services 1079
to students whose diagnostic assessments show that they are 1080
failing to make satisfactory progress toward attaining the 1081
academic standards for their grade level. 1082

(E) Any district ~~declared excellent under section 3302.03 of~~ 1083
~~the Revised Code that made adequate yearly progress, as defined in~~ 1084
section 3302.01 of the Revised Code, in the immediately preceding 1085
school year may assess student progress in grades one through 1086
eight using a diagnostic assessment other than the diagnostic 1087
assessment required by division (A) of this section. 1088

(F) ~~Within thirty days after a student transfers into a~~ 1089
~~school district or to a different school within the same district,~~ 1090
~~the district shall administer each diagnostic assessment required~~ 1091
~~under division (A) of this section to the student~~ A district board 1092
may administer any diagnostic assessment provided to the district 1093
in accordance with section 3301.079 of the Revised Code to any 1094
student enrolled in a building that is not subject to division 1095
(A)(1) of this section. Any district electing to administer 1096
diagnostic assessments to students under this division shall 1097
provide intervention services to any such student whose diagnostic 1098
assessment shows unsatisfactory progress toward attaining the 1099
academic standards for the student's grade level. 1100

Sec. 3301.801. ~~(A)~~ The Ohio SchoolNet commission shall create 1101
and maintain a clearinghouse for classroom teachers, including any 1102
classroom teachers employed by community schools established under 1103
Chapter 3314. of the Revised Code, to easily obtain lesson plans 1104
and materials and other practical resources for use in classroom 1105
teaching. The commission shall develop a method of obtaining 1106
submissions, from classroom teachers and others, of such plans, 1107
materials, and other resources that have been used in the 1108

classroom and that can be readily used and implemented by 1109
classroom teachers in their regular teaching activities. The 1110
commission also shall develop methods of informing classroom 1111
teachers of both the availability of such plans, materials, and 1112
other resources, and of the opportunity to submit such plans, 1113
materials, and other resources and other classroom teaching ideas 1114
to the clearinghouse. 1115

The department of education shall regularly identify 1116
research-based practices concerned with scheduling and allotting 1117
instructional time and submit such practices to the commission for 1118
inclusion in the clearinghouse. 1119

The commission shall periodically report to the speaker and 1120
minority leader of the house of representatives, the president and 1121
minority leader of the senate, and the chairpersons and ranking 1122
minority members of the education committees of the senate and the 1123
house of representatives regarding the clearinghouse and make 1124
recommendations for changes in state law or administrative rules 1125
that may facilitate the usefulness of the clearinghouse. 1126

~~(B) Not later than one year after the effective date of this 1127
amendment, the department of education shall identify research 1128
studies on academic intervention and prevention practices that 1129
have been successful in improving the academic performance of 1130
students from different ethnic and socioeconomic groups, develop 1131
an annotated bibliography of such studies, and provide that 1132
bibliography to the Ohio SchoolNet commission. The commission 1133
shall promptly make the bibliography available to school districts 1134
as a part of the clearinghouse established under this section. 1135~~

Sec. 3301.91. (A) The OhioReads council's responsibilities 1136
include, but are not limited to, the following: 1137

(1) Advising and consenting to the superintendent of public 1138

instruction's appointments to the position of executive director	1139
of the OhioReads office;	1140
(2) Evaluating the effectiveness of the OhioReads initiative	1141
established by this section and sections 3301.86 and 3301.87 of	1142
the Revised Code and conducting annual evaluations beginning in	1143
fiscal year 2002;	1144
(3) Developing a strategic plan for identifying, recruiting,	1145
training, qualifying, and placing volunteers for the OhioReads	1146
initiative;	1147
(4) Establishing standards for the awarding of classroom	1148
reading grants under section 3301.86 of the Revised Code and	1149
community reading grants under section 3301.87 of the Revised	1150
Code, including eligibility criteria, grant amounts, purposes for	1151
which grants may be used, and administrative, programmatic, and	1152
reporting requirements;	1153
(5) Awarding classroom reading grants and community reading	1154
grants to be paid by the OhioReads office under sections 3301.86	1155
and 3301.87 of the Revised Code;	1156
(6) Establishing guidelines for and overseeing the general	1157
responsibilities and mission of the executive director of the	1158
OhioReads office;	1159
(7) Adopting rules pursuant to Chapter 119. of the Revised	1160
Code to establish standards required under sections 3301.86 and	1161
3301.87 of the Revised Code.	1162
(B) In performing its duties, the council shall, to the	1163
extent practicable:	1164
(1) Give primary consideration to the safety and well-being	1165
of children participating in the OhioReads initiative;	1166
(2) Maximize the use of resources to improve reading	1167
outcomes, especially the fourth grade reading proficiency test	1168

established under former division (A)(1) of section 3301.0710 of 1169
the Revised Code, as it existed prior to September 11, 2001, and 1170
the third grade reading achievement test established under 1171
division (A)(1)(a) of section 3301.0710 of the Revised Code; 1172

(3) Identify and maximize relevant federal and state 1173
resources to leverage OhioReads resources and related programs; 1174

(4) Focus on early reading intervention strategies, 1175
professional development, and parental involvement; 1176

(5) Give priority to programs recognized as promising 1177
educational practices for accelerating student achievement, 1178
including, but not limited to, programs primarily using volunteers 1179
and programs that may have been reviewed by the education 1180
commission of the states. 1181

Sec. 3302.01. As used in this chapter: 1182

(A) "Dropout" means a student who withdraws from school 1183
before completing course requirements for graduation and who is 1184
not enrolled in an education program approved by the state board 1185
of education or an education program outside the state. "Dropout" 1186
does not include a student who has departed the country. 1187

(B) "Graduation rate" means ~~a calculation of the percentage~~ 1188
~~of ninth grade students who graduate by the end of the summer~~ 1189
~~following their twelfth grade year. The graduation rate is the~~ 1190
ratio of the students receiving a diploma to the number of 1191
students who entered ninth grade four years earlier. Students who 1192
transfer into the district are added to the calculation. Students 1193
who transfer out of the district for reasons other than dropout 1194
are subtracted from the calculation. ~~Students who do not graduate~~ 1195
~~within four years but who continue their high school education in~~ 1196
~~the following year in the same school district are removed from~~ 1197
~~the calculation for the year in which they would have graduated~~ 1198

~~and are added to the calculation for the following year's~~ 1199
~~graduating class as if the student had entered ninth grade four~~ 1200
~~years before the intended graduation date of that class. In each~~ 1201
~~subsequent year that such students do not graduate but continue~~ 1202
~~their high school education uninterrupted in the same school~~ 1203
~~district, such students shall be reassigned to the district's~~ 1204
~~graduation rate for that year by assuming that the students~~ 1205
~~entered ninth grade four years before the date of the intended~~ 1206
~~graduation. If a student who was a dropout in any previous year~~ 1207
~~returns to the same school district, that student shall be entered~~ 1208
~~into the calculation as if the student had entered ninth grade~~ 1209
~~four years before the graduation year of the graduating class that~~ 1210
~~the student joins.~~ 1211

(C) "Attendance rate" means the ratio of the number of 1212
students actually in attendance over the course of a school year 1213
to the number of students who were required to be in attendance 1214
that school year, as calculated pursuant to rules of the 1215
superintendent of public instruction. 1216

(D) "Three-year average" means the average of the most recent 1217
consecutive three school years of data. 1218

~~(E) "Required level of improvement" means at least one~~ 1219
~~standard unit of improvement on at least the percentage of~~ 1220
~~performance standards required to demonstrate overall improvement,~~ 1221
~~in accordance with the rule approved under division (A) of section~~ 1222
~~3302.04 of the Revised Code "Performance index score" means the~~ 1223
~~average of the totals derived from calculations for each subject~~ 1224
~~area of reading, writing, mathematics, science, and social studies~~ 1225
~~of the weighted proportion of untested students and students~~ 1226
~~scoring at each level of skill described in division (A)(2) of~~ 1227
~~section 3301.0710 of the Revised Code on the tests prescribed by~~ 1228
~~divisions (A) and (B) of that section. The department of education~~ 1229
~~shall assign weights such that students who do not take a test~~ 1230

receive a weight of zero and students who take a test receive 1231
progressively larger weights dependent upon the level of skill 1232
attained on the test. The department shall also determine the 1233
performance index score a school district or building needs to 1234
achieve for the purpose of the performance ratings assigned 1235
pursuant to section 3302.03 of the Revised Code. 1236

Students shall be included in the "performance index score" 1237
in accordance with division (D)(2) of section 3302.03 of the 1238
Revised Code. 1239

(F) "Subgroup" means a subset of the entire student 1240
population of the state, a school district, or a school building 1241
and includes each of the following: 1242

(1) Major racial and ethnic groups; 1243

(2) Students with disabilities; 1244

(3) Economically disadvantaged students; 1245

(4) Limited English proficient students. 1246

(G) "Other academic indicators" means measures of student 1247
academic performance other than scores on tests administered under 1248
section 3301.0710 of the Revised Code, which shall be the 1249
attendance rate for elementary and middle schools and the 1250
graduation rate for high schools. 1251

(H) "Annual measurable objective" means the yearly percentage 1252
of students, which shall be established by the state board, who 1253
must score at or above the proficient level on tests established 1254
under section 3301.0710 of the Revised Code in reading and 1255
mathematics administered to their grade level for a school 1256
district or a school building to be deemed to have made sufficient 1257
progress for that school year toward the goal of having all 1258
students scoring at or above the proficient level on such tests by 1259
June 30, 2014. For the school year that begins July 1, 2003, the 1260

state board shall establish an "annual measurable objective" in 1261
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1262
1425, 20 U.S.C. 6311. In the school year following the first 1263
administration of each test established under section 3301.0710 of 1264
the Revised Code, the state board shall use the results from such 1265
tests to make any necessary adjustments in the applicable annual 1266
measurable objective. 1267

(I) "Adequate yearly progress," as required by the "No Child 1268
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6311, means a 1269
measure of annual academic performance. "Adequate yearly progress" 1270
is made by a school district or a school building when, in 1271
accordance with division (D)(2) of section 3302.03 of the Revised 1272
Code, the district or building satisfies either divisions (I)(1) 1273
and (2) of this section or divisions (I)(1) and (3) of this 1274
section in the applicable school year: 1275

(1) At least ninety-five per cent of the total student 1276
population and of each subgroup enrolled in the district or 1277
building at the time of the test administration takes each test in 1278
reading and mathematics prescribed by section 3301.0710 of the 1279
Revised Code that is administered to their grade level, except 1280
that this requirement shall not apply to any subgroup in the 1281
district or building that contains less than forty students. Those 1282
students taking a test with accommodations or an alternate 1283
assessment pursuant to division (C) of section 3301.0711 of the 1284
Revised Code shall be counted as taking that test for the purposes 1285
of this division. 1286

(2) The total student population and each subgroup in the 1287
district or building, as defined in division (D)(2) of section 1288
3302.03 of the Revised Code, meets or exceeds the annual 1289
measurable objective for that school year in reading and 1290
mathematics based upon data from the current school year or a 1291
three-year average of data and the district or building meets or 1292

exceeds the minimum threshold or makes progress on the other 1293
academic indicators for that school year. In calculating whether a 1294
district or building satisfies this division, the department shall 1295
include any subgroup in the district or building that contains 1296
thirty or more students, except that the department shall not 1297
include the subgroup described in division (F)(2) of this section 1298
unless such subgroup contains forty-five or more students. The 1299
determination of students in the subgroup described in division 1300
(F)(2) of this section who are not required to score at or above 1301
the proficient level on tests established under section 3301.0710 1302
of the Revised Code for the purpose of determining whether a 1303
district or building satisfies this division shall comply with 1304
federal statutes, rules, and regulations. 1305

(3) If the performance of the total student population or any 1306
subgroup in the district or building results in the failure of the 1307
district or building to satisfy division (I)(2) of this section, 1308
the district or building shall fulfill both of the following 1309
requirements with respect to the total student population or any 1310
pertinent subgroup: 1311

(a) The percentage of students scoring below the proficient 1312
level on the applicable tests in the total student population or 1313
subgroup decreases by at least ten per cent from the percentage of 1314
such students in the total student population or subgroup in the 1315
preceding school year or from the average percentage of such 1316
students in the total student population or subgroup in the two 1317
preceding school years. 1318

(b) The total student population or subgroup meets or exceeds 1319
the minimum threshold on the other academic indicators for that 1320
school year or makes progress toward meeting the minimum threshold 1321
on one of the other academic indicators for that school year. 1322

(J) "Supplemental educational services" means additional 1323

academic assistance, such as tutoring, remediation, or other 1324
educational enrichment activities, that is conducted outside of 1325
the regular school day by a provider approved by the department in 1326
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1327
1425, 20 U.S.C. 6316. 1328

(K) "Value-added progress dimension" means a measure of 1329
academic gain for a student or group of students over a specific 1330
period of time that is calculated by applying a statistical 1331
methodology to individual student achievement data derived from 1332
the achievement tests prescribed by section 3301.0710 of the 1333
Revised Code. 1334

Sec. 3302.02. The state board of education annually through 1335
~~2006~~ 2007, and every six years thereafter, shall establish at 1336
least seventeen performance indicators for the report cards 1337
required by division ~~(D)~~(C) of section 3302.03 of the Revised 1338
Code. In establishing these indicators, the state board shall 1339
consider inclusion of student performance on any tests given under 1340
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1341
student improvement on such tests, student attendance, the breadth 1342
of coursework available within the district, and other indicators 1343
of student success. The state board shall ~~notify all school~~ 1344
~~districts of the selected performance indicators at least two~~ 1345
~~years before they are included in the report card~~ inform the Ohio 1346
accountability task force established under section 3302.021 of 1347
the Revised Code of the performance indicators it establishes 1348
under this section and the rationale for choosing each indicator 1349
and for determining how a school district or building meets that 1350
indicator. 1351

The state board shall not establish any performance indicator 1352
for passage of the third or fourth grade reading test that is 1353
solely based on the test given in the fall for the purpose of 1354

determining whether students have met the reading guarantee 1355
provisions of section 3313.608 of the Revised Code. 1356

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1357
later than July 1, 2007, the department of education shall 1358
implement a value-added progress dimension for school districts 1359
and buildings and shall incorporate the value-added progress 1360
dimension into the report cards and performance ratings issued for 1361
districts and buildings under section 3302.03 of the Revised Code. 1362

The state board of education shall adopt rules, pursuant to 1363
Chapter 119. of the Revised Code, for the implementation of the 1364
value-added progress dimension. In adopting rules, the state board 1365
shall consult with the Ohio accountability task force established 1366
under division (D) of this section. The rules adopted under this 1367
division shall specify both of the following: 1368

(1) A scale for describing the levels of academic progress in 1369
reading and mathematics relative to a standard year of academic 1370
growth in those subjects for each of grades three through eight; 1371

(2) That the department shall maintain the confidentiality of 1372
individual student test scores and individual student reports in 1373
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1374
Revised Code and federal law. The department may require school 1375
districts to use a unique identifier for each student for this 1376
purpose. Individual student test scores and individual student 1377
reports shall be made available only to a student's classroom 1378
teacher and other appropriate educational personnel and to the 1379
student's parent or guardian. 1380

(B) The department shall use a system designed for collecting 1381
necessary data, calculating the value-added progress dimension, 1382
analyzing data, and generating reports, which system has been used 1383
previously by a non-profit organization led by the Ohio business 1384
community for at least one year in the operation of a pilot 1385

program in cooperation with school districts to collect and report 1386
student achievement data via electronic means and to provide 1387
information to the districts regarding the academic performance of 1388
individual students, grade levels, school buildings, and the 1389
districts as a whole. 1390

(C) The department shall not pay more than two dollars per 1391
student for data analysis and reporting to implement the 1392
value-added progress dimension in the same manner and with the 1393
same services as under the pilot program described by division (B) 1394
of this section. However, nothing in this section shall preclude 1395
the department or any school district from entering into a 1396
contract for the provision of more services at a higher fee per 1397
student. 1398

(D)(1) There is hereby established the Ohio accountability 1399
task force. The task force shall consist of the following thirteen 1400
members: 1401

(a) The chairpersons and ranking minority members of the 1402
house of representatives and senate standing committees primarily 1403
responsible for education legislation, who shall be nonvoting 1404
members; 1405

(b) One representative of the governor's office, appointed by 1406
the governor; 1407

(c) The superintendent of public instruction, or the 1408
superintendent's designee; 1409

(d) One representative of teacher employee organizations 1410
formed pursuant to Chapter 4117. of the Revised Code, appointed by 1411
the speaker of the house of representatives; 1412

(e) One representative of school district boards of 1413
education, appointed by the president of the senate; 1414

(f) One school district superintendent, appointed by the 1415

<u>speaker of the house of representatives;</u>	1416
<u>(g) One representative of business, appointed by the</u>	1417
<u>president of the senate;</u>	1418
<u>(h) One representative of a non-profit organization led by</u>	1419
<u>the Ohio business community, appointed by the governor;</u>	1420
<u>(i) One school building principal, appointed by the president</u>	1421
<u>of the senate;</u>	1422
<u>(j) A member of the state board of education, appointed by</u>	1423
<u>the speaker of the house.</u>	1424
<u>Initial appointed members of the task force shall serve until</u>	1425
<u>January 1, 2005. Thereafter, terms of office for appointed members</u>	1426
<u>shall be for two years, each term ending on the same day of the</u>	1427
<u>same month as did the term that it succeeds. Each appointed member</u>	1428
<u>shall hold office from the date of appointment until the end of</u>	1429
<u>the term for which the member was appointed. Members may be</u>	1430
<u>reappointed. Vacancies shall be filled in the same manner as the</u>	1431
<u>original appointment. Any member appointed to fill a vacancy</u>	1432
<u>occurring prior to the expiration of the term for which the</u>	1433
<u>member's predecessor was appointed shall hold office for the</u>	1434
<u>remainder of that term.</u>	1435
<u>The task force shall select from among its members a</u>	1436
<u>chairperson. The task force shall meet at least six times each</u>	1437
<u>calendar year and at other times upon the call of the chairperson</u>	1438
<u>to conduct its business. Members of the task force shall serve</u>	1439
<u>without compensation.</u>	1440
<u>(2) The task force shall do all of the following:</u>	1441
<u>(a) Examine the implementation of the value-added progress</u>	1442
<u>dimension by the department, including the system described in</u>	1443
<u>division (B) of this section, the reporting of performance data to</u>	1444
<u>school districts and buildings, and the provision of professional</u>	1445

development on the interpretation of the data to classroom 1446
teachers and administrators; 1447

(b) Periodically review any fees for data analysis and 1448
reporting paid by the department pursuant to division (C) of this 1449
section and determine if the fees are appropriate based upon the 1450
level of services provided; 1451

(c) Periodically report to the department and the state board 1452
on all issues related to the school district and building 1453
accountability system established under this chapter; 1454

(d) Not later than seven years after its initial meeting, 1455
make recommendations to improve the school district and building 1456
accountability system established under this chapter. The task 1457
force shall adopt recommendations by a majority vote of its 1458
members. Copies of the recommendations shall be provided to the 1459
state board, the governor, the speaker of the house of 1460
representatives, and the president of the senate. 1461

(e) Determine starting dates for the implementation of the 1462
value-added progress dimension and its incorporation into school 1463
district and building report cards and performance ratings. 1464

Sec. 3302.03. (A) Annually the department of education shall 1465
report for each school district ~~the~~ and each school building in a 1466
district all of the following: 1467

(1) The extent to which it ~~is~~ the school district or building 1468
meets each of the applicable performance indicators created by the 1469
state board of education under section 3302.02 of the Revised Code 1470
and ~~shall specify for each such district~~ the number of applicable 1471
performance indicators that have been achieved ~~and whether;~~ 1472

(2) The performance index score of the school district or 1473
building; 1474

(3) Whether the school district or building has made adequate 1475

yearly progress; 1476

(4) Whether the school district or building is an excellent 1477
~~school district, an effective school district,~~ needs continuous 1478
improvement, is under an academic watch, or is in a state of 1479
academic emergency. 1480

~~When possible, the department shall also determine for each~~ 1481
~~school building in a district the extent to which it meets any of~~ 1482
~~the performance indicators applicable to the grade levels of the~~ 1483
~~students in that school building and whether the school building~~ 1484
~~is an excellent school, an effective school, needs continuous~~ 1485
~~improvement, is under an academic watch, or is in a state of~~ 1486
~~academic emergency.~~ 1487

~~(B) If the state board establishes seventeen performance~~ 1488
~~indicators applicable to a school district or building under~~ 1489
~~section 3302.02 of the Revised Code:~~ 1490

(1) A school district or building shall be declared excellent 1491
if it fulfills one of the following requirements: 1492

(a) It makes adequate yearly progress and either meets at 1493
least ~~sixteen~~ ninety-four per cent of the applicable state 1494
performance indicators or has a performance index score 1495
established by the department. 1496

(b) It has failed to make adequate yearly progress for not 1497
more than two consecutive years and either meets at least 1498
ninety-four per cent of the applicable state performance 1499
indicators or has a performance index score established by the 1500
department. 1501

(2) A school district or building shall be declared effective 1502
if it fulfills one of the following requirements: 1503

(a) It makes adequate yearly progress and either meets 1504
~~thirteen through fifteen~~ at least seventy-five per cent but less 1505

than ninety-four per cent of the applicable state performance 1506
indicators or has a performance index score established by the 1507
department. 1508

(b) It does not make adequate yearly progress and either 1509
meets at least seventy-five per cent of the applicable state 1510
performance indicators or has a performance index score 1511
established by the department, except that if it does not make 1512
adequate yearly progress for three consecutive years, it shall be 1513
declared in need of continuous improvement. 1514

(3) A school district or building shall be declared to be in 1515
need of continuous improvement if it fulfills one of the following 1516
requirements: 1517

(a) It makes adequate yearly progress, meets ~~more than eight~~ 1518
~~but less than thirteen~~ less than seventy-five per cent of the 1519
applicable state performance indicators, and has a performance 1520
index score established by the department. 1521

