

As Reported by the House Education Committee

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Sub. H. B. No. 3

**Representatives Schlichter, Callender, Carano, Chandler, DeBose, DeWine,
Distel, C. Evans, Hartnett, Hoops, Reidelbach, Reinhard, Taylor, Webster,
Williams, Yates**

A B I L L

To amend sections 3301.079, 3301.0710, 3301.0711, 1
3301.0712, 3301.0714, 3301.0715, 3301.91, 3302.01, 2
3302.03, 3302.04, 3313.532, 3313.6012, 3313.61, 3
3313.611, 3313.612, 3313.97, 3314.012, 3314.03, 4
and 3317.012; to enact new section 3302.02 and 5
sections 3302.021 and 3313.971; and to repeal 6
sections 3301.0713, 3302.02, and 3365.15 of the 7
Revised Code to comply with the "No Child Left 8
Behind Act of 2001" by revising the system of 9
statewide achievement testing to include annual 10
achievement tests in reading and math in grades 11
three through eight; requiring the State Board of 12
Education to designate at least four ranges of 13
scores on the Ohio Graduation Tests; changing the 14
names of the levels of achievement associated with 15
the achievement tests; requiring an annual 16
determination of a district's progress toward 17
meeting a "nationally proficient" level of 18
achievement (AYP); prohibiting exemptions from 19
taking achievement tests for limited English 20
proficient students; making the administration of 21
diagnostic assessments to certain students 22
voluntary; specifying the state performance 23

indicators for school districts and buildings; 24
adding calculations of a performance index score 25
to determinations of school district and building 26
performance ratings; directing the Department of 27
Education to incorporate a value-added progress 28
dimension into the district and building report 29
cards by July 1, 2005; creating the Ohio 30
Accountability Committee to monitor the 31
implementation of the value-added factor and to 32
make recommendations regarding the state's 33
accountability system; requiring the 34
disaggregation of student performance data 35
according to disability, limited English 36
proficient status, and migrant status and 37
eliminating disaggregations of data by vocational 38
education status; specifying the sanctions for 39
school districts and buildings, including 40
community schools, that fail to meet performance 41
standards; directing school districts to allow 42
students enrolled in persistently dangerous 43
schools to transfer; to amend the version of 44
section 3313.608 of the Revised Code that is 45
scheduled to take effect July 1, 2003, to continue 46
the provisions of this act on and after that 47
effective date, and to declare an emergency. 48

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 49
3301.0712, 3301.0714, 3301.0715, 3301.91, 3302.01, 3302.03, 50
3302.04, 3313.532, 3313.6012, 3313.61, 3313.611, 3313.612, 51
3313.97, 3314.012, 3314.03, and 3317.012 be amended and new 52

section 3302.02 and sections 3302.021 and 3313.971 of the Revised 53
Code be enacted to read as follows: 54

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 55
state board of education shall adopt statewide academic standards 56
for each of grades kindergarten through twelve in reading, 57
writing, and mathematics. Not later than December 31, 2002, the 58
state board shall adopt statewide academic standards for each of 59
grades kindergarten through twelve in science and social studies. 60
The standards shall specify the academic content and skills that 61
students are expected to know and be able to do at each grade 62
level. 63

(2) When academic standards have been completed for any 64
subject area required by this division, the state board shall 65
inform all school districts of the content of those standards. 66

(B) Not later than eighteen months after the completion of 67
academic standards for any subject area required by division (A) 68
of this section, the state board shall adopt a model curriculum 69
for instruction in that subject area for each of grades 70
kindergarten through twelve that is sufficient to meet the needs 71
of students in every community. The model curriculum shall be 72
aligned with the standards to ensure that the academic content and 73
skills specified for each grade level are taught to students. When 74
any model curriculum has been completed, the state board shall 75
inform all school districts of the content of that model 76
curriculum. 77

All school districts may utilize the state standards and the 78
model curriculum established by the state board, together with 79
other relevant resources, examples, or models to ensure that 80
students have the opportunity to attain the academic standards. 81
Upon request, the department of education shall provide technical 82

assistance to any district in implementing the model curriculum. 83

Nothing in this section requires any school district to 84
utilize all or any part of a model curriculum developed under this 85
division. 86

(C) The state board shall develop achievement tests aligned 87
with the academic standards and model curriculum for each of the 88
subject areas and grade levels required by section 3301.0710 of 89
the Revised Code. 90

When any achievement test has been completed, the state board 91
shall inform all school districts of its completion, and the 92
department of education shall make the achievement test available 93
to the districts. School districts shall administer the 94
achievement test beginning in the school year indicated in section 95
3301.0712 of the Revised Code. 96

(D)(1) Not later than July 1, 2007, and except as provided in 97
division (D)(3) of this section, the state board shall adopt a 98
diagnostic assessment aligned with the academic standards and 99
model curriculum for each of grades kindergarten through two in 100
reading, writing, and mathematics and for each of grades three 101
through eight in reading, writing, mathematics, science, and 102
social studies. The diagnostic assessment shall be designed to 103
measure student comprehension of academic content and mastery of 104
related skills for the relevant subject area and grade level. Any 105
diagnostic assessment shall not include components to identify 106
gifted students. Blank copies of diagnostic tests shall be public 107
records. 108