(b) It does not make adequate yearly progress and either 1522
meets at least fifty per cent but less than seventy-five per cent 1523
of the applicable state performance indicators or has a 1524
performance index score established by the department. 1525

(4) A school district or building shall be declared to be 1526
under an academic watch if it does not make adequate yearly 1527
progress and either meets ~~more than five but not more than eight~~ 1528
at least thirty-one per cent but less than fifty per cent of the 1529
applicable state performance indicators or has a performance index 1530
score established by the department. 1531

(5) A school district or building shall be declared to be in 1532
a state of academic emergency if it does not make adequate yearly 1533
progress, does not meet ~~more than five~~ at least thirty-one per 1534
cent of the applicable state performance indicators, and has a 1535
performance index score established by the department. 1536

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

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

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

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

(a) Performance of students by age group;

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

(c) Performance of students by gender;

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

(e) Performance of students grouped by those who have been

enrolled in a district or school for more than one year and less than three years;	1567 1568
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1569 1570
(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;	1571 1572 1573
(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;	1574 1575 1576 1577
(i)(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1578 1579 1580
<u>(i) Performance of students grouped by those who are classified as limited English proficient;</u>	1581 1582
<u>(j) Performance of students grouped by those who have disabilities;</u>	1583 1584
<u>(k) Performance of students grouped by those who are classified as migrants;</u>	1585 1586
<u>(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.</u>	1587 1588 1589
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>	1590 1591 1592 1593 1594 1595
In reporting data pursuant to division (D) <u>(C)</u> (3) of this	1596

section, the department shall not include in the report cards any 1597
data statistical in nature that is statistically unreliable or 1598
that could result in the identification of individual students. 1599
For this purpose, the department shall not report student 1600
performance data for any group identified in division (C)(3) of 1601
this section that contains less than ten students. 1602

(4) The department may include with the report cards any 1603
additional education and fiscal performance data it deems 1604
valuable. 1605

(5) The department shall include on each report card a list 1606
of additional information collected by the department that is 1607
available regarding the district or building for which the report 1608
card is issued. When available, such additional information shall 1609
include student mobility data disaggregated by race and 1610
socioeconomic status, college enrollment data, and the reports 1611
prepared under section 3302.031 of the Revised Code. 1612

The department shall maintain a site on the world wide web. 1613
The report card shall include the address of the site and shall 1614
specify that such additional information is available to the 1615
public at that site. The department shall also provide a copy of 1616
each item on the list to the superintendent of each school 1617
district. The district superintendent shall provide a copy of any 1618
item on the list to anyone who requests it. 1619

(6) For any district that sponsors a conversion community 1620
school under Chapter 3314. of the Revised Code, the department 1621
shall combine data regarding the academic performance of students 1622
enrolled in the community school with comparable data from the 1623
schools of the district for the purpose of calculating the 1624
performance of the district as a whole on the report card issued 1625
for the district. 1626

~~(E)~~(7) The department shall include on each report card the 1627

percentage of teachers in the district or building who are highly 1628
qualified, as defined by the "No Child Left Behind Act of 2001," 1629
115 Stat. 1425, 20 U.S.C. 7801, and a comparison of that 1630
percentage with the percentages of such teachers in similar 1631
districts and buildings. 1632

(D)(1) In calculating reading, writing, mathematics, social 1633
studies, or science proficiency or achievement test passage rates 1634
used to determine school district or building performance under 1635
this section, the department shall include all students taking a 1636
test with accommodation or to whom an alternate assessment is 1637
administered pursuant to division (C)(1) or (3) of section 1638
3301.0711 of the Revised Code, but shall not include any student 1639
excused from taking a test pursuant to division (C)(3) of that 1640
section, whether or not the student chose to take the test 1641
voluntarily in spite of the exemption granted in that division. 1642

(2) In calculating performance index scores, rates of 1643
achievement on the performance indicators established by the state 1644
board under section 3302.02 of the Revised Code, and adequate 1645
yearly progress for school districts and buildings under this 1646
section, the department shall do both of the following: 1647

(a) Include for each district or building only those students 1648
who are included in the ADM certified for the first full school 1649
week of October and are continuously enrolled in the district or 1650
building through the time of the spring administration of any test 1651
prescribed by section 3301.0710 of the Revised Code that is 1652
administered to the student's grade level; 1653

(b) Include cumulative totals from both the fall and spring 1654
administrations of the third grade reading achievement test. 1655

Sec. 3302.031. In addition to the report cards required under 1656
section 3302.03 of the Revised Code, the department of education 1657
shall annually prepare the following reports for each school 1658

district and make a copy of each report available to the 1659
superintendent of each district: 1660

(A) A funding and expenditure accountability report which 1661
shall consist of the amount of state aid payments the school 1662
district will receive during the fiscal year under Chapter 3317. 1663
of the Revised Code and any other fiscal data the department 1664
determines is necessary to inform the public about the financial 1665
status of the district; 1666

(B) A school safety and discipline report which shall consist 1667
of statistical information regarding student safety and discipline 1668
in each school building, including the number of suspensions and 1669
expulsions disaggregated according to race and gender; 1670

(C) A student equity report which shall consist of at least a 1671
description of the status of teacher qualifications, library and 1672
media resources, textbooks, classroom materials and supplies, and 1673
technology resources for each district. To the extent possible, 1674
the information included in the report required under this 1675
division shall be disaggregated according to grade level, race, 1676
gender, disability, and scores attained on tests required under 1677
section 3301.0710 of the Revised Code. 1678

(D) A school enrollment report which shall consist of 1679
information about the composition of classes within each district 1680
by grade and subject disaggregated according to race, gender, and 1681
scores attained on tests required under section 3301.0710 of the 1682
Revised Code; 1683

(E) A student retention report which shall consist of the 1684
number of students retained in their respective grade levels in 1685
the district disaggregated by grade level, subject area, race, 1686
gender, and disability; 1687

(F) A school district performance report which shall describe 1688

for the district and each building within the district the extent 1689
to which the district or building meets each of the applicable 1690
performance indicators established under section 3302.02 of the 1691
Revised Code, the number of performance indicators that have been 1692
achieved, and the performance index score. In calculating the 1693
rates of achievement on the performance indicators and the 1694
performance index scores for each report, the department shall 1695
exclude all students with disabilities. 1696

~~Sec. 3302.04. (A) The state board of education shall adopt a~~ 1697
~~rule establishing both of the following:~~ 1698

~~(1) A standard unit of improvement that any building within a~~ 1699
~~district or school district would be required to achieve on a~~ 1700
~~specific performance indicator that it failed to meet in order to~~ 1701
~~be deemed to have made satisfactory improvement toward meeting~~ 1702
~~that indicator.~~ 1703

~~(2) The percentage of those performance indicators that a~~ 1704
~~building within a district or a district did not meet, on which a~~ 1705
~~building or district would be required to achieve the standard~~ 1706
~~unit of improvement in order to be deemed to be making overall~~ 1707
~~progress toward becoming an excellent building or district.~~ 1708

~~The rule shall apply to determinations of school district~~ 1709
~~improvement under division (B) of this section. The department of~~ 1710
~~education shall establish a system of intensive, ongoing support~~ 1711
~~for the improvement of school districts and school buildings. The~~ 1712
~~system shall give priority to districts and buildings that have~~ 1713
~~been declared to be under an academic watch or in a state of~~ 1714
~~academic emergency under section 3302.03 of the Revised Code and~~ 1715
~~shall include services provided to districts and buildings through~~ 1716
~~regional service providers, such as educational service centers,~~ 1717
~~regional professional development centers, and special education~~ 1718
~~regional resource centers.~~ 1719

(B) When a school district has been notified by the 1720
department pursuant to division (A) of section 3302.03 of the 1721
Revised Code that the district or a building within the district 1722
~~needs continuous improvement, is under an academic watch, or is in~~ 1723
~~a state of academic emergency~~ has failed to make adequate yearly 1724
progress for two consecutive school years, the district shall 1725
develop a three-year continuous improvement plan for the district 1726
or building containing an ~~analysis of the reasons for the~~ 1727
~~district's failure as a whole, or the failure of any buildings, to~~ 1728
~~meet any of the indicators not met and specifying the strategies~~ 1729
~~the district will use and the resources it will allocate to~~ 1730
address the problem. Copies of the plan shall be made available to 1731
~~the public~~ each of the following: 1732

(1) An analysis of the reasons for the failure of the 1733
district or building to meet any of the applicable performance 1734
indicators established under section 3302.02 of the Revised Code 1735
that it did not meet and an analysis of the reasons for its 1736
failure to make adequate yearly progress; 1737

(2) Specific strategies that the district or building will 1738
use to address the problems in academic achievement identified in 1739
division (B)(1) of this section; 1740

(3) Identification of the resources that the district will 1741
allocate toward improving the academic achievement of the district 1742
or building; 1743

(4) A description of any progress that the district or 1744
building made in the preceding year toward improving its academic 1745
achievement. 1746

No three-year continuous improvement plan shall be developed 1747
or adopted pursuant to this division unless at least one public 1748
hearing is held within the affected school district or building 1749
concerning the final draft of the plan. Notice of the hearing 1750

shall be given two weeks prior to the hearing by publication in 1751
one newspaper of general circulation within the territory of the 1752
affected school district or building. Copies of the plan shall be 1753
made available to the public. 1754

(C) When a school district or building has been notified by 1755
the department pursuant to division (A) of section 3302.03 of the 1756
Revised Code that the district or ~~a building within the district~~ 1757
is under an academic watch or in a state of academic emergency, 1758
the district or building shall be subject to any rules 1759
establishing intervention in academic watch or emergency school 1760
districts ~~that have been recommended to the general assembly by~~ 1761
~~the department of education and approved by joint resolution of~~ 1762
~~the general assembly~~ or buildings. 1763

(D)(1) Within one hundred twenty days after any school 1764
district or building ~~within the district~~ is declared to be in a 1765
state of academic emergency under section 3302.03 of the Revised 1766
Code, the department ~~shall~~ may initiate a site evaluation of the 1767
building or school district. 1768

(2) If any school district that is declared to be in a state 1769
of academic emergency or in a state of academic watch under 1770
section 3302.03 of the Revised Code or encompasses a building that 1771
is declared to be in a state of academic emergency or in a state 1772
of academic watch fails to demonstrate to the department 1773
satisfactory improvement of the district or applicable buildings 1774
or fails to submit to the department any information required 1775
under rules established by the state board of education, prior to 1776
approving a three-year continuous improvement plan under rules 1777
established by the state board of education, the department shall 1778
conduct a site evaluation of the school district or applicable 1779
buildings to determine whether the school district is in 1780
compliance with minimum standards established by law or rule. 1781

(3) Site evaluations conducted under divisions (D)(1) and (2) 1782

of this section shall include, but not be limited to, the 1783
following: 1784

(a) Determining whether teachers are assigned to subject 1785
areas for which they are licensed or certified; 1786

(b) Determining pupil-teacher ratios; 1787

(c) Examination of compliance with minimum instruction time 1788
requirements for each school day and for each school year; 1789

(d) Determining whether materials and equipment necessary to 1790
implement the curriculum approved by the school district board are 1791
available. 1792

~~(E)(1) If, after three years under a continuous improvement 1793
plan developed pursuant to division (B) of this section, any 1794
school district that is declared to be in a state of academic 1795
emergency under section 3302.03 of the Revised Code has any 1796
building within the district that is declared to be in a state of 1797
academic emergency under that section and that fails to improve on 1798
the performance indicators that the building did not meet under 1799
that section to make progress toward becoming an excellent 1800
building, the district shall implement at least one of the 1801
following options with respect to that building: 1802~~

~~(a) Replace the building principal; 1803~~

~~(b) Examine the factors impeding student success and redesign 1804
the building to address those factors, including transferring or 1805
reassigning personnel; 1806~~

~~(C) Institute a new schoolwide curriculum or educational 1807
model that is consistent with the statewide academic standards 1808
adopted pursuant to division (A) of section 3301.079 of the 1809
Revised Code and alter the structure of the school day or year; 1810~~

~~(d) Contract with departments of education at public and 1811
private colleges in Ohio, educational service centers, or the 1812~~

~~state department of education to operate the building, including
the provision of personnel, supplies, and equipment;~~ 1813
1814

~~(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;~~ 1815
1816
1817
1818

~~(f) Close the building and reassign its students to other
buildings within the district;~~ 1819
1820

~~(g) Develop and implement a comprehensive alternative plan,
subject to approval by the department of education, to improve the
overall performance of the building.~~ 1821
1822
1823

~~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.~~ 1824
1825
1826
1827

~~(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:~~ 1828
1829
1830

~~(a) Provide written notification of the academic issues that
resulted in the buildings 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.~~ 1831
1832
1833
1834
1835
1836
1837

~~(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~~ 1838
1839
1840
1841
1842

within the district that is not in school improvement status as 1843
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1844
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1845
the district shall spend twenty per cent of the funds it receives 1846
under Title I, Part A of the "Elementary and Secondary Education 1847
Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation 1848
for students who enroll in alternative buildings under this 1849
division, unless the district can satisfy all demand for 1850
transportation with a lesser amount. If twenty per cent of the 1851
funds the district receives under Title I, Part A of the 1852
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1853
to 6339, is insufficient to satisfy all demand for transportation, 1854
the district shall grant priority over all other students to the 1855
lowest achieving students among the subgroup described in division 1856
(F)(3) of section 3302.01 of the Revised Code in providing 1857
transportation. Any district that does not receive funds under 1858
Title I, Part A of the "Elementary and Secondary Education Act of 1859
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 1860
transportation to any student who enrolls in an alternative 1861
building under this division. 1862

(2) For any school building that fails to make adequate 1863
yearly progress for three consecutive school years, the district 1864
shall do both of the following: 1865

(a) If the building receives funds under Title 1, Part A of 1866
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1867
6311 to 6339, from the district, in accordance with section 1868
3313.97 of the Revised Code, provide all students enrolled in the 1869
building the opportunity to enroll in an alternative building 1870
within the district that is not in school improvement status as 1871
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1872
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1873
the district shall provide transportation for students who enroll 1874

in alternative buildings under this division to the extent 1875
required under division (E)(2) of this section. 1876

(b) If the building receives funds under Title 1, Part A of 1877
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1878
6311 to 6339, from the district, offer supplemental educational 1879
services to students who are enrolled in the building and who are 1880
in the subgroup described in division (F)(3) of section 3302.01 of 1881
the Revised Code. 1882

The district shall spend a combined total of twenty per cent 1883
of the funds it receives under Title I, Part A of the "Elementary 1884
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 1885
provide transportation for students who enroll in alternative 1886
buildings under division (E)(2)(a) of this section and to pay the 1887
costs of the supplemental educational services provided to 1888
students under division (E)(2)(b) of this section, unless the 1889
district can satisfy all demand for transportation and pay the 1890
costs of supplemental educational services for those students who 1891
request them with a lesser amount. In allocating the funds the 1892
district receives under Title I, Part A of the "Elementary and 1893
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, between 1894
the requirements of divisions (E)(2)(a) and (b) of this section, 1895
the district shall spend at least five per cent of such funds to 1896
provide transportation for students who enroll in alternative 1897
buildings under division (E)(2)(a) of this section, unless the 1898
district can satisfy all demand for transportation with a lesser 1899
amount, and at least five per cent of such funds to pay the costs 1900
of the supplemental educational services provided to students 1901
under division (E)(2)(b) of this section, unless the district can 1902
pay the costs of such services for all students requesting them 1903
with a lesser amount. If twenty per cent of the funds the district 1904
receives under Title I, Part A of the "Elementary and Secondary 1905
Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to 1906

satisfy all demand for transportation under division (E)(2)(a) of 1907
this section and to pay the costs of all of the supplemental 1908
educational services provided to students under division (E)(2)(b) 1909
of this section, the district shall grant priority over all other 1910
students in providing transportation and in paying the costs of 1911
supplemental educational services to the lowest achieving students 1912
among the subgroup described in division (F)(3) of section 3302.01 1913
of the Revised Code. 1914

Any district that does not receive funds under Title I, Part 1915
A of the "Elementary and Secondary Education Act of 1965," 20 1916
U.S.C. 6311 to 6339, shall not be required to provide 1917
transportation to any student who enrolls in an alternative 1918
building under division (E)(2)(a) of this section or to pay the 1919
costs of supplemental educational services provided to any student 1920
under division (E)(2)(b) of this section. 1921

No student who enrolls in an alternative building under 1922
division (E)(2)(a) of this section shall be eligible for 1923
supplemental educational services under division (E)(2)(b) of this 1924
section. 1925

(3) For any school building that fails to make adequate 1926
yearly progress for four consecutive school years, the district 1927
shall continue to comply with division (E)(2) of this section and 1928
shall implement at least one of the following options with respect 1929
to the building: 1930

(a) Institute a new curriculum that is consistent with the 1931
statewide academic standards adopted pursuant to division (A) of 1932
section 3301.079 of the Revised Code; 1933

(b) Decrease the degree of authority the building has to 1934
manage its internal operations; 1935

(c) Appoint an outside expert to make recommendations for 1936
improving the academic performance of the building. The district 1937

<u>may request the department to establish a state intervention team</u>	1938
<u>for this purpose pursuant to division (G) of this section.</u>	1939
<u>(d) Extend the length of the school day or year;</u>	1940
<u>(e) Replace the building principal or other key personnel;</u>	1941
<u>(f) Reorganize the administrative structure of the building.</u>	1942
<u>(4) For any school building that fails to make adequate</u>	1943
<u>yearly progress for five consecutive school years, the district</u>	1944
<u>shall continue to comply with division (E)(2) of this section and</u>	1945
<u>shall develop a plan during the next succeeding school year to</u>	1946
<u>improve the academic performance of the building, which shall</u>	1947
<u>include at least one of the following options:</u>	1948
<u>(a) Reopen the school as a community school under Chapter</u>	1949
<u>3314. of the Revised Code;</u>	1950
<u>(b) Replace personnel;</u>	1951
<u>(c) Contract with a nonprofit or for-profit entity to operate</u>	1952
<u>the building;</u>	1953
<u>(d) Turn operation of the building over to the department;</u>	1954
<u>(e) Other significant restructuring of the building's</u>	1955
<u>governance.</u>	1956
<u>(5) For any school building that fails to make adequate</u>	1957
<u>yearly progress for six consecutive school years, the district</u>	1958
<u>shall continue to comply with division (E)(2) of this section and</u>	1959
<u>shall implement the plan developed pursuant to division (E)(4) of</u>	1960
<u>this section.</u>	1961
<u>(6) A district shall continue to comply with division</u>	1962
<u>(E)(1)(b) or (E)(2) of this section, whichever was most recently</u>	1963
<u>applicable, with respect to any building formerly subject to one</u>	1964
<u>of those divisions until the building makes adequate yearly</u>	1965
<u>progress for two consecutive school years.</u>	1966

(F) This division applies only to school districts that fail to make adequate yearly progress for two or more consecutive school years. 1967
1968
1969

(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. 1970
1971
1972
1973
1974
1975

(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. 1976
1977
1978
1979

(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: 1980
1981
1982
1983

(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; 1984
1985
1986

(b) Direct the district to replace key district personnel; 1987

(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; 1988
1989
1990

(d) Establish alternative forms of governance for individual school buildings within the district; 1991
1992

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education. 1993
1994

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with 1995
1996

the corrective actions taken by the department. 1997

(4) If a school district fails to make adequate yearly 1998
progress for five consecutive school years, the department shall 1999
continue to monitor implementation of the corrective action taken 2000
under division (F)(3) of this section with respect to the 2001
district. 2002

(5) If a school district fails to make adequate yearly 2003
progress for six consecutive school years, the department shall 2004
take at least one of the corrective actions identified in division 2005
(F)(3) of this section with respect to the district, provided that 2006
the corrective action the department takes is different from the 2007
corrective action previously taken under division (F)(3) of this 2008
section with respect to the district. 2009

(G) The department may establish a state intervention team to 2010
evaluate all aspects of ~~the~~ a school district or building, 2011
including management, curriculum, instructional methods, resource 2012
allocation, and scheduling. Any such intervention team shall be 2013
appointed by the department and shall include teachers and 2014
administrators recognized as outstanding in their fields. The 2015
intervention team shall make recommendations ~~to the district~~ 2016
regarding methods for improving the performance of the district or 2017
building. ~~The~~ 2018

The department shall not approve a district's request for an 2019
intervention team under division (E)(3) of this section if the 2020
department cannot adequately fund the work of the team, unless the 2021
district agrees to pay for the expenses of the team. 2022

~~(2) If any building subject to this division fails to improve~~ 2023
~~on the performance indicators that the building did not meet under~~ 2024
~~section 3302.03 of the Revised Code to make progress toward~~ 2025
~~becoming an excellent building within two years following any~~ 2026
~~action taken by the district under this division, the district~~ 2027

~~shall select another option described by this division and
implement such option with respect to the building.~~ 2028
2029

(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. 2030
2031
2032

(I) The state board shall adopt rules for implementing this
section. 2033
2034

Sec. 3302.05. ~~The department~~ state board of education shall 2035
~~recommend~~ adopt rules ~~to the general assembly~~ freeing school 2036
districts declared to be excellent under division (B)(1) or 2037
effective under division (B)(2) of section 3302.03 of the Revised 2038
Code from specified state mandates. Any mandates included in the 2039
~~recommended~~ rules shall be only those statutes or rules pertaining 2040
to state education requirements. ~~The rules shall take effect upon
their approval through passage of a joint resolution by the
general assembly.~~ 2041
2042
2043

Sec. 3313.532. (A) Any person twenty-two or more years of age 2044
and enrolled in an adult high school continuation program 2045
established pursuant to section 3313.531 of the Revised Code may 2046
request the board of education operating the program to conduct an 2047
evaluation in accordance with division (C) of this section. 2048

(B) Any applicant to a board of education for a diploma of 2049
adult education under division (B) of section 3313.611 of the 2050
Revised Code may request the board to conduct an evaluation in 2051
accordance with division (C) of this section. 2052

(C) Upon the request of any person pursuant to division (A) 2053
or (B) of this section, the board of education to which the 2054
request is made shall evaluate the person to determine whether the 2055
person is handicapped, in accordance with rules adopted by the 2056
state board of education. If the evaluation indicates that the 2057

person is handicapped, the board shall determine whether to excuse 2058
the person from taking any of the tests required by division (B) 2059
of section 3301.0710 of the Revised Code as a requirement for 2060
receiving a diploma under section 3313.611 of the Revised Code. 2061
~~The determination of whether to excuse the person from any such~~ 2062
~~test shall be made in the same manner as it would be for students~~ 2063
~~enrolled in the district who are receiving special education under~~ 2064
~~Chapter 3323 of the Revised Code~~ The board may require the person 2065
to take an alternate assessment in place of any test from which 2066
the person is so excused. 2067

Sec. 3313.6010. ~~By July 1, 1998, the department~~ The state 2068
board of education shall ~~recommend~~ adopt rules ~~to the general~~ 2069
~~assembly~~ permitting school districts to contract with public and 2070
private providers of academic remediation and intervention in 2071
mathematics, science, reading, writing, and social studies for the 2072
purpose of assisting pupils in grades one through six outside of 2073
regular school hours. 2074

~~The rules recommended under this section shall take effect~~ 2075
~~upon approval of the general assembly through passage of a joint~~ 2076
~~resolution.~~ 2077

Sec. 3313.6012. (A) The board of education of each city, 2078
exempted village, and local school district shall adopt a policy 2079
governing the conduct of academic prevention/intervention services 2080
for all grades and all schools throughout the district. The board 2081
shall update the policy annually. The policy shall include, but 2082
not be limited to, all of the following: 2083

(1) Procedures for using diagnostic assessments to measure 2084
student progress toward the attainment of academic standards and 2085
to identify students who may not attain the academic standards in 2086
accordance with section 3301.0715 of the Revised Code; 2087

(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;

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

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

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

(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 or achievement 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.

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

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

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

(a) Has attained at least the applicable scores designated 2118
under division (B) of section 3301.0710 of the Revised Code on all 2119
the tests required by that division unless the person was excused 2120
from taking any such test pursuant to section 3313.532 of the 2121
Revised Code or unless division (H) or (L) of this section applies 2122
to the person; 2123

(b) Has satisfied the alternative conditions prescribed in 2124
section 3313.615 of the Revised Code. 2125

(3) The person is not eligible to receive an honors diploma 2126
granted pursuant to division (B) of this section. 2127

Except as provided in divisions (C), (E), (J), and (L) of 2128
this section, no diploma shall be granted under this division to 2129
anyone except as provided under this division. 2130

(B) In lieu of a diploma granted under division (A) of this 2131
section, an honors diploma shall be granted, in accordance with 2132
rules of the state board of education, by any such district board 2133
to anyone who successfully completes the curriculum in any high 2134
school or the individualized education program developed for the 2135
person by any high school pursuant to section 3323.08 of the 2136
Revised Code, who has attained subject to section 3313.614 of the 2137
Revised Code at least the applicable scores designated under 2138
division (B) of section 3301.0710 of the Revised Code on all the 2139
tests required by that division, or has satisfied the alternative 2140
conditions prescribed in section 3313.615 of the Revised Code, and 2141
who has met additional criteria established by the state board for 2142
the granting of such a diploma. Except as provided in divisions 2143
(C), (E), and (J) of this section, no honors diploma shall be 2144
granted to anyone failing to comply with this division and no more 2145
than one honors diploma shall be granted to any student under this 2146
division. 2147

The state board shall adopt rules prescribing the granting of 2148

honors diplomas under this division. These rules may prescribe the 2149
granting of honors diplomas that recognize a student's achievement 2150
as a whole or that recognize a student's achievement in one or 2151
more specific subjects or both. In any case, the rules shall 2152
designate two or more criteria for the granting of each type of 2153
honors diploma the board establishes under this division and the 2154
number of such criteria that must be met for the granting of that 2155
type of diploma. The number of such criteria for any type of 2156
honors diploma shall be at least one less than the total number of 2157
criteria designated for that type and no one or more particular 2158
criteria shall be required of all persons who are to be granted 2159
that type of diploma. 2160

(C) Any such district board administering any of the tests 2161
required by section 3301.0710 or 3301.0712 of the Revised Code to 2162
any person requesting to take such test pursuant to division 2163
(B)~~(6)~~(8)(b) of section 3301.0711 of the Revised Code shall award 2164
a diploma to such person if the person attains at least the 2165
applicable scores designated under division (B) of section 2166
3301.0710 of the Revised Code on all the tests administered and if 2167
the person has previously attained the applicable scores on all 2168
the other tests required by division (B) of that section or has 2169
been exempted or excused from attaining the applicable score on 2170
any such test pursuant to division (H) or (L) of this section or 2171
from taking any such test pursuant to section 3313.532 of the 2172
Revised Code. 2173

(D) Each diploma awarded under this section shall be signed 2174
by the president and treasurer of the issuing board, the 2175
superintendent of schools, and the principal of the high school. 2176
Each diploma shall bear the date of its issue, be in such form as 2177
the district board prescribes, and be paid for out of the 2178
district's general fund. 2179

(E) A person who is a resident of Ohio and is eligible under 2180

state board of education minimum standards to receive a high 2181
school diploma based in whole or in part on credits earned while 2182
an inmate of a correctional institution operated by the state or 2183
any political subdivision thereof, shall be granted such diploma 2184
by the correctional institution operating the programs in which 2185
such credits were earned, and by the board of education of the 2186
school district in which the inmate resided immediately prior to 2187
the inmate's placement in the institution. The diploma granted by 2188
the correctional institution shall be signed by the director of 2189
the institution, and by the person serving as principal of the 2190
institution's high school and shall bear the date of issue. 2191

(F) Persons who are not residents of Ohio but who are inmates 2192
of correctional institutions operated by the state or any 2193
political subdivision thereof, and who are eligible under state 2194
board of education minimum standards to receive a high school 2195
diploma based in whole or in part on credits earned while an 2196
inmate of the correctional institution, shall be granted a diploma 2197
by the correctional institution offering the program in which the 2198
credits were earned. The diploma granted by the correctional 2199
institution shall be signed by the director of the institution and 2200
by the person serving as principal of the institution's high 2201
school and shall bear the date of issue. 2202

(G) The state board of education shall provide by rule for 2203
the administration of the tests required by section 3301.0710 of 2204
the Revised Code to inmates of correctional institutions. 2205

(H) Any person to whom all of the following apply shall be 2206
exempted from attaining the applicable score on the test in social 2207
studies designated under division (B) of section 3301.0710 of the 2208
Revised Code or the test in citizenship designated under former 2209
division (B) of section 3301.0710 of the Revised Code as it 2210
existed prior to ~~the effective date of this amendment~~ September 2211
11, 2001: 2212

(1) The person is not a citizen of the United States;	2213
(2) The person is not a permanent resident of the United States;	2214 2215
(3) The person indicates no intention to reside in the United States after the completion of high school.	2216 2217
(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.	2218 2219 2220 2221 2222 2223
(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.	2224 2225 2226 2227 2228 2229 2230 2231 2232 2233
(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.	2234 2235 2236
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.	2237 2238 2239 2240 2241 2242 2243

(L) Any student described by division (A)(1) of this section 2244
may be awarded a diploma without attaining the applicable scores 2245
designated on the tests prescribed under division (B) of section 2246
3301.0710 of the Revised Code provided an individualized education 2247
program specifically exempts the student from attaining such 2248
scores. This division does not negate the requirement for such a 2249
student to take all such tests or alternate assessments required 2250
by division (C)(1) of section 3301.0711 of the Revised Code for 2251
the purpose of assessing student progress as required by federal 2252
law. 2253

Sec. 3313.611. (A) The state board of education shall adopt, 2254
by rule, standards for awarding high school credit equivalent to 2255
credit for completion of high school academic and vocational 2256
education courses to applicants for diplomas under this section. 2257
The standards may permit high school credit to be granted to an 2258
applicant for any of the following: 2259

(1) Work experiences or experiences as a volunteer; 2260

(2) Completion of academic, vocational, or self-improvement 2261
courses offered to persons over the age of twenty-one by a 2262
chartered public or nonpublic school; 2263

(3) Completion of academic, vocational, or self-improvement 2264
courses offered by an organization, individual, or educational 2265
institution other than a chartered public or nonpublic school; 2266

(4) Other life experiences considered by the board to provide 2267
knowledge and learning experiences comparable to that gained in a 2268
classroom setting. 2269

(B) The board of education of any city, exempted village, or 2270
local school district that operates a high school shall grant a 2271
diploma of adult education to any applicant if all of the 2272
following apply: 2273

(1) The applicant is a resident of the district;	2274
(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;	2275 2276 2277
(3) Subject to section 3313.614 of the Revised Code, the applicant either:	2278 2279
(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 from attaining the applicable score on any such test pursuant to</u> division (H) or (L) of section 3313.61 of the Revised Code;	2280 2281 2282 2283 2284 2285
(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	2286 2287
(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.	2288 2289 2290 2291 2292 2293
(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.	2294 2295 2296 2297 2298 2299 2300
(D) If a district board awards an adult education diploma under this section, the president and treasurer of the board and the superintendent of schools shall sign it. Each diploma shall	2301 2302 2303

bear the date of its issuance, be in such form as the district board prescribes, and be paid for from the district's general fund, except that the state board may by rule prescribe standard language to be included on each diploma.

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

~~Notwithstanding the exemption for English limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English limited~~ No limited English proficient 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.

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

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

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

(2) Any person with regard to the social studies test or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;	2334
(b) The person is not a permanent resident of the United States;	2335 2336
(c) The person indicates no intention to reside in the United States after completion of high school.	2337 2338
(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.	2339 2340 2341
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.	2342 2343 2344 2345 2346 2347 2348
Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:	2349 2350
(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 custodian of the child and all residual parental rights,	2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363

privileges, and responsibilities.	2364
(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.	2365 2366 2367
(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.	2368 2369 2370
(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:	2371 2372 2373 2374
(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.	2375 2376 2377
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	2378 2379 2380
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	2381 2382 2383
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	2384 2385
(5) "Agency" means all of the following:	2386
(a) A public children services agency;	2387
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	2388 2389 2390 2391 2392 2393

(c) Comparable agencies of other states or countries that 2394
have complied with applicable requirements of section 2151.39, or 2395
sections 5103.20 to 5103.28 of the Revised Code. 2396

(6) A child is placed for adoption if either of the following 2397
occurs: 2398

(a) An agency to which the child has been permanently 2399
committed or surrendered enters into an agreement with a person 2400
pursuant to section 5103.16 of the Revised Code for the care and 2401
adoption of the child. 2402

(b) The child's natural parent places the child pursuant to 2403
section 5103.16 of the Revised Code with a person who will care 2404
for and adopt the child. 2405

(7) "Handicapped preschool child" means a handicapped child, 2406
as defined by division (A) of section 3323.01 of the Revised Code, 2407
who is at least three years of age but is not of compulsory school 2408
age, as defined in section 3321.01 of the Revised Code, and who is 2409
not currently enrolled in kindergarten. 2410

(8) "Child," unless otherwise indicated, includes handicapped 2411
preschool children. 2412

(B) Except as otherwise provided in section 3321.01 of the 2413
Revised Code for admittance to kindergarten and first grade, a 2414
child who is at least five but under twenty-two years of age and 2415
any handicapped preschool child shall be admitted to school as 2416
provided in this division. 2417

(1) A child shall be admitted to the schools of the school 2418
district in which the child's parent resides. 2419

(2) A child who does not reside in the district where the 2420
child's parent resides shall be admitted to the schools of the 2421
district in which the child resides if any of the following 2422
applies: 2423

(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.	2424 2425 2426
(b) The child resides in a home.	2427
(c) The child requires special education.	2428
(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:	2429 2430 2431 2432 2433 2434
(a) The placement for adoption has been terminated.	2435
(b) Another school district is required to admit the child under division (B)(1) of this section.	2436 2437
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.	2438 2439 2440 2441 2442
(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:	2443 2444 2445 2446
(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.	2447 2448 2449 2450 2451
(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of	2452 2453

a government agency or person other than the child's parent, 2454
tuition shall be paid by: 2455

(a) The district in which the child's parent resided at the 2456
time the court removed the child from home or at the time the 2457
court vested legal or permanent custody of the child in the person 2458
or government agency, whichever occurred first; 2459

(b) If the parent's residence at the time the court removed 2460
the child from home or placed the child in the legal or permanent 2461
custody of the person or government agency is unknown, tuition 2462
shall be paid by the district in which the child resided at the 2463
time the child was removed from home or placed in legal or 2464
permanent custody, whichever occurred first; 2465

(c) If a school district cannot be established under division 2466
(C)(2)(a) or (b) of this section, tuition shall be paid by the 2467
district determined as required by section 2151.357 of the Revised 2468
Code by the court at the time it vests custody of the child in the 2469
person or government agency; 2470

(d) If at the time the court removed the child from home or 2471
vested legal or permanent custody of the child in the person or 2472
government agency, whichever occurred first, one parent was in a 2473
residential or correctional facility or a juvenile residential 2474
placement and the other parent, if living and not in such a 2475
facility or placement, was not known to reside in this state, 2476
tuition shall be paid by the district determined under division 2477
(D) of section 3313.65 of the Revised Code as the district 2478
required to pay any tuition while the parent was in such facility 2479
or placement. 2480

(3) If the child is not in the permanent or legal custody of 2481
a government agency or person other than the child's parent and 2482
the child resides in a home, tuition shall be paid by one of the 2483
following: 2484

(a) The school district in which the child's parent resides;	2485
(b) If the child's parent is not a resident of this state, the home in which the child resides.	2486 2487
(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.	2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502
(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.	2503 2504 2505 2506
(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:	2507 2508 2509 2510 2511
(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 school curriculum or the individualized education program	2512 2513 2514 2515

developed for the person by the high school pursuant to section 2516
3323.08 of the Revised Code, are entitled to attend school in the 2517
district in which they reside. 2518

(2) Any child under eighteen years of age who is married is 2519
entitled to attend school in the child's district of residence. 2520

(3) A child is entitled to attend school in the district in 2521
which either of the child's parents is employed if the child has a 2522
medical condition that may require emergency medical attention. 2523
The parent of a child entitled to attend school under division 2524
(F)(3) of this section shall submit to the board of education of 2525
the district in which the parent is employed a statement from the 2526
child's physician certifying that the child's medical condition 2527
may require emergency medical attention. The statement shall be 2528
supported by such other evidence as the board may require. 2529

(4) Any child residing with a person other than the child's 2530
parent is entitled, for a period not to exceed twelve months, to 2531
attend school in the district in which that person resides if the 2532
child's parent files an affidavit with the superintendent of the 2533
district in which the person with whom the child is living resides 2534
stating all of the following: 2535

(a) That the parent is serving outside of the state in the 2536
armed services of the United States; 2537

(b) That the parent intends to reside in the district upon 2538
returning to this state; 2539

(c) The name and address of the person with whom the child is 2540
living while the parent is outside the state. 2541

(5) Any child under the age of twenty-two years who, after 2542
the death of a parent, resides in a school district other than the 2543
district in which the child attended school at the time of the 2544
parent's death is entitled to continue to attend school in the 2545
district in which the child attended school at the time of the 2546

parent's death for the remainder of the school year, subject to 2547
approval of that district board. 2548

(6) A child under the age of twenty-two years who resides 2549
with a parent who is having a new house built in a school district 2550
outside the district where the parent is residing is entitled to 2551
attend school for a period of time in the district where the new 2552
house is being built. In order to be entitled to such attendance, 2553
the parent shall provide the district superintendent with the 2554
following: 2555

(a) A sworn statement explaining the situation, revealing the 2556
location of the house being built, and stating the parent's 2557
intention to reside there upon its completion; 2558

(b) A statement from the builder confirming that a new house 2559
is being built for the parent and that the house is at the 2560
location indicated in the parent's statement. 2561

(7) A child under the age of twenty-two years residing with a 2562
parent who has a contract to purchase a house in a school district 2563
outside the district where the parent is residing and who is 2564
waiting upon the date of closing of the mortgage loan for the 2565
purchase of such house is entitled to attend school for a period 2566
of time in the district where the house is being purchased. In 2567
order to be entitled to such attendance, the parent shall provide 2568
the district superintendent with the following: 2569

(a) A sworn statement explaining the situation, revealing the 2570
location of the house being purchased, and stating the parent's 2571
intent to reside there; 2572

(b) A statement from a real estate broker or bank officer 2573
confirming that the parent has a contract to purchase the house, 2574
that the parent is waiting upon the date of closing of the 2575
mortgage loan, and that the house is at the location indicated in 2576
the parent's statement. 2577

The district superintendent shall establish a period of time 2578
not to exceed ninety days during which the child entitled to 2579
attend school under division (F)(6) or (7) of this section may 2580
attend without tuition obligation. A student attending a school 2581
under division (F)(6) or (7) of this section shall be eligible to 2582
participate in interscholastic athletics under the auspices of 2583
that school, provided the board of education of the school 2584
district where the student's parent resides, by a formal action, 2585
releases the student to participate in interscholastic athletics 2586
at the school where the student is attending, and provided the 2587
student receives any authorization required by a public agency or 2588
private organization of which the school district is a member 2589
exercising authority over interscholastic sports. 2590

(8) A child whose parent is a full-time employee of a city, 2591
local, or exempted village school district, or of an educational 2592
service center, may be admitted to the schools of the district 2593
where the child's parent is employed, or in the case of a child 2594
whose parent is employed by an educational service center, in the 2595
district that serves the location where the parent's job is 2596
primarily located, provided the district board of education 2597
establishes such an admission policy by resolution adopted by a 2598
majority of its members. Any such policy shall take effect on the 2599
first day of the school year and the effective date of any 2600
amendment or repeal may not be prior to the first day of the 2601
subsequent school year. The policy shall be uniformly applied to 2602
all such children and shall provide for the admission of any such 2603
child upon request of the parent. No child may be admitted under 2604
this policy after the first day of classes of any school year. 2605

(9) A child who is with the child's parent under the care of 2606
a shelter for victims of domestic violence, as defined in section 2607
3113.33 of the Revised Code, is entitled to attend school free in 2608
the district in which the child is with the child's parent, and no 2609

other school district shall be required to pay tuition for the 2610
child's attendance in that school district. 2611

The enrollment of a child in a school district under this 2612
division shall not be denied due to a delay in the school 2613
district's receipt of any records required under section 3313.672 2614
of the Revised Code or any other records required for enrollment. 2615
Any days of attendance and any credits earned by a child while 2616
enrolled in a school district under this division shall be 2617
transferred to and accepted by any school district in which the 2618
child subsequently enrolls. The state board of education shall 2619
adopt rules to ensure compliance with this division. 2620

(10) Any child under the age of twenty-two years whose parent 2621
has moved out of the school district after the commencement of 2622
classes in the child's senior year of high school is entitled, 2623
subject to the approval of that district board, to attend school 2624
in the district in which the child attended school at the time of 2625
the parental move for the remainder of the school year and for one 2626
additional semester or equivalent term. A district board may also 2627
adopt a policy specifying extenuating circumstances under which a 2628
student may continue to attend school under division (F)(10) of 2629
this section for an additional period of time in order to 2630
successfully complete the high school curriculum for the 2631
individualized education program developed for the student by the 2632
high school pursuant to section 3323.08 of the Revised Code. 2633

(11) As used in this division, "grandparent" means a parent 2634
of a parent of a child. A child under the age of twenty-two years 2635
who is in the custody of the child's parent, resides with a 2636
grandparent, and does not require special education is entitled to 2637
attend the schools of the district in which the child's 2638
grandparent resides, provided that, prior to such attendance in 2639
any school year, the board of education of the school district in 2640
which the child's grandparent resides and the board of education 2641

of the school district in which the child's parent resides enter 2642
into a written agreement specifying that good cause exists for 2643
such attendance, describing the nature of this good cause, and 2644
consenting to such attendance. 2645

In lieu of a consent form signed by a parent, a board of 2646
education may request the grandparent of a child attending school 2647
in the district in which the grandparent resides pursuant to 2648
division (F)(11) of this section to complete any consent form 2649
required by the district, including any authorization required by 2650
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 2651
Upon request, the grandparent shall complete any consent form 2652
required by the district. A school district shall not incur any 2653
liability solely because of its receipt of a consent form from a 2654
grandparent in lieu of a parent. 2655

Division (F)(11) of this section does not create, and shall 2656
not be construed as creating, a new cause of action or substantive 2657
legal right against a school district, a member of a board of 2658
education, or an employee of a school district. This section does 2659
not affect, and shall not be construed as affecting, any 2660
immunities from defenses to tort liability created or recognized 2661
by Chapter 2744. of the Revised Code for a school district, 2662
member, or employee. 2663

(12) A child under the age of twenty-two years is entitled to 2664
attend school in a school district other than the district in 2665
which the child is entitled to attend school under division (B), 2666
(C), or (E) of this section provided that, prior to such 2667
attendance in any school year, both of the following occur: 2668

(a) The superintendent of the district in which the child is 2669
entitled to attend school under division (B), (C), or (E) of this 2670
section contacts the superintendent of another district for 2671
purposes of this division; 2672

(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: 2735

(a) The board of education of the school district in which 2736
the child was entitled to attend school at the end of the first 2737
week in October and of the district to which the child or child's 2738
parent has relocated each has adopted a policy to enroll children 2739
described in division (I)(1) of this section. 2740

(b) The child's parent provides written notification of the 2741
relocation outside of the school district to the superintendent of 2742
each of the two school districts. 2743

(2) At the beginning of the school year following the school 2744
year in which the child or the child's parent relocated outside of 2745
the school district as described in division (I)(1) of this 2746
section, the child is not entitled to attend school in the school 2747
district under that division. 2748

(3) Any person or entity owing tuition to the school district 2749
on behalf of the child at the end of the first full week in 2750
October, as provided in division (C) of this section, shall 2751
continue to owe such tuition to the district for the child's 2752
attendance under division (I)(1) of this section for the lesser of 2753
the balance of the school year or the balance of the time that the 2754
child attends school in the district under division (I)(1) of this 2755
section. 2756

(4) A pupil who may attend school in the district under 2757
division (I)(1) of this section shall be entitled to 2758
transportation services pursuant to an agreement between the 2759
district and the district in which the child or child's parent has 2760
relocated unless the districts have not entered into such 2761
agreement, in which case the child shall be entitled to 2762
transportation services in the same manner as a pupil attending 2763
school in the district under interdistrict open enrollment as 2764
described in division (H) of section 3313.981 of the Revised Code, 2765

regardless of whether the district has adopted an open enrollment 2766
policy as described in division (B)(1)(b) or (c) of section 2767
3313.98 of the Revised Code. 2768

(J) This division does not apply to a child receiving special 2769
education. 2770

A school district required to pay tuition pursuant to 2771
division (C)(2) or (3) of this section or section 3313.65 of the 2772
Revised Code shall have an amount deducted under division (F) of 2773
section 3317.023 of the Revised Code equal to its own tuition rate 2774
for the same period of attendance. A school district entitled to 2775
receive tuition pursuant to division (C)(2) or (3) of this section 2776
or section 3313.65 of the Revised Code shall have an amount 2777
credited under division (F) of section 3317.023 of the Revised 2778
Code equal to its own tuition rate for the same period of 2779
attendance. If the tuition rate credited to the district of 2780
attendance exceeds the rate deducted from the district required to 2781
pay tuition, the department of education shall pay the district of 2782
attendance the difference from amounts deducted from all 2783
districts' payments under division (F) of section 3317.023 of the 2784
Revised Code but not credited to other school districts under such 2785
division and from appropriations made for such purpose. The 2786
treasurer of each school district shall, by the fifteenth day of 2787
January and July, furnish the superintendent of public instruction 2788
a report of the names of each child who attended the district's 2789
schools under divisions (C)(2) and (3) of this section or section 2790
3313.65 of the Revised Code during the preceding six calendar 2791
months, the duration of the attendance of those children, the 2792
school district responsible for tuition on behalf of the child, 2793
and any other information that the superintendent requires. 2794

Upon receipt of the report the superintendent, pursuant to 2795
division (F) of section 3317.023 of the Revised Code, shall deduct 2796
each district's tuition obligations under divisions (C)(2) and (3) 2797

of this section or section 3313.65 of the Revised Code and pay to 2798
the district of attendance that amount plus any amount required to 2799
be paid by the state. 2800

~~(J)~~(K) In the event of a disagreement, the superintendent of 2801
public instruction shall determine the school district in which 2802
the parent resides. 2803

~~(K)~~(L) Nothing in this section requires or authorizes, or 2804
shall be construed to require or authorize, the admission to a 2805
public school in this state of a pupil who has been permanently 2806
excluded from public school attendance by the superintendent of 2807
public instruction pursuant to sections 3301.121 and 3313.662 of 2808
the Revised Code. 2809

Sec. 3313.65. (A) As used in this section and section 3313.64 2810
of the Revised Code: 2811

(1) A person is "in a residential facility" if the person is 2812
a resident or a resident patient of an institution, home, or other 2813
residential facility that is: 2814

(a) Licensed as a nursing home, residential care facility, or 2815
home for the aging by the director of health under section 3721.02 2816
of the Revised Code or licensed as a community alternative home by 2817
the director of health under section 3724.03 of the Revised Code; 2818

(b) Licensed as an adult care facility by the director of 2819
health under Chapter 3722. of the Revised Code; 2820

(c) Maintained as a county home or district home by the board 2821
of county commissioners or a joint board of county commissioners 2822
under Chapter 5155. of the Revised Code; 2823

(d) Operated or administered by a board of alcohol, drug 2824
addiction, and mental health services under section 340.03 or 2825
340.06 of the Revised Code, or provides residential care pursuant 2826
to contracts made under section 340.03 or 340.033 of the Revised 2827

Code;	2828
(e) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;	2829 2830
(f) Licensed by the department of mental health under section 5119.20 or 5119.22 of the Revised Code;	2831 2832
(g) Licensed as a residential facility by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code;	2833 2834 2835
(h) Operated by the veteran's administration or another agency of the United States government;	2836 2837
(i) The Ohio soldiers' and sailors' home.	2838
(2) A person is "in a correctional facility" if any of the following apply:	2839 2840
(a) The person is an Ohio resident and is:	2841
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	2842 2843
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	2844 2845
(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.	2846 2847 2848 2849 2850 2851 2852 2853 2854 2855
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution	2856 2857

but was an Ohio resident at the time the sentence was imposed for 2858
the crime for which the person is imprisoned. 2859

(3) A person is "in a juvenile residential placement" if the 2860
person is an Ohio resident who is under twenty-one years of age 2861
and has been removed, by the order of a juvenile court, from the 2862
place the person resided at the time the person became subject to 2863
the court's jurisdiction in the matter that resulted in the 2864
person's removal. 2865

(B) If the circumstances described in division (C) of this 2866
section apply, the determination of what school district must 2867
admit a child to its schools and what district, if any, is liable 2868
for tuition shall be made in accordance with this section, rather 2869
than section 3313.64 of the Revised Code. 2870

(C) A child who does not reside in the school district in 2871
which the child's parent resides and for whom a tuition obligation 2872
previously has not been established under division (C)(2) of 2873
section 3313.64 of the Revised Code shall be admitted to the 2874
schools of the district in which the child resides if at least one 2875
of the child's parents is in a residential or correctional 2876
facility or a juvenile residential placement and the other parent, 2877
if living and not in such a facility or placement, is not known to 2878
reside in this state. 2879

(D) Regardless of who has custody or care of the child, 2880
whether the child resides in a home, or whether the child receives 2881
special education, if a district admits a child under division (C) 2882
of this section, tuition shall be paid to that district as 2883
follows: 2884

(1) If the child's parent is in a juvenile residential 2885
placement, by the district in which the child's parent resided at 2886
the time the parent became subject to the jurisdiction of the 2887
juvenile court; 2888

(2) If the child's parent is in a correctional facility, by 2889
the district in which the child's parent resided at the time the 2890
sentence was imposed; 2891

(3) If the child's parent is in a residential facility, by 2892
the district in which the parent resided at the time the parent 2893
was admitted to the residential facility, except that if the 2894
parent was transferred from another residential facility, tuition 2895
shall be paid by the district in which the parent resided at the 2896
time the parent was admitted to the facility from which the parent 2897
first was transferred; 2898

(4) In the event of a disagreement as to which school 2899
district is liable for tuition under division (C)(1), (2), or (3) 2900
of this section, the superintendent of public instruction shall 2901
determine which district shall pay tuition. 2902

(E) If a child covered by division (D) of this section 2903
receives special education in accordance with Chapter 3323. of the 2904
Revised Code, the tuition shall be paid in accordance with section 2905
3323.13 or 3323.14 of the Revised Code. Tuition for children who 2906
do not receive special education shall be paid in accordance with 2907
division ~~(I)~~(J) of section 3313.64 of the Revised Code. 2908

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 2909
and division (D) of section 3311.52 of the Revised Code, this 2910
section does not apply to any joint vocational or cooperative 2911
education school district. 2912

(A) As used in this section: 2913

(1) "Parent" has the same meaning as in section 3313.64 of 2914
the Revised Code. 2915

(2) "Alternative school" means a school building other than 2916
the one to which a student is assigned by the district 2917
superintendent. 2918

(3) "IEP" means an individualized education program defined 2919
by division (E) of section 3323.01 of the Revised Code. 2920

(B) The board of education of each city, local, and exempted 2921
village school district shall adopt an open enrollment policy 2922
allowing students entitled to attend school in the district 2923
pursuant to section 3313.64 or 3313.65 of the Revised Code, 2924
~~effective with the school year that begins July 1, 1993,~~ to enroll 2925
in an alternative school. Each policy shall provide for the 2926
following: 2927

(1) Application procedures, including deadlines for 2928
application and for notification of students and principals of 2929
alternative schools whenever a student's application is accepted. 2930
The policy shall require a student to apply only if he the student 2931
wishes to attend an alternative school. 2932

(2) ~~Procedures for admitting applicants to alternative 2933
schools, including but not limited to:~~ 2934

~~(a)~~ The establishment of district capacity limits by grade 2935
level, school building, and education program; 2936

~~(b)~~(3) A requirement that students enrolled in a school 2937
building or living in any attendance area of the school building 2938
established by the superintendent or board be given preference 2939
over applicants; 2940

~~(c)~~(4) Procedures to ensure that an appropriate racial 2941
balance is maintained in the district schools. 2942

(C) Except as provided in section 3313.982 of the Revised 2943
Code, the procedures for admitting applicants to alternative 2944
schools shall not include: 2945

(1) Any requirement of academic ability, or any level of 2946
athletic, artistic, or other extracurricular skills; 2947

(2) Limitations on admitting applicants because of 2948

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 2980
policy adopted under this section and the application procedures 2981
and deadlines to the parent of each student in the district and to 2982
the general public. 2983

(F) The state board of education shall monitor school 2984
districts to ensure compliance with this section and the 2985
districts' policies. 2986

Sec. 3314.012. (A) Within ninety days of ~~the effective date~~ 2987
~~of this section~~ September 28, 1999, the superintendent of public 2988
instruction shall appoint representatives of the department of 2989
education, including employees who work with the education 2990
management information system and employees of the office of 2991
~~school options~~ community schools established by section 3314.11 of 2992
the Revised Code, to a committee to develop report card models for 2993
community schools. The director of the legislative office of 2994
education oversight shall also appoint representatives to the 2995
committee. The committee shall design model report cards 2996
appropriate for the various types of community schools approved to 2997
operate in the state. Sufficient models shall be developed to 2998
reflect the variety of grade levels served and the missions of the 2999
state's community schools. All models shall include both financial 3000
and academic data. The initial models shall be developed by March 3001
31, 2000. 3002

(B) The department of education shall issue an annual report 3003
card for each community school. The report card shall report the 3004
academic and financial performance of the school utilizing one of 3005
the models developed under division (A) of this section. The 3006
report card shall include all information applicable to school 3007
buildings under division (A) of section 3302.03 of the Revised 3008
Code. 3009

(C) Upon receipt of a copy of a contract between a sponsor 3010

and a community school entered into under this chapter, the 3011
department of education shall notify the community school of the 3012
specific model report card that will be used for that school. 3013

(D) Report cards shall be distributed to the parents of all 3014
students in the community school, to the members of the board of 3015
education of the school district in which the community school is 3016
located, and to any person who requests one from the department. 3017

(E) No report card shall be issued for any community school 3018
under this section until the school has been open for instruction 3019
for two full school years. 3020

Sec. 3314.02. (A) As used in this chapter: 3021

(1) "Sponsor" means an entity listed in division (C)(1) of 3022
this section, which has been approved by the department of 3023
education to sponsor community schools and with which the 3024
governing authority of the proposed community school enters into a 3025
contract pursuant to this section. 3026

(2) "Pilot project area" means the school districts included 3027
in the territory of the former community school pilot project 3028
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 3029
the 122nd general assembly. 3030

(3) "Challenged school district" means any of the following: 3031

(a) A school district that is part of the pilot project area; 3032

(b) A school district that is either in a state of academic 3033
emergency or in a state of academic watch under section 3302.03 of 3034
the Revised Code; 3035

(c) A big eight school district; 3036

~~(d) An urban school district.~~ 3037

(4) "Big eight school district" means a school district that 3038
for fiscal year 1997 had both of the following: 3039

(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 3071
to support the conversion to a community school. A proposing 3072
person or group that has a preliminary agreement under this 3073
division may proceed to finalize plans for the school, establish a 3074
governing authority for the school, and negotiate a contract with 3075
the board of education. Provided the proposing person or group 3076
adheres to the preliminary agreement and all provisions of this 3077
chapter, the board of education shall negotiate in good faith to 3078
enter into a contract in accordance with section 3314.03 of the 3079
Revised Code and division (C) of this section. 3080

(C)(1) Any person or group of individuals may propose under 3081
this division the establishment of a new start-up school to be 3082
located in a challenged school district. The proposal may be made 3083
to any of the following entities: 3084

(a) The board of education of the district in which the 3085
school is proposed to be located; 3086

(b) The board of education of any joint vocational school 3087
district with territory in the county in which is located the 3088
majority of the territory of the district in which the school is 3089
proposed to be located; 3090

(c) The board of education of any other city, local, or 3091
exempted village school district having territory in the same 3092
county where the district in which the school is proposed to be 3093
located has the major portion of its territory; 3094

(d) The governing board of any educational service center ~~as~~ 3095
~~long as the proposed school will be located in a county within the~~ 3096
~~territory of the service center or in a county contiguous to such~~ 3097
~~county;~~ 3098

(e) A sponsoring authority designated by the board of 3099
trustees of any of the thirteen state universities listed in 3100
section 3345.011 of the Revised Code or the board of trustees 3101

itself as long as a mission of the proposed school to be specified 3102
in the contract under division (A)(2) of section 3314.03 of the 3103
Revised Code and as approved by the department of education under 3104
division (B)(2) of section 3314.015 of the Revised Code will be 3105
the practical demonstration of teaching methods, educational 3106
technology, or other teaching practices that are included in the 3107
curriculum of the university's teacher preparation program 3108
approved by the state board of education; 3109

(f) Any qualified tax-exempt entity under section 501(c)(3) 3110
of the Internal Revenue Code as long as all of the following 3111
conditions are satisfied: 3112

(i) The entity has been in operation for at least five years 3113
prior to applying to be a community school sponsor. 3114

(ii) The entity has assets of at least five hundred thousand 3115
dollars. 3116

(iii) The department of education has determined that the 3117
entity is an education-oriented entity under division (B)(3) of 3118
section 3314.015 of the Revised Code. 3119

Until July 1, 2005, any entity described in division 3120
(C)(1)(f) of this section may sponsor only schools that formerly 3121
were sponsored by the state board of education under division 3122
(C)(1)(d) of this section, as it existed prior to April 8, 2003. 3123
After July 1, 2005, such entity may sponsor any new or existing 3124
school. 3125

Any entity described in division (C)(1) of this section may 3126
enter into a preliminary agreement pursuant to division (C)(2) of 3127
this section with the proposing person or group. 3128

(2) A preliminary agreement indicates the intention of an 3129
entity described in division (C)(1) of this section to sponsor the 3130
community school. A proposing person or group that has such a 3131
preliminary agreement may proceed to finalize plans for the 3132

school, establish a governing authority as described in division 3133
(E) of this section for the school, and negotiate a contract with 3134
the entity. Provided the proposing person or group adheres to the 3135
preliminary agreement and all provisions of this chapter, the 3136
entity shall negotiate in good faith to enter into a contract in 3137
accordance with section 3314.03 of the Revised Code. 3138

(3) A new start-up school that is established in a school 3139
district while that district is either in a state of academic 3140
emergency or in a state of academic watch under section 3302.03 of 3141
the Revised Code may continue in existence once the school 3142
district is no longer in a state of academic emergency or academic 3143
watch, provided there is a valid contract between the school and a 3144
sponsor. 3145

(4) A copy of every preliminary agreement entered into under 3146
this division shall be filed with the superintendent of public 3147
instruction. 3148

(D) A majority vote of the board of a sponsoring entity and a 3149
majority vote of the members of the governing authority of a 3150
community school shall be required to adopt a contract and convert 3151
the public school to a community school or establish the new 3152
start-up school. Up to the statewide limit prescribed in section 3153
3314.013 of the Revised Code, an unlimited number of community 3154
schools may be established in any school district provided that a 3155
contract is entered into for each community school pursuant to 3156
this chapter. 3157

(E) As used in this division, "immediate relatives" are 3158
limited to spouses, children, parents, grandparents, siblings, and 3159
in-laws. 3160

Each new start-up community school established under this 3161
chapter shall be under the direction of a governing authority 3162
which shall consist of a board of not less than five individuals 3163

who are not owners or employees, or immediate relatives of owners 3164
or employees, of any for-profit firm that operates or manages a 3165
school for the governing authority. 3166

No person shall serve on the governing authority or operate 3167
the community school under contract with the governing authority 3168
so long as the person owes the state any money or is in a dispute 3169
over whether the person owes the state any money concerning the 3170
operation of a community school that has closed. 3171

(F) Nothing in this chapter shall be construed to permit the 3172
establishment of a community school in more than one school 3173
district under the same contract. 3174

(G) A new start-up school that is established prior to the 3175
effective date of this amendment in an urban school district that 3176
is not also a big-eight school district may continue to operate 3177
after the effective date of this amendment and the contract 3178
between the school's governing authority and the school's sponsor 3179
may be renewed, as provided under this chapter, after the 3180
effective date of this amendment, but no additional new start-up 3181
schools may be established in such a district unless the district 3182
is a challenged school district as defined in this section as it 3183
exists on and after the effective date of this amendment. 3184

Sec. 3314.03. A copy of every contract entered into under 3185
this section shall be filed with the superintendent of public 3186
instruction. 3187

(A) Each contract entered into between a sponsor and the 3188
governing authority of a community school shall specify the 3189
following: 3190

(1) That the school shall be established as either of the 3191
following: 3192

(a) A nonprofit corporation established under Chapter 1702. 3193

of the Revised Code, if established prior to ~~the effective date of~~ 3194
~~this amendment~~ April 8, 2003; 3195

(b) A public benefit corporation established under Chapter 3196
1702. of the Revised Code, if established after ~~the effective date~~ 3197
~~of this amendment~~ April 8, 2003; 3198

(2) The education program of the school, including the 3199
school's mission, the characteristics of the students the school 3200
is expected to attract, the ages and grades of students, and the 3201
focus of the curriculum; 3202

(3) The academic goals to be achieved and the method of 3203
measurement that will be used to determine progress toward those 3204
goals, which shall include the statewide achievement tests; 3205

(4) Performance standards by which the success of the school 3206
will be evaluated by the sponsor; 3207

(5) The admission standards of section 3314.06 of the Revised 3208
Code; 3209

(6)(a) Dismissal procedures; 3210

(b) A requirement that the governing authority adopt an 3211
attendance policy that includes a procedure for automatically 3212
withdrawing a student from the school if the student without a 3213
legitimate excuse fails to participate in one hundred five 3214
cumulative hours of the learning opportunities offered to the 3215
student. Such a policy shall provide for withdrawing the student 3216
by the end of the thirtieth day after the student has failed to 3217
participate as required under this division. 3218

(7) The ways by which the school will achieve racial and 3219
ethnic balance reflective of the community it serves; 3220

(8) Requirements for financial audits by the auditor of 3221
state. The contract shall require financial records of the school 3222
to be maintained in the same manner as are financial records of 3223

school districts, pursuant to rules of the auditor of state, and 3224
the audits shall be conducted in accordance with section 117.10 of 3225
the Revised Code. 3226

(9) The facilities to be used and their locations; 3227

(10) Qualifications of teachers, including a requirement that 3228
the school's classroom teachers be licensed in accordance with 3229
sections 3319.22 to 3319.31 of the Revised Code, except that a 3230
community school may engage noncertificated persons to teach up to 3231
twelve hours per week pursuant to section 3319.301 of the Revised 3232
Code; 3233

(11) That the school will comply with the following 3234
requirements: 3235

(a) The school will provide learning opportunities to a 3236
minimum of twenty-five students for a minimum of nine hundred 3237
twenty hours per school year; 3238

(b) The governing authority will purchase liability 3239
insurance, or otherwise provide for the potential liability of the 3240
school; 3241

(c) The school will be nonsectarian in its programs, 3242
admission policies, employment practices, and all other 3243
operations, and will not be operated by a sectarian school or 3244
religious institution; 3245

(d) The school will comply with sections 9.90, 9.91, 109.65, 3246
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3247
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 3248
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 3249
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3250
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3251
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 3252
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 3253
4123., 4141., and 4167. of the Revised Code as if it were a school 3254

district and will comply with section 3301.0714 of the Revised 3255
Code in the manner specified in section 3314.17 of the Revised 3256
Code; 3257

(e) The school shall comply with Chapter 102. of the Revised 3258
Code except that nothing in that chapter shall prohibit a member 3259
of the school's governing board from also being an employee of the 3260
school and nothing in that chapter or section 2921.42 of the 3261
Revised Code shall prohibit a member of the school's governing 3262
board from having an interest in a contract into which the 3263
governing board enters that is not a contract with a for-profit 3264
firm for the operation or management of a school under the 3265
auspices of the governing authority; 3266

(f) The school will comply with sections 3313.61, 3313.611, 3267
and 3313.614 of the Revised Code, except that the requirement in 3268
sections 3313.61 and 3313.611 of the Revised Code that a person 3269
must successfully complete the curriculum in any high school prior 3270
to receiving a high school diploma may be met by completing the 3271
curriculum adopted by the governing authority of the community 3272
school rather than the curriculum specified in Title XXXIII of the 3273
Revised Code or any rules of the state board of education; 3274

(g) The school governing authority will submit within four 3275
months after the end of each school year a report of its 3276
activities and progress in meeting the goals and standards of 3277
divisions (A)(3) and (4) of this section and its financial status 3278
to the sponsor, the parents of all students enrolled in the 3279
school, and the legislative office of education oversight. The 3280
school will collect and provide any data that the legislative 3281
office of education oversight requests in furtherance of any study 3282
or research that the general assembly requires the office to 3283
conduct, including the studies required under Section 50.39 of Am. 3284
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 3285
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 3286

(12) Arrangements for providing health and other benefits to employees;	3287 3288
(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.	3289 3290 3291 3292
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	3293 3294
(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.	3295 3296 3297 3298 3299 3300 3301 3302 3303 3304 3305 3306
(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;	3307 3308 3309
(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	3310 3311 3312 3313 3314 3315 3316 3317

employees;	3318
(18) Provisions establishing procedures for resolving	3319
disputes or differences of opinion between the sponsor and the	3320
governing authority of the community school;	3321
(19) A provision requiring the governing authority to adopt a	3322
policy regarding the admission of students who reside outside the	3323
district in which the school is located. That policy shall comply	3324
with the admissions procedures specified in section 3314.06 of the	3325
Revised Code and, at the sole discretion of the authority, shall	3326
do one of the following:	3327
(a) Prohibit the enrollment of students who reside outside	3328
the district in which the school is located;	3329
(b) Permit the enrollment of students who reside in districts	3330
adjacent to the district in which the school is located;	3331
(c) Permit the enrollment of students who reside in any other	3332
district in the state.	3333
(20) A provision recognizing the authority of the department	3334
of education to take over the sponsorship of the school in	3335
accordance with the provisions of division (C) of section 3314.015	3336
of the Revised Code;	3337
(21) A provision recognizing the sponsor's authority to	3338
assume the operation of a school under the conditions specified in	3339
division (B) of section 3314.073 of the Revised Code;	3340
(22) A provision recognizing both of the following:	3341
(a) The authority of public health and safety officials to	3342
inspect the facilities of the school and to order the facilities	3343
closed if those officials find that the facilities are not in	3344
compliance with health and safety laws and regulations;	3345
(b) The authority of the department of education as the	3346
community school oversight body to suspend the operation of the	3347

school under section 3314.072 of the Revised Code if the 3348
department has evidence of conditions or violations of law at the 3349
school that pose an imminent danger to the health and safety of 3350
the school's students and employees and the sponsor refuses to 3351
take such action; 3352

(23) A description of the learning opportunities that will be 3353
offered to students including both classroom-based and 3354
non-classroom-based learning opportunities that is in compliance 3355
with criteria for student participation established by the 3356
department under division (L)(2) of section 3314.08 of the Revised 3357
Code; 3358

(24) The school will comply with section 3302.04 of the 3359
Revised Code, including division (E) of that section to the extent 3360
possible, except that any action required to be taken by a school 3361
district pursuant to that section shall be taken by the sponsor of 3362
the school. However, the sponsor shall not be required to take any 3363
action described in division (F) of that section. 3364

(B) The community school shall also submit to the sponsor a 3365
comprehensive plan for the school. The plan shall specify the 3366
following: 3367

(1) The process by which the governing authority of the 3368
school will be selected in the future; 3369

(2) The management and administration of the school; 3370

(3) If the community school is a currently existing public 3371
school, alternative arrangements for current public school 3372
students who choose not to attend the school and teachers who 3373
choose not to teach in the school after conversion; 3374

(4) The instructional program and educational philosophy of 3375
the school; 3376

(5) Internal financial controls. 3377

(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 3409
determined necessary by the sponsor; 3410

(6) Have in place a plan of action to be undertaken in the 3411
event the community school experiences financial difficulties or 3412
closes prior to the end of a school year. 3413

(E) Upon the expiration of a contract entered into under this 3414
section, the sponsor of a community school may, with the approval 3415
of the governing authority of the school, renew that contract for 3416
a period of time determined by the sponsor, but not ending earlier 3417
than the end of any school year, if the sponsor finds that the 3418
school's compliance with applicable laws and terms of the contract 3419
and the school's progress in meeting the academic goals prescribed 3420
in the contract have been satisfactory. Any contract that is 3421
renewed under this division remains subject to the provisions of 3422
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 3423

Sec. 3314.033. Not later than September 30, 2003, the state 3424
board of education shall recommend to the general assembly 3425
standards governing the operation of internet- or computer-based 3426
community schools, as defined in section 3314.02 of the Revised 3427
Code, and other educational courses delivered primarily via 3428
electronic media. 3429

Sec. 3314.20. This section does not apply to any school 3430
district declared to be excellent or effective pursuant to 3431
division (B)(1) or (2) of section 3302.03 of the Revised Code. 3432

(A) The ~~department~~ state board of education shall ~~recommend~~ 3433
adopt rules ~~to the general assembly~~ requiring school districts 3434
with a total student count of over five thousand, as determined 3435
pursuant to section 3317.03 of the Revised Code, to designate one 3436
school building to be operated by a site-based management council. 3437
The rules shall specify the composition of the council and the 3438

manner in which members of the council are to be selected and 3439
removed. 3440

(B) The rules adopted under division (A) of this section 3441
shall specify those powers, duties, functions, and 3442
responsibilities that shall be vested in the management council 3443
and that would otherwise be exercised by the district board of 3444
education. The rules shall also establish a mechanism for 3445
resolving any differences between the council and the district 3446
board if there is disagreement as to their respective powers, 3447
duties, functions, and responsibilities. 3448

(C) The board of education of any school district described 3449
by division (A) of this section may, in lieu of complying with the 3450
rules adopted under this section, file with the department of 3451
education an alternative structure for a district site-based 3452
management program in at least one of its school buildings. The 3453
proposal shall specify the composition of the council, which shall 3454
include an equal number of parents and teachers and the building 3455
principal, and the method of selection and removal of the council 3456
members. The proposal shall also clearly delineate the respective 3457
powers, duties, functions, and responsibilities of the district 3458
board and the council. The district's proposal shall comply 3459
substantially with the rules ~~approved by the general assembly.~~ 3460

~~(D) The rules recommended under this section shall take 3461
effect upon approval of the general assembly through the passage 3462
of a joint resolution adopted under division (A) of this section. 3463~~

Sec. 3317.01. As used in this section and section 3317.011 of 3464
the Revised Code, "school district," unless otherwise specified, 3465
means any city, local, exempted village, joint vocational, or 3466
cooperative education school district and any educational service 3467
center. 3468

This chapter shall be administered by the state board of 3469

education. The superintendent of public instruction shall 3470
calculate the amounts payable to each school district and shall 3471
certify the amounts payable to each eligible district to the 3472
treasurer of the district as provided by this chapter. No moneys 3473
shall be distributed pursuant to this chapter without the approval 3474
of the controlling board. 3475

The state board of education shall, in accordance with 3476
appropriations made by the general assembly, meet the financial 3477
obligations of this chapter. 3478

Annually, the department of education shall calculate and 3479
report to each school district the district's total state and 3480
local funds for providing an adequate basic education to the 3481
district's nonhandicapped students, utilizing the determination in 3482
section 3317.012 of the Revised Code. In addition, the department 3483
shall calculate and report separately for each school district the 3484
district's total state and local funds for providing an adequate 3485
education for its handicapped students, utilizing the 3486
determinations in both sections 3317.012 and 3317.013 of the 3487
Revised Code. 3488

Not later than the thirty-first day of August of each fiscal 3489
year, the department of education shall provide to each school 3490
district and county MR/DD board a preliminary estimate of the 3491
amount of funding that the department calculates the district will 3492
receive under each of divisions (C)(1) and (4) of section 3317.022 3493
of the Revised Code. No later than the first day of December of 3494
each fiscal year, the department shall update that preliminary 3495
estimate. 3496

Moneys distributed pursuant to this chapter shall be 3497
calculated and paid on a fiscal year basis, beginning with the 3498
first day of July and extending through the thirtieth day of June. 3499
The moneys appropriated for each fiscal year shall be distributed 3500
at least monthly to each school district unless otherwise provided 3501

for. The state board shall submit a yearly distribution plan to 3502
the controlling board at its first meeting in July. The state 3503
board shall submit any proposed midyear revision of the plan to 3504
the controlling board in January. Any year-end revision of the 3505
plan shall be submitted to the controlling board in June. If 3506
moneys appropriated for each fiscal year are distributed other 3507
than monthly, such distribution shall be on the same basis for 3508
each school district. 3509

The total amounts paid each month shall constitute, as nearly 3510
as possible, one-twelfth of the total amount payable for the 3511
entire year. Payments made during the first six months of the 3512
fiscal year may be based on an estimate of the amounts payable for 3513
the entire year. Payments made in the last six months shall be 3514
based on the final calculation of the amounts payable to each 3515
school district for that fiscal year. ~~Payments made in the last~~ 3516
~~six months may be adjusted, if necessary, to correct the amounts~~ 3517
~~distributed in the first six months, and to reflect enrollment~~ 3518
~~increases when such are at least three per cent. Except However,~~ 3519
beginning in fiscal year 2005, payments shall be calculated to 3520
reflect the biannual reporting of formula ADM. In fiscal year 3521
2005, payments for the months of July through March shall be based 3522
on the formula ADM, special education ADM, and vocational 3523
education ADM certified in October 2004, and payments for April 3524
through June shall be based on the formula ADM, special education 3525
ADM, and vocational education ADM certified in March 2005. After 3526
fiscal year 2005, payments for July through October shall be based 3527
on the formula ADM, special education ADM, and vocational 3528
education ADM certified in March of the previous fiscal year, 3529
payments for November through March shall be based on the formula 3530
ADM, special education ADM, and vocational education ADM certified 3531
in October of the current fiscal year, and payments for April 3532
through June shall be based on formula ADM, special education ADM, 3533
and vocational education ADM certified in March of the current 3534

fiscal year. 3535

Except as otherwise provided, payments under this chapter 3536
shall be made only to those school districts in which: 3537

(A) The school district, except for any educational service 3538
center and any joint vocational or cooperative education school 3539
district, levies for current operating expenses at least twenty 3540
mills. Levies for joint vocational or cooperative education school 3541
districts or county school financing districts, limited to or to 3542
the extent apportioned to current expenses, shall be included in 3543
this qualification requirement. School district income tax levies 3544
under Chapter 5748. of the Revised Code, limited to or to the 3545
extent apportioned to current operating expenses, shall be 3546
included in this qualification requirement to the extent 3547
determined by the tax commissioner under division (D) of section 3548
3317.021 of the Revised Code. 3549

(B) The school year next preceding the fiscal year for which 3550
such payments are authorized meets the requirement of section 3551
3313.48 or 3313.481 of the Revised Code, with regard to the 3552
minimum number of days or hours school must be open for 3553
instruction with pupils in attendance, for individualized 3554
parent-teacher conference and reporting periods, and for 3555
professional meetings of teachers. This requirement shall be 3556
waived by the superintendent of public instruction if it had been 3557
necessary for a school to be closed because of disease epidemic, 3558
hazardous weather conditions, inoperability of school buses or 3559
other equipment necessary to the school's operation, damage to a 3560
school building, or other temporary circumstances due to utility 3561
failure rendering the school building unfit for school use, 3562
provided that for those school districts operating pursuant to 3563
section 3313.48 of the Revised Code the number of days the school 3564
was actually open for instruction with pupils in attendance and 3565
for individualized parent-teacher conference and reporting periods 3566

is not less than one hundred seventy-five, or for those school 3567
districts operating on a trimester plan the number of days the 3568
school was actually open for instruction with pupils in attendance 3569
not less than seventy-nine days in any trimester, for those school 3570
districts operating on a quarterly plan the number of days the 3571
school was actually open for instruction with pupils in attendance 3572
not less than fifty-nine days in any quarter, or for those school 3573
districts operating on a pentamester plan the number of days the 3574
school was actually open for instruction with pupils in attendance 3575
not less than forty-four days in any pentamester. 3576

A school district shall not be considered to have failed to 3577
comply with this division or section 3313.481 of the Revised Code 3578
because schools were open for instruction but either twelfth grade 3579
students were excused from attendance for up to three days or only 3580
a portion of the kindergarten students were in attendance for up 3581
to three days in order to allow for the gradual orientation to 3582
school of such students. 3583

The superintendent of public instruction shall waive the 3584
requirements of this section with reference to the minimum number 3585
of days or hours school must be in session with pupils in 3586
attendance for the school year succeeding the school year in which 3587
a board of education initiates a plan of operation pursuant to 3588
section 3313.481 of the Revised Code. The minimum requirements of 3589
this section shall again be applicable to such a district 3590
beginning with the school year commencing the second July 3591
succeeding the initiation of one such plan, and for each school 3592
year thereafter. 3593

A school district shall not be considered to have failed to 3594
comply with this division or section 3313.48 or 3313.481 of the 3595
Revised Code because schools were open for instruction but the 3596
length of the regularly scheduled school day, for any number of 3597
days during the school year, was reduced by not more than two 3598

hours due to hazardous weather conditions. 3599

(C) The school district has on file, and is paying in 3600
accordance with, a teachers' salary schedule which complies with 3601
section 3317.13 of the Revised Code. 3602

A board of education or governing board of an educational 3603
service center which has not conformed with other law and the 3604
rules pursuant thereto, shall not participate in the distribution 3605
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3606
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 3607
and sufficient reason established to the satisfaction of the state 3608
board of education and the state controlling board. 3609

All funds allocated to school districts under this chapter, 3610
except those specifically allocated for other purposes, shall be 3611
used to pay current operating expenses only. 3612

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 3613
Revised Code, the amounts required to be paid to a district under 3614
this chapter shall be adjusted by the amount of the computations 3615
made under divisions (B) to (L) of this section. 3616

As used in this section: 3617

(1) "Classroom teacher" means a licensed employee who 3618
provides direct instruction to pupils, excluding teachers funded 3619
from money paid to the district from federal sources; educational 3620
service personnel; and vocational and special education teachers. 3621

(2) "Educational service personnel" shall not include such 3622
specialists funded from money paid to the district from federal 3623
sources or assigned full-time to vocational or special education 3624
students and classes and may only include those persons employed 3625
in the eight specialist areas in a pattern approved by the 3626
department of education under guidelines established by the state 3627
board of education. 3628

(3) "Annual salary" means the annual base salary stated in 3629
the state minimum salary schedule for the performance of the 3630
teacher's regular teaching duties that the teacher earns for 3631
services rendered for the first full week of October of the fiscal 3632
year for which the adjustment is made under division (C) of this 3633
section. It shall not include any salary payments for supplemental 3634
teachers contracts. 3635

(4) "Regular student population" means the formula ADM plus 3636
the number of students reported as enrolled in the district 3637
pursuant to division (A)(1) of section 3313.981 of the Revised 3638
Code; minus the number of students reported under division (A)(2) 3639
of section 3317.03 of the Revised Code; minus the FTE of students 3640
reported under division (B)(5), (6), (7), (8), (9), (10), (11), or 3641
(12) of that section who are enrolled in a vocational education 3642
class or receiving special education; and minus one-fourth of the 3643
students enrolled concurrently in a joint vocational school 3644
district. 3645

(5) "State share percentage" has the same meaning as in 3646
section 3317.022 of the Revised Code. 3647

(6) "VEPD" means a school district or group of school 3648
districts designated by the department of education as being 3649
responsible for the planning for and provision of vocational 3650
education services to students within the district or group. 3651

(7) "Lead district" means a school district, including a 3652
joint vocational school district, designated by the department as 3653
a VEPD, or designated to provide primary vocational education 3654
leadership within a VEPD composed of a group of districts. 3655

(B) If the district employs less than one full-time 3656
equivalent classroom teacher for each twenty-five pupils in the 3657
regular student population in any school district, deduct the sum 3658
of the amounts obtained from the following computations: 3659

(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth; 3660
3661

(2) Subtract the quotient in (1) from the district's regular student population; 3662
3663

(3) Multiply the difference in (2) by seven hundred fifty-two dollars. 3664
3665

(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by: 3666
3667
3668

(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus; 3669
3670
3671

(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section. 3672
3673
3674

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's regular student population. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective training levels, teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order. 3675
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(D) This division does not apply to a school district that has entered into an agreement under division (A) of section 3313.42 of the Revised Code. Deduct the amount obtained from the following computations if the district employs fewer than five full-time equivalent educational service personnel, including 3685
3686
3687
3688
3689

elementary school art, music, and physical education teachers, 3690
counselors, librarians, visiting teachers, school social workers, 3691
and school nurses for each one thousand pupils in the regular 3692
student population: 3693

(1) Divide the number of full-time equivalent educational 3694
service personnel employed by the district by five 3695
one-thousandths; 3696

(2) Subtract the quotient in (1) from the district's regular 3697
student population; 3698

(3) Multiply the difference in (2) by ninety-four dollars. 3699

(E) If a local school district, or a city or exempted village 3700
school district to which a governing board of an educational 3701
service center provides services pursuant to section 3313.843 of 3702
the Revised Code, deduct the amount of the payment required for 3703
the reimbursement of the governing board under section 3317.11 of 3704
the Revised Code. 3705

(F)(1) If the district is required to pay to or entitled to 3706
receive tuition from another school district under division (C)(2) 3707
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 3708
or if the superintendent of public instruction is required to 3709
determine the correct amount of tuition and make a deduction or 3710
credit under section 3317.08 of the Revised Code, deduct and 3711
credit such amounts as provided in division ~~(I)~~(J) of section 3712
3313.64 or section 3317.08 of the Revised Code. 3713

(2) For each child for whom the district is responsible for 3714
tuition or payment under division (A)(1) of section 3317.082 or 3715
section 3323.091 of the Revised Code, deduct the amount of tuition 3716
or payment for which the district is responsible. 3717

(G) If the district has been certified by the superintendent 3718
of public instruction under section 3313.90 of the Revised Code as 3719
not in compliance with the requirements of that section, deduct an 3720

amount equal to ten per cent of the amount computed for the 3721
district under section 3317.022 of the Revised Code. 3722

(H) If the district has received a loan from a commercial 3723
lending institution for which payments are made by the 3724
superintendent of public instruction pursuant to division (E)(3) 3725
of section 3313.483 of the Revised Code, deduct an amount equal to 3726
such payments. 3727

(I)(1) If the district is a party to an agreement entered 3728
into under division (D), (E), or (F) of section 3311.06 or 3729
division (B) of section 3311.24 of the Revised Code and is 3730
obligated to make payments to another district under such an 3731
agreement, deduct an amount equal to such payments if the district 3732
school board notifies the department in writing that it wishes to 3733
have such payments deducted. 3734

(2) If the district is entitled to receive payments from 3735
another district that has notified the department to deduct such 3736
payments under division (I)(1) of this section, add the amount of 3737
such payments. 3738

(J) If the district is required to pay an amount of funds to 3739
a cooperative education district pursuant to a provision described 3740
by division (B)(4) of section 3311.52 or division (B)(8) of 3741
section 3311.521 of the Revised Code, deduct such amounts as 3742
provided under that provision and credit those amounts to the 3743
cooperative education district for payment to the district under 3744
division (B)(1) of section 3317.19 of the Revised Code. 3745

(K)(1) If a district is educating a student entitled to 3746
attend school in another district pursuant to a shared education 3747
contract, compact, or cooperative education agreement other than 3748
an agreement entered into pursuant to section 3313.842 of the 3749
Revised Code, credit to that educating district on an FTE basis 3750
both of the following: 3751

(a) An amount equal to the formula amount times the cost of 3752
doing business factor of the school district where the student is 3753
entitled to attend school pursuant to section 3313.64 or 3313.65 3754
of the Revised Code; 3755

(b) An amount equal to the formula amount times the state 3756
share percentage times any multiple applicable to the student 3757
pursuant to section 3317.013 or 3317.014 of the Revised Code. 3758

(2) Deduct any amount credited pursuant to division (K)(1) of 3759
this section from amounts paid to the school district in which the 3760
student is entitled to attend school pursuant to section 3313.64 3761
or 3313.65 of the Revised Code. 3762

(3) If the district is required by a shared education 3763
contract, compact, or cooperative education agreement to make 3764
payments to an educational service center, deduct the amounts from 3765
payments to the district and add them to the amounts paid to the 3766
service center pursuant to section 3317.11 of the Revised Code. 3767

(L)(1) If a district, including a joint vocational school 3768
district, is a lead district of a VEPD, credit to that district 3769
the amounts calculated for all the school districts within that 3770
VEPD pursuant to division (E)(2) of section 3317.022 of the 3771
Revised Code. 3772

(2) Deduct from each appropriate district that is not a lead 3773
district, the amount attributable to that district that is 3774
credited to a lead district under division (L)(1) of this section. 3775

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 3776
(C) of this section, any student enrolled in kindergarten more 3777
than half time shall be reported as one-half student under this 3778
section. 3779

(A) The superintendent of each city and exempted village 3780
school district and of each educational service center shall, for 3781

the schools under the superintendent's supervision, certify to the 3782
state board of education on or before the fifteenth day of October 3783
in each year for the first full school week in October the formula 3784
ADM, ~~which~~. Beginning in fiscal year 2005, each superintendent 3785
also shall certify to the state board, for the schools under the 3786
superintendent's supervision, on or before the twentieth day of 3787
March of each year, the formula ADM for the week containing the 3788
eighth day of March. The formula ADM shall consist of the average 3789
daily membership during such week of the sum of the following: 3790

(1) On an FTE basis, the number of students in grades 3791
kindergarten through twelve receiving any educational services 3792
from the district, except that the following categories of 3793
students shall not be included in the determination: 3794

(a) Students enrolled in adult education classes; 3795

(b) Adjacent or other district students enrolled in the 3796
district under an open enrollment policy pursuant to section 3797
3313.98 of the Revised Code; 3798

(c) Students receiving services in the district pursuant to a 3799
compact, cooperative education agreement, or a contract, but who 3800
are entitled to attend school in another district pursuant to 3801
section 3313.64 or 3313.65 of the Revised Code; 3802

(d) Students for whom tuition is payable pursuant to sections 3803
3317.081 and 3323.141 of the Revised Code. 3804

(2) On an FTE basis, the number of students entitled to 3805
attend school in the district pursuant to section 3313.64 or 3806
3313.65 of the Revised Code, but receiving educational services in 3807
grades kindergarten through twelve from one or more of the 3808
following entities: 3809

(a) A community school pursuant to Chapter 3314. of the 3810
Revised Code, including any participation in a college pursuant to 3811
Chapter 3365. of the Revised Code while enrolled in such community 3812

school;	3813
(b) An alternative school pursuant to sections 3313.974 to	3814
3313.979 of the Revised Code as described in division (I)(2)(a) or	3815
(b) of this section;	3816
(c) A college pursuant to Chapter 3365. of the Revised Code,	3817
except when the student is enrolled in the college while also	3818
enrolled in a community school pursuant to Chapter 3314. of the	3819
Revised Code;	3820
(d) An adjacent or other school district under an open	3821
enrollment policy adopted pursuant to section 3313.98 of the	3822
Revised Code;	3823
(e) An educational service center or cooperative education	3824
district;	3825
(f) Another school district under a cooperative education	3826
agreement, compact, or contract.	3827
(3) One-fourth of the number of students enrolled in a joint	3828
vocational school district or under a vocational education	3829
compact, excluding any students entitled to attend school in the	3830
district under section 3313.64 or 3313.65 of the Revised Code who	3831
are enrolled in another school district through an open enrollment	3832
policy as reported under division (A)(2)(d) of this section and	3833
then enroll in a joint vocational school district or under a	3834
vocational education compact;	3835
(4) The number of handicapped children, other than	3836
handicapped preschool children, entitled to attend school in the	3837
district pursuant to section 3313.64 or 3313.65 of the Revised	3838
Code who are placed with a county MR/DD board, minus the number of	3839
such children placed with a county MR/DD board in fiscal year	3840
1998. If this calculation produces a negative number, the number	3841
reported under division (A)(4) of this section shall be zero.	3842

(B) To enable the department of education to obtain the data 3843
needed to complete the calculation of payments pursuant to this 3844
chapter, in addition to the formula ADM, each superintendent shall 3845
report separately the following student counts for the same week 3846
for which formula ADM is certified: 3847

(1) The total average daily membership in regular day classes 3848
included in the report under division (A)(1) or (2) of this 3849
section for kindergarten, and each of grades one through twelve in 3850
schools under the superintendent's supervision; 3851

(2) The number of all handicapped preschool children enrolled 3852
as of the first day of December in classes in the district that 3853
are eligible for approval by the state board of education under 3854
division (B) of section 3317.05 of the Revised Code and the number 3855
of those classes, which shall be reported not later than the 3856
fifteenth day of December, in accordance with rules adopted under 3857
that section; 3858

(3) The number of children entitled to attend school in the 3859
district pursuant to section 3313.64 or 3313.65 of the Revised 3860
Code who are participating in a pilot project scholarship program 3861
established under sections 3313.974 to 3313.979 of the Revised 3862
Code as described in division (I)(2)(a) or (b) of this section, 3863
are enrolled in a college under Chapter 3365. of the Revised Code, 3864
except when the student is enrolled in the college while also 3865
enrolled in a community school pursuant to Chapter 3314. of the 3866
Revised Code, are enrolled in an adjacent or other school district 3867
under section 3313.98 of the Revised Code, are enrolled in a 3868
community school established under Chapter 3314. of the Revised 3869
Code, including any participation in a college pursuant to Chapter 3870
3365. of the Revised Code while enrolled in such community school, 3871
or are participating in a program operated by a county MR/DD board 3872
or a state institution; 3873

(4) The number of pupils enrolled in joint vocational schools;	3874 3875
(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	3876 3877 3878 3879
(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;	3880 3881 3882 3883
(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	3884 3885 3886 3887
(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	3888 3889 3890 3891
(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	3892 3893 3894 3895
(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	3896 3897 3898 3899
(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the	3900 3901 3902 3903

school district or by another district, other than a joint	3904
vocational school district, or by an educational service center;	3905
(12) The average daily membership of pupils reported under	3906
division (A)(1) or (2) of this section enrolled in category two	3907
vocational education programs or services, described in division	3908
(B) of section 3317.014 of the Revised Code, operated by the	3909
school district or another school district, other than a joint	3910
vocational school district, or by an educational service center;	3911
(13) The average number of children transported by the school	3912
district on board-owned or contractor-owned and -operated buses,	3913
reported in accordance with rules adopted by the department of	3914
education;	3915
(14)(a) The number of children, other than handicapped	3916
preschool children, the district placed with a county MR/DD board	3917
in fiscal year 1998;	3918
(b) The number of handicapped children, other than	3919
handicapped preschool children, placed with a county MR/DD board	3920
in the current fiscal year to receive special education services	3921
for the category one handicap described in division (A) of section	3922
3317.013 of the Revised Code;	3923
(c) The number of handicapped children, other than	3924
handicapped preschool children, placed with a county MR/DD board	3925
in the current fiscal year to receive special education services	3926
for category two handicaps described in division (B) of section	3927
3317.013 of the Revised Code;	3928
(d) The number of handicapped children, other than	3929
handicapped preschool children, placed with a county MR/DD board	3930
in the current fiscal year to receive special education services	3931
for category three handicaps described in division (C) of section	3932
3317.013 of the Revised Code;	3933
(e) The number of handicapped children, other than	3934

handicapped preschool children, placed with a county MR/DD board 3935
in the current fiscal year to receive special education services 3936
for category four handicaps described in division (D) of section 3937
3317.013 of the Revised Code; 3938

(f) The number of handicapped children, other than 3939
handicapped preschool children, placed with a county MR/DD board 3940
in the current fiscal year to receive special education services 3941
for the category five handicap described in division (E) of 3942
section 3317.013 of the Revised Code; 3943

(g) The number of handicapped children, other than 3944
handicapped preschool children, placed with a county MR/DD board 3945
in the current fiscal year to receive special education services 3946
for category six handicaps described in division (F) of section 3947
3317.013 of the Revised Code. 3948

(C)(1) Except as otherwise provided in this section for 3949
kindergarten students, the average daily membership in divisions 3950
(B)(1) to (12) of this section shall be based upon the number of 3951
full-time equivalent students. The state board of education shall 3952
adopt rules defining full-time equivalent students and for 3953
determining the average daily membership therefrom for the 3954
purposes of divisions (A), (B), and (D) of this section. 3955

(2) A student enrolled in a community school established 3956
under Chapter 3314. of the Revised Code shall be counted in the 3957
formula ADM and, if applicable, the category one, two, three, 3958
four, five, or six special education ADM of the school district in 3959
which the student is entitled to attend school under section 3960
3313.64 or 3313.65 of the Revised Code for the same proportion of 3961
the school year that the student is counted in the enrollment of 3962
the community school for purposes of section 3314.08 of the 3963
Revised Code. 3964

(3) No child shall be counted as more than a total of one 3965

child in the sum of the average daily memberships of a school 3966
district under division (A), divisions (B)(1) to (12), or division 3967
(D) of this section, except as follows: 3968

(a) A child with a handicap described in section 3317.013 of 3969
the Revised Code may be counted both in formula ADM and in 3970
category one, two, three, four, five, or six special education ADM 3971
and, if applicable, in category one or two vocational education 3972
ADM. As provided in division (C) of section 3317.02 of the Revised 3973
Code, such a child shall be counted in category one, two, three, 3974
four, five, or six special education ADM in the same proportion 3975
that the child is counted in formula ADM. 3976

(b) A child enrolled in vocational education programs or 3977
classes described in section 3317.014 of the Revised Code may be 3978
counted both in formula ADM and category one or two vocational 3979
education ADM and, if applicable, in category one, two, three, 3980
four, five, or six special education ADM. Such a child shall be 3981
counted in category one or two vocational education ADM in the 3982
same proportion as the percentage of time that the child spends in 3983
the vocational education programs or classes. 3984

(4) Based on the information reported under this section, the 3985
department of education shall determine the total student count, 3986
as defined in section 3301.011 of the Revised Code, for each 3987
school district. 3988

(D)(1) The superintendent of each joint vocational school 3989
district shall certify to the superintendent of public instruction 3990
on or before the fifteenth day of October in each year for the 3991
first full school week in October the formula ADM, ~~which~~. 3992
Beginning in fiscal year 2005, each superintendent also shall 3993
certify to the state superintendent, on or before the twentieth 3994
day of March of each year, the formula ADM for the week containing 3995
the eighth day of March. The formula ADM, except as otherwise 3996
provided in this division, shall consist of the average daily 3997

membership during such week, on an FTE basis, of the number of 3998
students receiving any educational services from the district, 3999
including students enrolled in a community school established 4000
under Chapter 3314. of the Revised Code who are attending the 4001
joint vocational district under an agreement between the district 4002
board of education and the governing authority of the community 4003
school and are entitled to attend school in a city, local, or 4004
exempted village school district whose territory is part of the 4005
territory of the joint vocational district. 4006

The following categories of students shall not be included in 4007
the determination made under division (D)(1) of this section: 4008

(a) Students enrolled in adult education classes; 4009

(b) Adjacent or other district joint vocational students 4010
enrolled in the district under an open enrollment policy pursuant 4011
to section 3313.98 of the Revised Code; 4012

(c) Students receiving services in the district pursuant to a 4013
compact, cooperative education agreement, or a contract, but who 4014
are entitled to attend school in a city, local, or exempted 4015
village school district whose territory is not part of the 4016
territory of the joint vocational district; 4017

(d) Students for whom tuition is payable pursuant to sections 4018
3317.081 and 3323.141 of the Revised Code. 4019

(2) To enable the department of education to obtain the data 4020
needed to complete the calculation of payments pursuant to this 4021
chapter, in addition to the formula ADM, each superintendent shall 4022
report separately the average daily membership included in the 4023
report under division (D)(1) of this section for each of the 4024
following categories of students for the same week for which 4025
formula ADM is certified: 4026

(a) Students enrolled in each grade included in the joint 4027
vocational district schools; 4028

(b) Handicapped children receiving special education services	4029
for the category one handicap described in division (A) of section	4030
3317.013 of the Revised Code;	4031
(c) Handicapped children receiving special education services	4032
for the category two handicaps described in division (B) of	4033
section 3317.013 of the Revised Code;	4034
(d) Handicapped children receiving special education services	4035
for category three handicaps described in division (C) of section	4036
3317.013 of the Revised Code;	4037
(e) Handicapped children receiving special education services	4038
for category four handicaps described in division (D) of section	4039
3317.013 of the Revised Code;	4040
(f) Handicapped children receiving special education services	4041
for the category five handicap described in division (E) of	4042
section 3317.013 of the Revised Code;	4043
(g) Handicapped children receiving special education services	4044
for category six handicaps described in division (F) of section	4045
3317.013 of the Revised Code;	4046
(h) Students receiving category one vocational education	4047
services, described in division (A) of section 3317.014 of the	4048
Revised Code;	4049
(i) Students receiving category two vocational education	4050
services, described in division (B) of section 3317.014 of the	4051
Revised Code.	4052
The superintendent of each joint vocational school district	4053
shall also indicate the city, local, or exempted village school	4054
district in which each joint vocational district pupil is entitled	4055
to attend school pursuant to section 3313.64 or 3313.65 of the	4056
Revised Code.	4057
(E) In each school of each city, local, exempted village,	4058

joint vocational, and cooperative education school district there 4059
shall be maintained a record of school membership, which record 4060
shall accurately show, for each day the school is in session, the 4061
actual membership enrolled in regular day classes. For the purpose 4062
of determining average daily membership, the membership figure of 4063
any school shall not include any pupils except those pupils 4064
described by division (A) of this section. The record of 4065
membership for each school shall be maintained in such manner that 4066
no pupil shall be counted as in membership prior to the actual 4067
date of entry in the school and also in such manner that where for 4068
any cause a pupil permanently withdraws from the school that pupil 4069
shall not be counted as in membership from and after the date of 4070
such withdrawal. There shall not be included in the membership of 4071
any school any of the following: 4072

(1) Any pupil who has graduated from the twelfth grade of a 4073
public high school; 4074

(2) Any pupil who is not a resident of the state; 4075

(3) Any pupil who was enrolled in the schools of the district 4076
during the previous school year when tests were administered under 4077
section 3301.0711 of the Revised Code but did not take one or more 4078
of the tests required by that section and was not excused pursuant 4079
to division (C)(1) of that section; 4080

(4) Any pupil who has attained the age of twenty-two years, 4081
except for veterans of the armed services whose attendance was 4082
interrupted before completing the recognized twelve-year course of 4083
the public schools by reason of induction or enlistment in the 4084
armed forces and who apply for reenrollment in the public school 4085
system of their residence not later than four years after 4086
termination of war or their honorable discharge. 4087

If, however, any veteran described by division (E)(4) of this 4088
section elects to enroll in special courses organized for veterans 4089

for whom tuition is paid under the provisions of federal laws, or 4090
otherwise, that veteran shall not be included in average daily 4091
membership. 4092

Notwithstanding division (E)(3) of this section, the 4093
membership of any school may include a pupil who did not take a 4094
test required by section 3301.0711 of the Revised Code if the 4095
superintendent of public instruction grants a waiver from the 4096
requirement to take the test to the specific pupil. The 4097
superintendent may grant such a waiver only for good cause in 4098
accordance with rules adopted by the state board of education. 4099

Except as provided in divisions (B)(2) and (F) of this 4100
section, the average daily membership figure of any local, city, 4101
exempted village, or joint vocational school district shall be 4102
determined by dividing the figure representing the sum of the 4103
number of pupils enrolled during each day the school of attendance 4104
is actually open for instruction during the ~~first full school~~ week 4105
~~in October~~ for which the formula ADM is being certified by the 4106
total number of days the school was actually open for instruction 4107
during that week. For purposes of state funding, "enrolled" 4108
persons are only those pupils who are attending school, those who 4109
have attended school during the current school year and are absent 4110
for authorized reasons, and those handicapped children currently 4111
receiving home instruction. 4112

The average daily membership figure of any cooperative 4113
education school district shall be determined in accordance with 4114
rules adopted by the state board of education. 4115

(F)(1) If the formula ADM for the first full school week in 4116
February is at least three per cent greater than that certified 4117
for the first full school week in the preceding October, the 4118
superintendent of schools of any city, exempted village, or joint 4119
vocational school district or educational service center shall 4120
certify such increase to the superintendent of public instruction. 4121

Such certification shall be submitted no later than the fifteenth 4122
day of February. For the balance of the fiscal year, beginning 4123
with the February payments, the superintendent of public 4124
instruction shall use the increased formula ADM in calculating or 4125
recalculating the amounts to be allocated in accordance with 4126
section 3317.022 or 3317.16 of the Revised Code. In no event shall 4127
the superintendent use an increased membership certified to the 4128
superintendent after the fifteenth day of February. Division 4129
(F)(1) of this section does not apply after fiscal year 2004. 4130

(2) If on the first school day of April the total number of 4131
classes or units for handicapped preschool children that are 4132
eligible for approval under division (B) of section 3317.05 of the 4133
Revised Code exceeds the number of units that have been approved 4134
for the year under that division, the superintendent of schools of 4135
any city, exempted village, or cooperative education school 4136
district or educational service center shall make the 4137
certifications required by this section for that day. If the state 4138
board of education determines additional units can be approved for 4139
the fiscal year within any limitations set forth in the acts 4140
appropriating moneys for the funding of such units, the board 4141
shall approve additional units for the fiscal year on the basis of 4142
such average daily membership. For each unit so approved, the 4143
department of education shall pay an amount computed in the manner 4144
prescribed in section 3317.052 or 3317.19 and section 3317.053 of 4145
the Revised Code. 4146

(3) If a student attending a community school under Chapter 4147
3314. of the Revised Code is not included in the formula ADM 4148
~~certified for the first full school week of October~~ for the school 4149
district in which the student is entitled to attend school under 4150
section 3313.64 or 3313.65 of the Revised Code, the department of 4151
education shall adjust the formula ADM of that school district to 4152
include the community school student in accordance with division 4153

(C)(2) of this section, and shall recalculate the school 4154
district's payments under this chapter for the entire fiscal year 4155
on the basis of that adjusted formula ADM. This requirement 4156
applies regardless of whether the student was enrolled, as defined 4157
in division (E) of this section, in the community school during 4158
the first full school week in October. 4159

(G)(1)(a) The superintendent of an institution operating a 4160
special education program pursuant to section 3323.091 of the 4161
Revised Code shall, for the programs under such superintendent's 4162
supervision, certify to the state board of education the average 4163
daily membership of all handicapped children in classes or 4164
programs approved annually by the state board of education, in the 4165
manner prescribed by the superintendent of public instruction. 4166

(b) The superintendent of an institution with vocational 4167
education units approved under division (A) of section 3317.05 of 4168
the Revised Code shall, for the units under the superintendent's 4169
supervision, certify to the state board of education the average 4170
daily membership in those units, in the manner prescribed by the 4171
superintendent of public instruction. 4172

(2) The superintendent of each county MR/DD board that 4173
maintains special education classes under section 3317.20 of the 4174
Revised Code or units approved by the state board of education 4175
pursuant to section 3317.05 of the Revised Code shall do both of 4176
the following: 4177

(a) Certify to the state board, in the manner prescribed by 4178
the board, the average daily membership in classes under section 4179
3317.20 of the Revised Code for each school district that has 4180
placed children in the classes; 4181

(b) Certify to the state board, in the manner prescribed by 4182
the board, the number of all handicapped preschool children 4183
enrolled as of the first day of December in classes eligible for 4184

approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes. 4185
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(3)(a) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day. 4187
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(b) If the state board determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, the board shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code. 4194
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(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by 4203
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the department of education. 4217

(I)(1) A city, local, exempted village, or joint vocational 4218
school district admitting a scholarship student of a pilot project 4219
district pursuant to division (C) of section 3313.976 of the 4220
Revised Code may count such student in its average daily 4221
membership. 4222

(2) In any year for which funds are appropriated for pilot 4223
project scholarship programs, a school district implementing a 4224
state-sponsored pilot project scholarship program that year 4225
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 4226
count in average daily membership: 4227

(a) All children residing in the district and utilizing a 4228
scholarship to attend kindergarten in any alternative school, as 4229
defined in section 3313.974 of the Revised Code; 4230

(b) All children who were enrolled in the district in the 4231
preceding year who are utilizing a scholarship to attend any such 4232
alternative school. 4233

(J) The superintendent of each cooperative education school 4234
district shall certify to the superintendent of public 4235
instruction, in a manner prescribed by the state board of 4236
education, the applicable average daily memberships for all 4237
students in the cooperative education district, also indicating 4238
the city, local, or exempted village district where each pupil is 4239
entitled to attend school under section 3313.64 or 3313.65 of the 4240
Revised Code. 4241

Sec. 3317.04. The amount paid to school districts in each 4242
fiscal year under Chapter 3317. of the Revised Code shall not be 4243
less than the following: 4244

(A) In the case of a district created under section 3311.26 4245
or 3311.37 of the Revised Code, the amount paid shall not be less, 4246

in any of the three succeeding fiscal years following the 4247
creation, than the sum of the amounts allocated under Chapter 4248
3317. of the Revised Code to the districts separately in the year 4249
of the creation. 4250

(B) In the case of a school district which is transferred to 4251
another school district or districts, pursuant to section 3311.22, 4252
3311.231, or 3311.38 of the Revised Code, the amount paid to the 4253
district accepting the transferred territory shall not be less, in 4254
any of the three succeeding fiscal years following the transfer, 4255
than the sum of the amounts allocated under Chapter 3317. of the 4256
Revised Code to the districts separately in the year of the 4257
consummation of the transfer. 4258

(C) In the case of any school district, the amount paid under 4259
Chapter 3317. of the Revised Code to the district in the fiscal 4260
year of distribution shall not be less than that paid under such 4261
chapter in the preceding fiscal year, less any amount paid in that 4262
preceding fiscal year under section 3317.0216 of the Revised Code, 4263
if in the calendar year ending the thirty-first day of December 4264
preceding the fiscal year of distribution, the county auditor of 4265
the county to which the district has been assigned by the 4266
department of education for administrative purposes has completed 4267
reassessment of all real estate within ~~his~~ the county, or the tax 4268
duplicate of that county was increased by the application of a 4269
uniform taxable value per cent of true value pursuant to a rule or 4270
order of the tax commissioner and the revised valuations were 4271
entered on the tax list and duplicate. Notwithstanding sections 4272
3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised 4273
Code, this minimum guarantee is applicable only during the fiscal 4274
year immediately following the reassessment or application. 4275

(D) In the case of any school district that has territory in 4276
three or more counties, each of which contains at least twenty per 4277
cent of the district's territory, the amount paid under Chapter 4278

3317. of the Revised Code to the district in the fiscal year of 4279
distribution shall not be less than that paid under such chapter 4280
in the preceding fiscal year, less any amount paid in that 4281
preceding fiscal year under section 3317.0216 of the Revised Code, 4282
if in the calendar year ending the thirty-first day of December 4283
preceding the fiscal year of distribution, the county auditor of 4284
any such county completed reassessment of all real estate within 4285
~~his~~ the county, or the tax duplicate of any such county was 4286
increased by the application of a uniform taxable value per cent 4287
of true value pursuant to a rule or order of the tax commissioner 4288
and the revised valuations were entered on the tax list and 4289
duplicate. Notwithstanding sections 3311.22, 3311.231, 3311.26, 4290
3311.37, and 3311.38 of the Revised Code, this minimum guarantee 4291
is applicable only during the fiscal year immediately following 4292
the reassessment or application. 4293

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 4294
and 3311.38 of the Revised Code, the minimum guarantees prescribed 4295
by divisions (A) and (B) of this section shall not affect the 4296
amount of aid received by a school district for more than three 4297
consecutive years. 4298

Sec. 3317.08. A board of education may admit to its schools a 4299
child it is not required by section 3313.64 or 3313.65 of the 4300
Revised Code to admit, if tuition is paid for the child. 4301

Unless otherwise provided by law, tuition shall be computed 4302
in accordance with this section. A district's tuition charge for a 4303
school year shall be one of the following: 4304

(A) For any child, except a handicapped preschool child 4305
described in division (B) of this section, the quotient obtained 4306
by dividing the sum of the amounts described in divisions (A)(1) 4307
and (2) of this section by the district's formula ADM. 4308

(1) The district's total taxes charged and payable for 4309

current expenses for the tax year preceding the tax year in which 4310
the school year begins as certified under division (A)(3) of 4311
section 3317.021 of the Revised Code. 4312

(2) The district's total taxes collected for current expenses 4313
under a school district income tax adopted pursuant to section 4314
5748.03 or 5748.08 of the Revised Code that are disbursed to the 4315
district during the fiscal year. On or before the first day of 4316
June of each year, the tax commissioner shall certify the amount 4317
to be used in the calculation under this division for the next 4318
fiscal year to the department of education for each city, local, 4319
and exempted village school district that levies a school district 4320
income tax. 4321

(B) For any handicapped preschool child not included in a 4322
unit approved under division (B) of section 3317.05 of the Revised 4323
Code, an amount computed for the school year as follows: 4324

(1) For each type of special education service provided to 4325
the child for whom tuition is being calculated, determine the 4326
amount of the district's operating expenses in providing that type 4327
of service to all handicapped preschool children not included in 4328
units approved under division (B) of section 3317.05 of the 4329
Revised Code; 4330

(2) For each type of special education service for which 4331
operating expenses are determined under division (B)(1) of this 4332
section, determine the amount of such operating expenses that was 4333
paid from any state funds received under this chapter; 4334

(3) For each type of special education service for which 4335
operating expenses are determined under division (B)(1) of this 4336
section, divide the difference between the amount determined under 4337
division (B)(1) of this section and the amount determined under 4338
division (B)(2) of this section by the total number of handicapped 4339
preschool children not included in units approved under division 4340

(B) of section 3317.05 of the Revised Code who received that type 4341
of service; 4342

(4) Determine the sum of the quotients obtained under 4343
division (B)(3) of this section for all types of special education 4344
services provided to the child for whom tuition is being 4345
calculated. 4346

The state board of education shall adopt rules defining the 4347
types of special education services and specifying the operating 4348
expenses to be used in the computation under this section. 4349

If any child for whom a tuition charge is computed under this 4350
section for any school year is enrolled in a district for only 4351
part of that school year, the amount of the district's tuition 4352
charge for the child for the school year shall be computed in 4353
proportion to the number of school days the child is enrolled in 4354
the district during the school year. 4355

Except as otherwise provided in division ~~(I)~~(J) of section 4356
3313.64 of the Revised Code, whenever a district admits a child to 4357
its schools for whom tuition computed in accordance with this 4358
section is an obligation of another school district, the amount of 4359
the tuition shall be certified by the treasurer of the board of 4360
education of the district of attendance, to the board of education 4361
of the district required to pay tuition for its approval and 4362
payment. If agreement as to the amount payable or the district 4363
required to pay the tuition cannot be reached, or the board of 4364
education of the district required to pay the tuition refuses to 4365
pay that amount, the board of education of the district of 4366
attendance shall notify the superintendent of public instruction. 4367
The superintendent shall determine the correct amount and the 4368
district required to pay the tuition and shall deduct that amount, 4369
if any, under division (G) of section 3317.023 of the Revised 4370
Code, from the district required to pay the tuition and add that 4371
amount to the amount allocated to the district attended under such 4372

division. The superintendent of public instruction shall send to 4373
the district required to pay the tuition an itemized statement 4374
showing such deductions at the time of such deduction. 4375

When a political subdivision owns and operates an airport, 4376
welfare, or correctional institution or other project or facility 4377
outside its corporate limits, the territory within which the 4378
facility is located is exempt from taxation by the school district 4379
within which such territory is located, and there are school age 4380
children residing within such territory, the political subdivision 4381
owning such tax exempt territory shall pay tuition to the district 4382
in which such children attend school. The tuition for these 4383
children shall be computed as provided for in this section. 4384

Sec. 3334.01. As used in this chapter: 4385

(A) "Aggregate original principal amount" means the aggregate 4386
of the initial offering prices to the public of college savings 4387
bonds, exclusive of accrued interest, if any. "Aggregate original 4388
principal amount" does not mean the aggregate accreted amount 4389
payable at maturity or redemption of such bonds. 4390

(B) "Beneficiary" means: 4391

(1) An individual designated by the purchaser under a tuition 4392
payment contract or through a scholarship program as the 4393
individual on whose behalf tuition credits purchased under the 4394
contract or awarded through the scholarship program will be 4395
applied toward the payment of undergraduate, graduate, or 4396
professional tuition; or 4397

(2) An individual designated by the contributor under a 4398
variable college savings program contract as the individual whose 4399
tuition and other higher education expenses will be paid from a 4400
variable college savings program account. 4401

(C) "Capital appreciation bond" means a bond for which the 4402

following is true: 4403

(1) The principal amount is less than the amount payable at 4404
maturity or early redemption; and 4405

(2) No interest is payable on a current basis. 4406

(D) "Tuition credit" means a credit of the Ohio tuition trust 4407
authority purchased under section 3334.09 of the Revised Code. 4408

(E) "College savings bonds" means revenue and other 4409
obligations issued on behalf of the state or any agency or issuing 4410
authority thereof as a zero-coupon or capital appreciation bond, 4411
and designated as college savings bonds as provided in this 4412
chapter. "College savings bond issue" means any issue of bonds of 4413
which any part has been designated as college savings bonds. 4414

(F) "Institution of higher education" means a state 4415
institution of higher education, a private college, university, or 4416
other postsecondary institution located in this state that 4417
possesses a certificate of authorization issued by the Ohio board 4418
of regents pursuant to Chapter 1713. of the Revised Code or a 4419
certificate of registration issued by the state board of career 4420
colleges and schools under Chapter 3332. of the Revised Code, or 4421
an accredited college, university, or other postsecondary 4422
institution located outside this state that is accredited by an 4423
accrediting organization or professional association recognized by 4424
the authority. To be considered an institution of higher 4425
education, an institution shall meet the definition of an eligible 4426
educational institution under section 529 of the Internal Revenue 4427
Code. 4428

(G) "Issuing authority" means any authority, commission, 4429
body, agency, or individual empowered by the Ohio Constitution or 4430
the Revised Code to issue bonds or any other debt obligation of 4431
the state or any agency or department thereof. "Issuer" means the 4432
issuing authority or, if so designated under division (B) of 4433

section 3334.04 of the Revised Code, the treasurer of state. 4434

(H) "Tuition" means the charges imposed to attend an 4435
institution of higher education as an undergraduate, graduate, or 4436
professional student and all fees required as a condition of 4437
enrollment, as determined by the Ohio tuition trust authority. 4438
"Tuition" does not include laboratory fees, room and board, or 4439
other similar fees and charges. 4440

(I) "Weighted average tuition" means the tuition cost 4441
resulting from the following calculation: 4442

(1) Add the products of the annual undergraduate tuition 4443
charged to Ohio residents at each four-year state university 4444
multiplied by that institution's total number of undergraduate 4445
fiscal year equated students; and 4446

(2) Divide the gross total of the products from division 4447
(I)(1) of this section by the total number of undergraduate fiscal 4448
year equated students attending four-year state universities. 4449

(J) "Zero-coupon bond" means a bond which has a stated 4450
interest rate of zero per cent and on which no interest is payable 4451
until the maturity or early redemption of the bond, and is offered 4452
at a substantial discount from its original stated principal 4453
amount. 4454

(K) "State institution of higher education" includes the 4455
state universities listed in section 3345.011 of the Revised Code, 4456
community colleges created pursuant to Chapter 3354. of the 4457
Revised Code, university branches created pursuant to Chapter 4458
3355. of the Revised Code, technical colleges created pursuant to 4459
Chapter 3357. of the Revised Code, state community colleges 4460
created pursuant to Chapter 3358. of the Revised Code, the medical 4461
college of Ohio at Toledo, and the northeastern Ohio universities 4462
college of medicine. 4463

(L) "Four-year state university" means those state 4464

universities listed in section 3345.011 of the Revised Code. 4465

(M) "Principal amount" refers to the initial offering price 4466
to the public of an obligation, exclusive of the accrued interest, 4467
if any. "Principal amount" does not refer to the aggregate 4468
accrued amount payable at maturity or redemption of an 4469
obligation. 4470

(N) "Scholarship program" means a program registered with the 4471
Ohio tuition trust authority pursuant to section 3334.17 of the 4472
Revised Code. 4473

(O) "Internal Revenue Code" means the "Internal Revenue Code 4474
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 4475

(P) "Other higher education expenses" means room and board 4476
and books, supplies, equipment, and nontuition-related fees 4477
associated with the cost of attendance of a beneficiary at an 4478
institution of higher education, but only to the extent that such 4479
expenses meet the definition of "qualified higher education 4480
expenses" under section 529 of the Internal Revenue Code. "Other 4481
higher education expenses" does not include tuition as defined in 4482
division (H) of this section. 4483

(Q) "Purchaser" means the person signing the tuition payment 4484
contract, who controls the account and acquires tuition credits 4485
for an account under the terms and conditions of the contract. 4486

(R) "Contributor" means a person who signs a variable college 4487
savings program contract with the Ohio tuition trust authority and 4488
contributes to and owns the account created under the contract. 4489

(S) "Contribution" means any payment directly allocated to an 4490
account for the benefit of the designated beneficiary of the 4491
account. 4492

Sec. 3334.12. Notwithstanding anything to the contrary in 4493
sections 3334.07 and 3334.09 of the Revised Code: 4494

(A) Annually, the Ohio tuition trust authority shall have the 4495
actuarial soundness of the Ohio tuition trust fund evaluated by a 4496
nationally recognized actuary and shall determine whether 4497
additional assets are necessary to defray the obligations of the 4498
authority. If, after the authority sets the price for tuition 4499
credits, circumstances arise that the executive director 4500
determines necessitate an additional evaluation of the actuarial 4501
soundness of the fund, the executive director shall have a 4502
nationally recognized actuary conduct the necessary evaluation. If 4503
the assets of the fund are insufficient to ensure the actuarial 4504
soundness of the fund, the authority shall adjust the price of 4505
subsequent purchases of tuition credits to the extent necessary to 4506
help restore the actuarial soundness of the fund. If, at any time, 4507
the adjustment is likely, in the opinion of the authority, to 4508
diminish the marketability of tuition credits to an extent that 4509
the continued sale of the credits likely would not restore the 4510
actuarial soundness of the fund and external economic factors 4511
continue to negatively impact the soundness of the program, the 4512
authority may suspend sales, either permanently or temporarily, of 4513
tuition credits. During any suspension, the authority shall 4514
continue to service existing college savings program accounts. 4515

(B) Upon termination of the program or liquidation of the 4516
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 4517
the Ohio tuition trust operating fund, any remaining assets of the 4518
funds after all obligations of the funds have been satisfied 4519
pursuant to division (B) of section 3334.11 of the Revised Code 4520
shall be transferred to the general revenue fund of the state. 4521

(C) The authority shall prepare and cause to have audited an 4522
annual financial report on all financial activity of the Ohio 4523
tuition trust authority within ninety days of the end of the 4524
fiscal year. The authority shall transmit a copy of the audited 4525
financial report to the governor, the president of the senate, the 4526

speaker of the house of representatives, and the minority leaders 4527
of the senate and the house of representatives. Copies of the 4528
audited financial report also shall be made available, upon 4529
request, to the persons entering into contracts with the authority 4530
and to prospective purchasers of tuition credits and prospective 4531
contributors to variable college savings program accounts. 4532

Sec. 3334.17. (A) The state, any political subdivision of the 4533
state, and any organization that is exempt from federal income 4534
taxation under section 501 (a) and described in section 501 (c)(3) 4535
of the Internal Revenue Code, including the Ohio tuition trust 4536
authority if this is authorized under federal tax law, may 4537
establish a scholarship program to award scholarships consisting 4538
of ~~tuition credits~~ contributions made to any college savings 4539
program for students. Any scholarship program established under 4540
this section shall be registered with the ~~Ohio tuition trust~~ 4541
authority. The authority shall be notified of the name and address 4542
of each scholarship beneficiary under the program, the ~~number of~~ 4543
~~credits~~ amounts awarded, and the institution of higher education 4544
in which the beneficiary is enrolled. Scholarship beneficiaries 4545
shall be selected by the entity establishing the scholarship 4546
program, in accordance with criteria established by the entity. 4547

(B) Any person or governmental entity may purchase tuition 4548
credits on behalf of a scholarship program that is or is to be 4549
established in accordance with division (A) of this section at the 4550
same price as is established for the purchase of credits for named 4551
beneficiaries pursuant to this chapter. Tuition credits shall have 4552
the same value to the beneficiary of a scholarship awarded 4553
pursuant to this section as they would have to any other 4554
beneficiary pursuant to division (B) of section 3334.09 of the 4555
Revised Code. 4556

(C) The entity establishing and maintaining a scholarship 4557

program shall specify whether a scholarship beneficiary may 4558
receive a refund or payment for the ~~tuition-credits~~ amount awarded 4559
under the scholarship program directly from the ~~tuition-trust~~ 4560
authority, or whether the amount ~~of such credits~~ awarded shall be 4561
paid by the authority only to the institution of higher education 4562
in which the student is enrolled. 4563

(D) If a scholarship beneficiary does not use ~~tuition-credits~~ 4564
the amount awarded within a length of time specified under the 4565
scholarship program, the ~~credits~~ amount may be awarded to another 4566
beneficiary. 4567

Sec. 3334.19. (A) The Ohio tuition trust authority shall 4568
adopt an investment plan that sets forth investment policies and 4569
guidelines to be utilized in administering the variable college 4570
savings program. Except as provided in section 3334.20 of the 4571
Revised Code, the authority shall contract with one or more 4572
insurance companies, banks, or other financial institutions to act 4573
as its investment agents and to provide such services as the 4574
authority considers appropriate to the investment plan, including: 4575

(1) Purchase, control, and safekeeping of assets; 4576

(2) Record keeping and accounting for individual accounts and 4577
for the program as a whole; 4578

(3) Provision of consolidated statements of account. 4579

(B) The authority or its investment agents shall maintain a 4580
separate account for the beneficiary of each contract entered into 4581
under the variable college savings program. If a beneficiary has 4582
more than one such account, the authority or its agents shall 4583
track total contributions and earnings and provide a consolidated 4584
system of account distributions to institutions of higher 4585
education. 4586

(C) The authority or its investment agents may place assets 4587

of the program in savings accounts and may purchase fixed or 4588
variable life insurance or annuity contracts, securities, evidence 4589
of indebtedness, or other investment products pursuant to the 4590
investment plan. 4591

(D) Contributors shall not direct the investment of their 4592
contributions under the investment plan. The authority shall 4593
impose other limits on contributors' investment discretion ~~as to~~ to 4594
the extent required under section 529 of the Internal Revenue 4595
Code. 4596

(E) The investment agents with which the authority contracts 4597
shall discharge their duties with respect to program funds with 4598
the care and diligence that a prudent person familiar with such 4599
matters and with the character and aims of the program would use. 4600

(F) The assets of the program shall be preserved, invested, 4601
and expended solely for the purposes of this chapter and shall not 4602
be loaned or otherwise transferred or used by the state for any 4603
other purpose. This section shall not be construed to prohibit the 4604
investment agents of the authority from investing, by purchase or 4605
otherwise, in bonds, notes, or other obligations of the state or 4606
any agency or instrumentality of the state. Unless otherwise 4607
specified by the authority, assets of the program shall be 4608
expended in the following order of priority: 4609

(1) To make payments on behalf of beneficiaries; 4610

(2) To make refunds upon termination of variable college 4611
savings program contracts; 4612

(3) To pay the authority's costs of administering the program 4613
~~administration and operations;~~ 4614

(4) To pay or cover any other expenditure or disbursement the 4615
authority determines necessary or appropriate. 4616

(G) Fees, charges, and other costs imposed or collected by 4617

the authority in connection with the variable college savings 4618
program, including any fees or other payments that the authority 4619
requires an investment agent to pay to the authority, shall be 4620
credited to the variable operating fund. The fund shall be in the 4621
custody of the treasurer of state, but shall not be part of the 4622
state treasury. Expenses incurred in the administration of the 4623
variable college savings program, as well as other expenses, 4624
disbursements, or payments the authority considers appropriate for 4625
the benefit of any college savings programs administered by the 4626
authority, the state of Ohio and its citizens, shall be paid from 4627
the variable operating fund. 4628

(H) No records of the authority indicating the identity of 4629
purchasers, contributors, and beneficiaries under the program or 4630
amounts contributed to, earned by, or distributed from program 4631
accounts are public records within the meaning of section 149.43 4632
of the Revised Code. 4633

Sec. 5705.412. (A) As used in this section, "qualifying 4634
contract" means any agreement for the expenditure of money under 4635
which aggregate payments from the funds included in the school 4636
district's five-year forecast under section 5705.391 of the 4637
Revised Code will exceed the lesser of the following amounts: 4638

(1) Five hundred thousand dollars; 4639

(2) One per cent of the total revenue to be credited in the 4640
current fiscal year to the district's general fund, as specified 4641
in the district's most recent certificate of estimated resources 4642
certified under section 5705.36 of the Revised Code. 4643

(B) Notwithstanding section 5705.41 of the Revised Code, no 4644
school district shall adopt any appropriation measure, make any 4645
qualifying contract, or increase during any school year any wage 4646
or salary schedule unless there is attached thereto a certificate, 4647
signed as required by this section, that the school district has 4648

in effect the authorization to levy taxes including the renewal or 4649
replacement of existing levies which, when combined with the 4650
estimated revenue from all other sources available to the district 4651
at the time of certification, are sufficient to provide the 4652
operating revenues necessary to enable the district to maintain 4653
all personnel and programs for all the days set forth in its 4654
adopted school calendars for the current fiscal year and for a 4655
number of days in succeeding fiscal years equal to the number of 4656
days instruction was held or is scheduled for the current fiscal 4657
year, as follows: 4658

(1) A certificate attached to an appropriation measure under 4659
this section shall cover only the fiscal year in which the 4660
appropriation measure is effective and shall not consider the 4661
renewal or replacement of an existing levy as the authority to 4662
levy taxes that are subject to appropriation in the current fiscal 4663
year unless the renewal or replacement levy has been approved by 4664
the electors and is subject to appropriation in the current fiscal 4665
year. 4666

(2) A certificate attached, in accordance with this section, 4667
to any qualifying contract shall cover the term of the contract. 4668

(3) A certificate attached under this section to a wage or 4669
salary schedule shall cover the term of the schedule. 4670

If the board of education has not adopted a school calendar 4671
for the school year beginning on the first day of the fiscal year 4672
in which a certificate is required, the certificate attached to an 4673
appropriation measure shall include the number of days on which 4674
instruction was held in the preceding fiscal year and other 4675
certificates required under this section shall include that number 4676
of days for the fiscal year in which the certificate is required 4677
and any succeeding fiscal years that the certificate must cover. 4678

The certificate shall be signed by the treasurer and 4679

president of the board of education and the superintendent of the 4680
school district, unless the district is in a state of fiscal 4681
emergency declared under Chapter 3316. of the Revised Code. In 4682
that case, the certificate shall be signed by a member of the 4683
district's financial planning and supervision commission who is 4684
designated by the commission for this purpose. 4685

(C) Every qualifying contract made or wage or salary schedule 4686
adopted or put into effect without such a certificate shall be 4687
void, and no payment of any amount due thereon shall be made. 4688

(D) The department of education and the auditor of state 4689
jointly shall adopt rules governing the methods by which 4690
treasurers, presidents of boards of education, superintendents, 4691
and members of financial planning and supervision commissions 4692
shall estimate revenue and determine whether such revenue is 4693
sufficient to provide necessary operating revenue for the purpose 4694
of making certifications required by this section. 4695

(E) The auditor of state shall be responsible for determining 4696
whether school districts are in compliance with this section. At 4697
the time a school district is audited pursuant to section 117.11 4698
of the Revised Code, the auditor of state shall review each 4699
certificate issued under this section since the district's last 4700
audit, and the appropriation measure, contract, or wage and salary 4701
schedule to which such certificate was attached. If the auditor of 4702
state determines that a school district has not complied with this 4703
section with respect to any qualifying contract or wage or salary 4704
schedule, the auditor of state shall notify the prosecuting 4705
attorney for the county, the city director of law, or other chief 4706
law officer of the school district. That officer may file a civil 4707
action in any court of appropriate jurisdiction to seek a 4708
declaration that the contract or wage or salary schedule is void, 4709
to recover for the school district from the payee the amount of 4710
payments already made under it, or both, except that the officer 4711

shall not seek to recover payments made under any collective 4712
bargaining agreement entered into under Chapter 4117. of the 4713
Revised Code. If the officer does not file such an action within 4714
one hundred twenty days after receiving notice of noncompliance 4715
from the auditor of state, any taxpayer may institute the action 4716
in the taxpayer's own name on behalf of the school district. 4717

(F) This section does not apply to any contract or increase 4718
in any wage or salary schedule that is necessary in order to 4719
enable a board of education to comply with division (B) of section 4720
3317.13 of the Revised Code, provided the contract or increase 4721
does not exceed the amount required to be paid to be in compliance 4722
with such division. 4723

(G) Any officer, employee, or other person who expends or 4724
authorizes the expenditure of any public funds or authorizes or 4725
executes any contract or schedule contrary to this section, 4726
expends or authorizes the expenditure of any public funds on the 4727
void contract or schedule, or issues a certificate under this 4728
section which contains any false statements is liable to the 4729
school district for the full amount paid from the district's funds 4730
on the contract or schedule. The officer, employee, or other 4731
person is jointly and severally liable in person and upon any 4732
official bond that the officer, employee, or other person has 4733
given to the school district to the extent of any payments on the 4734
void claim, not to exceed ten thousand dollars. However, no 4735
officer, employee, or other person shall be liable for a mistaken 4736
estimate of available resources made in good faith and based upon 4737
reasonable grounds. If an officer, employee, or other person is 4738
found to have complied with rules jointly adopted by the 4739
department of education and the auditor of state under this 4740
section governing methods by which revenue shall be estimated and 4741
determined sufficient to provide necessary operating revenue for 4742
the purpose of making certifications required by this section, the 4743

officer, employee, or other person shall not be liable under this 4744
section if the estimates and determinations made according to 4745
those rules do not, in fact, conform with actual revenue. The 4746
prosecuting attorney of the county, the city director of law, or 4747
other chief law officer of the district shall enforce this 4748
liability by civil action brought in any court of appropriate 4749
jurisdiction in the name of and on behalf of the school district. 4750
If the prosecuting attorney, city director of law, or other chief 4751
law officer of the district fails, upon the written request of any 4752
taxpayer, to institute action for the enforcement of the 4753
liability, the attorney general, or the taxpayer in the taxpayer's 4754
own name, may institute the action on behalf of the subdivision. 4755

(H) This section does not require the attachment of an 4756
additional certificate beyond that required by section 5705.41 of 4757
the Revised Code for current payrolls of, or contracts of 4758
employment with, ~~regular~~ any employees or officers of the school 4759
district. 4760

This section does not require the attachment of a certificate 4761
to a temporary appropriation measure if all of the following 4762
apply: 4763

(1) The amount appropriated does not exceed twenty-five per 4764
cent of the total amount from all sources available for 4765
expenditure from any fund during the preceding fiscal year; 4766

(2) The measure will not be in effect on or after the 4767
thirtieth day following the earliest date on which the district 4768
may pass an annual appropriation measure; 4769

(3) An amended official certificate of estimated resources 4770
for the current year, if required, has not been certified to the 4771
board of education under division (B) of section 5705.36 of the 4772
Revised Code. 4773

Section 2. That existing sections 3301.079, 3301.0710, 4774
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.801, 3301.91, 4775
3302.01, 3302.02, 3302.03, 3302.031, 3302.04, 3302.05, 3313.532, 4776
3313.6010, 3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 4777
3313.65, 3313.97, 3314.012, 3314.02, 3314.03, 3314.20, 3317.01, 4778
3317.023, 3317.03, 3317.04, 3317.08, 3334.01, 3334.12, 3334.17, 4779
3334.19, and 5705.412 and sections 3301.0713 and 3365.15 of the 4780
Revised Code are hereby repealed. 4781

Section 3. (A) In each school year prior to July 1, 2005, the 4782
performance index score, as defined in section 3302.01 of the 4783
Revised Code, as amended by this act, calculated for school 4784
districts and school buildings shall include data from any 4785
proficiency tests required to be administered under section 4786
3301.0712 in the applicable year, except that weights shall only 4787
be assigned for the four ranges of scores established by division 4788
(B) of this section. 4789

(B) For each proficiency test required to be administered 4790
pursuant to section 3301.0712 of the Revised Code, as amended by 4791
this act, the four ranges of scores used to denote different 4792
levels of achievement on each test shall be the same as the levels 4793
of achievement described in division (A)(2) of section 3301.0710 4794
of the Revised Code, as it existed prior to the effective date of 4795
this act. 4796

Section 4. That the version of section 3313.608 of the 4797
Revised Code that is scheduled to take effect July 1, 2003, be 4798
amended to read as follows: 4799

Sec. 3313.608. (A) Beginning with students who enter third 4800
grade in the school year that starts July 1, 2003, for any student 4801
who attains a score in the range designated under division 4802

~~(d)~~(e) of section 3301.0710 of the Revised Code on the test 4803
prescribed under that section to measure skill in reading expected 4804
at the end of third grade, each school district, in accordance 4805
with the policy adopted under section 3313.609 of the Revised 4806
Code, shall do one of the following: 4807

(1) Promote the student to fourth grade if the student's 4808
principal and reading teacher agree that other evaluations of the 4809
student's skill in reading demonstrate that the student is 4810
academically prepared to be promoted to fourth grade; 4811

(2) Promote the student to fourth grade but provide the 4812
student with intensive intervention services in fourth grade; 4813

(3) Retain the student in third grade. 4814

~~This section does not apply to any student excused from 4815
taking such test under division (C)(1) of section 3301.0711 of the 4816
Revised Code. 4817~~

(B)(1) To assist students in meeting this third grade 4818
guarantee established by this section, each school district shall 4819
adopt policies and procedures with which it shall annually assess 4820
the reading skills of each student at the end of first and second 4821
grade and identify students who are reading below their grade 4822
level. If the diagnostic assessment to measure reading ability for 4823
the appropriate grade level has been developed in accordance with 4824
division (D)(1) of section 3301.079 of the Revised Code, each 4825
school district shall use such diagnostic assessment to identify 4826
such students, except that any district ~~declared excellent under~~ 4827
to which division ~~(B)(1)~~ (E) of section ~~3302.03~~ 3301.0715 of the 4828
Revised Code applies may use another assessment to identify such 4829
students. The policies and procedures shall require the students' 4830
classroom teachers to be involved in the assessment and the 4831
identification of students reading below grade level. The district 4832
shall notify the parent or guardian of each student whose reading 4833

skills are below grade level and, in accordance with division (C) 4834
of this section, provide intervention services to each student 4835
reading below grade level. Such intervention services shall 4836
include instruction in intensive, systematic phonetics pursuant to 4837
rules adopted by the state board of education. 4838

(2) For each student entering third grade after July 1, 2003, 4839
who does not attain by the end of the third grade at least a score 4840
in the range designated under division (A)(2)~~(b)~~(c) of section 4841
3301.0710 of the Revised Code on the test prescribed under that 4842
section to measure skill in reading expected at the end of third 4843
grade, the district also shall offer intense remediation services, 4844
and another opportunity to take that test, during the summer 4845
following third grade. 4846

(C) For each student required to be offered intervention 4847
services under this section, the district shall involve the 4848
student's parent or guardian and classroom teacher in developing 4849
the intervention strategy, and shall offer to the parent or 4850
guardian the opportunity to be involved in the intervention 4851
services. 4852

(D) Any summer remediation services funded in whole or in 4853
part by the state and offered by school districts to students 4854
under this section shall meet the following conditions: 4855

(1) The remediation methods are based on reliable educational 4856
research. 4857

(2) The school districts conduct testing before and after 4858
students participate in the program to facilitate monitoring 4859
results of the remediation services. 4860

(3) The parents of participating students are involved in 4861
programming decisions. 4862

(4) The services are conducted in a school building or 4863
community center and not on an at-home basis. 4864

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

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

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

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

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

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

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

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

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

Section 5. That the existing version of section 3313.608 of the Revised Code that is scheduled to take effect July 1, 2003, is hereby repealed.

Section 6. Sections 4 and 5 of this act take effect July 1, 2003.

Section 7. That the version of section 3313.65 of the Revised Code that is scheduled to take effect on January 1, 2004, be amended to read as follows:

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

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

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

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

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

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

(e) Maintained as a state institution for the mentally ill	4922
under Chapter 5119. of the Revised Code;	4923
(f) Licensed by the department of mental health under section	4924
5119.20 or 5119.22 of the Revised Code;	4925
(g) Licensed as a residential facility by the department of	4926
mental retardation and developmental disabilities under section	4927
5123.19 of the Revised Code;	4928
(h) Operated by the veteran's administration or another	4929
agency of the United States government;	4930
(i) The Ohio soldiers' and sailors' home.	4931
(2) A person is "in a correctional facility" if any of the	4932
following apply:	4933
(a) The person is an Ohio resident and is:	4934
(i) Imprisoned, as defined in section 1.05 of the Revised	4935
Code;	4936
(ii) Serving a term in a community-based correctional	4937
facility or a district community-based correctional facility;	4938
(iii) Required, as a condition of parole, a post-release	4939
control sanction, a community control sanction, transitional	4940
control, or early release from imprisonment, as a condition of	4941
shock parole or shock probation granted under the law in effect	4942
prior to July 1, 1996, or as a condition of a furlough granted	4943
under the version of section 2967.26 of the Revised Code in effect	4944
prior to March 17, 1998, to reside in a halfway house or other	4945
community residential center licensed under section 2967.14 of the	4946
Revised Code or a similar facility designated by the court of	4947
common pleas that established the condition or by the adult parole	4948
authority.	4949
(b) The person is imprisoned in a state correctional	4950
institution of another state or a federal correctional institution	4951

but was an Ohio resident at the time the sentence was imposed for 4952
the crime for which the person is imprisoned. 4953

(3) A person is "in a juvenile residential placement" if the 4954
person is an Ohio resident who is under twenty-one years of age 4955
and has been removed, by the order of a juvenile court, from the 4956
place the person resided at the time the person became subject to 4957
the court's jurisdiction in the matter that resulted in the 4958
person's removal. 4959

(4) "Community control sanction" has the same meaning as in 4960
section 2929.01 of the Revised Code. 4961

(5) "Post-release control sanction" has the same meaning as 4962
in section 2967.01 of the Revised Code. 4963

(B) If the circumstances described in division (C) of this 4964
section apply, the determination of what school district must 4965
admit a child to its schools and what district, if any, is liable 4966
for tuition shall be made in accordance with this section, rather 4967
than section 3313.64 of the Revised Code. 4968

(C) A child who does not reside in the school district in 4969
which the child's parent resides and for whom a tuition obligation 4970
previously has not been established under division (C)(2) of 4971
section 3313.64 of the Revised Code shall be admitted to the 4972
schools of the district in which the child resides if at least one 4973
of the child's parents is in a residential or correctional 4974
facility or a juvenile residential placement and the other parent, 4975
if living and not in such a facility or placement, is not known to 4976
reside in this state. 4977

(D) Regardless of who has custody or care of the child, 4978
whether the child resides in a home, or whether the child receives 4979
special education, if a district admits a child under division (C) 4980
of this section, tuition shall be paid to that district as 4981
follows: 4982

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

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

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

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

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

Section 8. That the existing version of section 3313.65 of the Revised Code that is scheduled to take effect on January 1, 2004, is hereby repealed.

Section 9. Sections 7 and 8 of this act take effect on January 1, 2004.

Section 10. Within thirty days after the effective date of this act, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint members to the Ohio Accountability Task Force pursuant to section 3302.021 of the Revised Code, as enacted by this act. Within sixty days after the effective date of this act, the Ohio Accountability Task Force shall convene for its initial meeting.

Section 11. Not later than ninety days after the effective date of this section, the Superintendent of Public Instruction shall submit to the General Assembly a detailed financial analysis of the projected costs for the state and for each school district of compliance with the "No Child Left Behind Act of 2001," Pub. L. 107-110, 20 U.S.C. 6301 et seq.; the amount of new federal funds the state can reasonably expect to receive per year under that act; and the financial consequences to the state and each school district for noncompliance with that act. The financial analysis shall examine the costs involved in building the capacity of school districts and buildings to assist students in achieving at levels that satisfy federal and state requirements. These costs shall include, but not be limited to, the following:

(A) The costs for all school districts and buildings to make adequate yearly progress each year through the 2013-2014 school year and to have all students performing at the proficient level on achievement tests by June 30, 2014;

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

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

(D) The costs of extending the school day or year under 5042
division (E)(3) of section 3302.04 of the Revised Code; 5043

(E) The costs of complying with the requirement that teachers 5044
of core subject areas be "highly qualified" as defined in federal 5045
law. 5046

Section 12. The Legislative Office of Education Oversight 5047
shall conduct a study that evaluates the correlation between 5048
students' race and class and academic achievement, particularly 5049
comparing the academic achievement of low-income, African-American 5050
and Hispanic students with that of middle-class, white students. 5051
In conducting the study, the Office shall use at least five years 5052
of data collected and maintained by the Ohio Department of 5053
Education. The study shall focus on the academic achievement of 5054
students in the fourth, sixth, and ninth grades. The Office shall 5055
submit the final results of the study to the General Assembly not 5056
later than September 30, 2004. 5057

Section 13. The Legislative Office of Education Oversight 5058
shall conduct a study of the intervention services required to be 5059
provided by school districts under sections 3301.0711, 3313.608, 5060
and 3313.6012 of the Revised Code. If any diagnostic assessment is 5061
administered by school districts in accordance with section 5062
3301.0715 of the Revised Code in the school year beginning July 1, 5063
2003, the Office also shall include the intervention services 5064
required by that section in the study. In conducting the study, 5065
the Office shall examine each of the following issues: 5066

(A) The types of intervention services that districts are 5067
currently providing to students; 5068

(B) The manner in which the Department of Education informs 5069
districts of their obligation to provide intervention services and 5070
assists the districts in developing appropriate intervention 5071

strategies;	5072
(C) The manner in which the Department tracks compliance by school districts with requirements to provide intervention services;	5073 5074 5075
(D) The cost to districts of providing intervention services;	5076
(E) Whether there are any intervention services that districts are not providing due to insufficient funding.	5077 5078
The Office shall issue a written report of its findings to the General Assembly not later than December 31, 2004.	5079 5080
Section 14. The Legislative Office of Education Oversight shall conduct a study of the performance of students in the Class of 2007 on the Ohio Graduation Tests prescribed by division (B) of section 3301.0710 of the Revised Code to determine how well students meet the statewide academic standards developed pursuant to section 3301.079 of the Revised Code. The study shall include all students who enter the ninth grade in the school year beginning July 1, 2003; the Office shall not exclude from any analysis students who leave school prior to graduation. In conducting the study, the Office shall determine the number of such students who attain a score at the proficient level on all five of the Ohio Graduation Tests by June 30, 2007. To the extent possible, the Office also shall determine the number of such students who satisfy the alternative conditions described in section 3313.615 of the Revised Code for meeting the testing requirement to be eligible for a diploma. The Office shall issue annual written reports to the General Assembly, and shall issue a final, comprehensive written report of its findings to the General Assembly not later than December 31, 2007.	5081 5082 5083 5084 5085 5086 5087 5088 5089 5090 5091 5092 5093 5094 5095 5096 5097 5098 5099
Section 15. The Legislative Office of Education Oversight shall conduct a study that reviews the progress of school	5100 5101

districts and the Department of Education in hiring highly 5102
qualified teachers in the core subject areas of English, reading, 5103
language arts, mathematics, science, foreign language, civics and 5104
government, economics, arts, history, and geography, as required 5105
by Title I of the "No Child Left Behind Act," Pub. L. No. 107-110. 5106
The study shall evaluate, over a five-year period, all of the 5107
following: 5108

(A) The progress of individual school districts in complying 5109
with the highly qualified teacher requirement; 5110

(B) Whether the definition of "highly qualified teacher" 5111
adopted by the State Board of Education complies with the "No 5112
Child Left Behind Act"; 5113

(C) The efforts of the Department of Education in assisting 5114
school districts to comply with the "No Child Left Behind Act's" 5115
requirement, and in monitoring the progress of school districts in 5116
ensuring highly qualified teachers are employed in core subject 5117
areas. 5118

The Office shall submit three interim reports of its findings 5119
to the General Assembly. The first interim report shall evaluate 5120
compliance with the highly qualified teacher requirement in the 5121
2002-2003 and 2003-2004 school years, the second interim report 5122
shall evaluate compliance with the requirement in the 2004-2005 5123
school year, and the third interim report shall evaluate 5124
compliance with the requirement in the 2005-2006 school year. A 5125
final report shall be submitted to the General Assembly that 5126
evaluates compliance in the 2006-2007 school year and the prior 5127
four school years. 5128

Section 16. Until the Department of Education incorporates a 5129
value-added progress dimension into the performance ratings in 5130
accordance with section 3302.021 of the Revised Code, as enacted 5131

by this act, the Department shall include a growth factor based 5132
upon the performance index score, as defined in section 3302.01 of 5133
the Revised Code, as amended by this act, in the determination of 5134
performance ratings for school districts and buildings. 5135

Section 17. The amendment of rule 3301-35-10 of the 5136
Administrative Code, as proposed by the State Board of Education 5137
on January 14, 2003, is not subject to the requirement of former 5138
section 3314.20 of the Revised Code that the rule be approved by 5139
the General Assembly through the passage of a joint resolution 5140
before the rule may take effect. Notwithstanding any provision of 5141
Chapter 119. of the Revised Code to the contrary, the State Board 5142
may file the amendment in final form under section 119.04 of the 5143
Revised Code on or after the effective date of this act. The 5144
amendment takes effect on the tenth day after being filed in final 5145
form under section 119.04 of the Revised Code, unless the State 5146
Board designates a later date. 5147

Section 18. The amendment of rule 3301-101-01 of the 5148
Administrative Code, as proposed by the State Board of Education 5149
on January 14, 2003, is not subject to the requirement of former 5150
section 3302.05 of the Revised Code that the rule be approved by 5151
the General Assembly through the passage of a joint resolution 5152
before the rule may take effect. Notwithstanding any provision of 5153
Chapter 119. of the Revised Code to the contrary, the State Board 5154
may file the amendment in final form under section 119.04 of the 5155
Revised Code on or after the effective date of this act. The 5156
amendment takes effect on the tenth day after being filed in final 5157
form under section 119.04 of the Revised Code, unless the State 5158
Board designates a later date. 5159

Section 19. The amendment of section 3301.91 of the Revised 5160
Code by this act is not intended to supersede its earlier repeal, 5161

effective July 1, 2004, by Am. Sub. H.B. 1 of the 123rd General Assembly. 5162
5163

Section 20. Of the amounts appropriated for fiscal year 2004 5164
and fiscal year 2005 in appropriation item 200-455, Community 5165
Schools, Section 41 of Am. Sub. H.B. 95 of the 125th General 5166
Assembly, up to \$250,000 in each fiscal year shall be used by the 5167
Department of Education to contract with the Ohio Foundation for 5168
School Choice to develop and conduct training sessions for 5169
sponsors of community schools as prescribed in division (A)(1) of 5170
section 3314.015 of the Revised Code. The contract shall require 5171
that in developing such training sessions, the Ohio Foundation for 5172
School Choice shall collect and disseminate examples of best 5173
practices used by sponsors of independent charter schools in Ohio 5174
and other states. 5175

This section supersedes the second paragraph under the 5176
heading "COMMUNITY SCHOOLS" in Section 41.06 of Am. Sub. H.B. 95 5177
of the 125th General Assembly. The Department shall not implement 5178
the provisions of that paragraph. 5179

Section 21. Not later than one year after the effective date 5180
of this section, the Department of Education shall make 5181
recommendations to the State Board of Education for assigning 5182
performance ratings pursuant to section 3302.03 of the Revised 5183
Code to school districts and buildings that make adequate yearly 5184
progress but show statistically significant differences in 5185
performance among white, middle-class students and any of the 5186
subgroups defined in section 3302.01 of the Revised Code. The 5187
recommendations shall provide for lowering the performance ratings 5188
assigned to such districts and buildings. The recommendations 5189
shall also specify the degree of difference between the 5190
performance of white, middle-class students and subgroups that 5191

should be deemed unacceptable and the appropriate length of time 5192
that districts and buildings should be granted to close the 5193
performance differences before having their performance ratings 5194
lowered. Copies of the recommendations shall be provided to the 5195
Governor, the President and Minority Leader of the Senate, the 5196
Speaker and Minority Leader of the House of Representatives, and 5197
the chairpersons and ranking minority members of the education 5198
committees. 5199

Section 22. For purposes of calculating the instructional and 5200
general fees charged in the prior academic year in implementing 5201
any instructional and general fee increase limitations imposed by 5202
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5203
the instructional and general fees during an academic year for any 5204
state-assisted institution of higher education on the quarter 5205
system that does not increase its instructional and general fees 5206
during the summer term shall be defined as the sum of the 5207
instructional and general fees charged to a full-time student in 5208
the fall, winter, and spring quarters. 5209

For purposes of calculating the instructional and general 5210
fees charged in the prior academic year in implementing any 5211
instructional and general fee increase limitations imposed by 5212
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5213
the instructional and general fees during an academic year for any 5214
state-assisted institution of higher education on the quarter 5215
system that does increase its instructional and general fees 5216
during the summer term shall be defined as three-fourths of the 5217
sum of the instructional and general fees charged to a full-time 5218
student in the fall, winter, spring, and summer quarters. 5219

For purposes of calculating the instructional and general 5220
fees charged in the prior academic year in implementing any 5221
instructional and general fee increase limitations imposed by 5222

Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5223
the instructional and general fees during an academic year for any 5224
state-assisted institution of higher education on the semester 5225
system that does not increase its instructional and general fees 5226
during the summer term shall be defined as the sum of the 5227
instructional and general fees charged to a full-time student in 5228
the fall and spring semesters. 5229

For purposes of calculating the instructional and general 5230
fees charged in the prior academic year in implementing any 5231
instructional and general fee increase limitations imposed by 5232
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5233
the instructional and general fees during an academic year for any 5234
state-assisted institution of higher education on the semester 5235
system that does increase its instructional and general fees 5236
during the summer term shall be defined as two-thirds of the sum 5237
of the instructional and general fees charged to a full-time 5238
student in the fall, spring, and summer semesters. 5239

This section shall not apply to Miami University in 5240
implementing the pilot tuition restructuring plan recognized by 5241
Am. Sub. H.B. 95 of the 125th General Assembly. 5242

Section 23. When calculating the reappraisal guarantee under 5243
division (C) or (D) of section 3317.04 of the Revised Code in 5244
fiscal year 2005, the Department of Education shall include in a 5245
school district's fiscal year 2004 payments any transitional aid 5246
paid to the district under Section 41.37 of Am. Sub. H.B. 95 of 5247
the 125th General Assembly. 5248

Section 24. Section 3314.03 of the Revised Code is presented 5249
in this act as a composite of the section as amended by both Sub. 5250
H.B. 248 and Sub. H.B. 364 of the 124th General Assembly. Section 5251
3317.012 of the Revised Code is presented in this act as a 5252

composite of the section as amended by both Am. Sub. H.B. 94 and 5253
Am. Sub. S.B. 1 of the 124th General Assembly. The General 5254
Assembly, applying the principle stated in division (B) of section 5255
1.52 of the Revised Code that amendments are to be harmonized if 5256
reasonably capable of simultaneous operation, finds that the 5257
composites are the resulting versions of the sections in effect 5258
prior to the effective date of the sections as presented in this 5259
act. 5260

Section 25. This act is hereby declared to be an emergency 5261
measure necessary for the immediate preservation of the public 5262
peace, health, and safety. The reason for such necessity is that 5263
Ohio needs to comply with the federal requirements contained in 5264
the "No Child Left Behind Act of 2001" and public schools need to 5265
know the accountability standards to which they will be held in 5266
future school years. Therefore, this act shall go into immediate 5267
effect. 5268