(2) When each diagnostic assessment has been completed, the 109
state board shall inform all school districts of its completion 110
and the department of education shall make the diagnostic 111
assessment available to the districts at no cost to the district. 112
School districts shall administer the diagnostic assessment 113

pursuant to section 3301.0715 of the Revised Code beginning the 114
first school year following the development of the assessment. 115

(3) The state board shall not adopt a diagnostic assessment 116
for any subject area and grade level for which the state board 117
develops an achievement test under division (C) of this section. 118

(E) Whenever the state board or the department of education 119
consults with persons for the purpose of drafting or reviewing any 120
standards, diagnostic assessments, achievement tests, or model 121
curriculum required under this section, the state board or the 122
department shall first consult with parents of students in 123
kindergarten through twelfth grade and with active Ohio classroom 124
teachers, other school personnel, and administrators with 125
expertise in the appropriate subject area. Whenever practicable, 126
the state board and department shall consult with teachers 127
recognized as outstanding in their fields. 128

If the department contracts with more than one outside entity 129
for the development of the achievement tests required by this 130
section, the department shall ensure the interchangeability of 131
those tests. 132

(F) Not later than forty-five days prior to any deadline 133
established under division (A) or (B) of this section for the 134
adoption of academic standards or model curricula, the 135
superintendent of public instruction shall present the relevant 136
academic standards or curricula to a joint meeting of the house of 137
representatives and senate committees with jurisdiction over 138
education legislation. 139

(G) The fairness sensitivity review committee, established by 140
rule of the state board of education, shall not allow any question 141
on any achievement test or diagnostic assessment developed under 142
this section or any proficiency test prescribed by former section 143
3301.0710 of the Revised Code, as it existed prior to ~~the~~ 144

~~effective date of this section~~ September 11, 2001, to include, be 145
written to promote, or inquire as to individual moral or social 146
values or beliefs. The decision of the committee shall be final. 147
This section does not create a private cause of action. 148

Sec. 3301.0710. The state board of education shall adopt 149
rules establishing a statewide program to test student 150
achievement. The state board shall ensure that all tests 151
administered under the testing program are aligned with the 152
academic standards and model curricula adopted by the state board 153
and are created with input from Ohio parents, Ohio classroom 154
teachers, Ohio school administrators, and other Ohio school 155
personnel pursuant to section 3301.079 of the Revised Code. 156

The testing program shall be designed to ensure that students 157
who receive a high school diploma demonstrate at least high school 158
levels of achievement in reading, writing, mathematics, science, 159
and social studies. 160

(A)(1) The state board shall prescribe all of the following: 161

(a) ~~A~~ Two statewide achievement ~~test tests, one each~~ designed 162
to measure the level of reading and mathematics skill expected at 163
the end of third grade; 164

(b) ~~Two~~ Three statewide achievement tests, one each designed 165
to measure the level of reading, writing, and mathematics skill 166
expected at the end of fourth grade; 167

(c) ~~Two~~ Four statewide achievement tests, one each designed 168
to measure the level of reading, mathematics, science, and social 169
studies skill expected at the end of fifth grade; 170

(d) Two statewide achievement tests, one each designed to 171
measure the level of reading and mathematics skill expected at the 172
end of sixth grade; 173

(e) Three statewide achievement tests, one each designed to 174

measure the level of reading, writing, and mathematics skill 175
expected at the end of seventh grade; 176

~~(e) Two~~ (f) Four statewide achievement tests, one each 177
designed to measure the level of reading, mathematics, science, 178
and social studies skill expected at the end of eighth grade. 179

(2) The state board shall determine and designate at least 180
four ranges of scores on each of the achievement tests described 181
in ~~division~~ divisions (A)(1) and (B) of this section. Each range 182
of scores shall be deemed to demonstrate a level of achievement so 183
that any student attaining a score within such range ~~has achieved~~ 184
is considered one of the following: 185

(a) ~~An advanced level of skill~~ Advanced proficient; 186

(b) ~~A proficient level of skill~~ Ohio proficient; 187

(c) ~~A basic level of skill~~ Nationally proficient; 188

(d) ~~A below basic level of skill~~ Limited proficient. 189

(B) The tests prescribed under this division shall 190
collectively be known as the Ohio graduation tests. The state 191
board shall prescribe five statewide high school achievement 192
tests, one each designed to measure the level of reading, writing, 193
mathematics, science, and social studies skill expected at the end 194
of tenth grade, ~~and shall determine and designate the score on~~ 195
~~each such test that shall be deemed to demonstrate that any~~ 196
~~student attaining such score has achieved at least a proficient~~ 197
~~level of skill appropriate for tenth grade. The state board shall~~ 198
designate a score in at least the range designated under division 199
(A)(2)(b) of this section on each such test that shall be deemed 200
to be a passing score on the test as a condition toward granting 201
high school diplomas under sections 3313.61, 3313.611, 3313.612, 202
and 3325.08 of the Revised Code. 203

The state board may enter into a reciprocal agreement with 204

the appropriate body or agency of any other state that has similar 205
statewide achievement testing requirements for receiving high 206
school diplomas, under which any student who has met an 207
achievement testing requirement of one state is recognized as 208
having met the similar achievement testing requirement of the 209
other state for purposes of receiving a high school diploma. For 210
purposes of this section and sections 3301.0711 and 3313.61 of the 211
Revised Code, any student enrolled in any public high school in 212
this state who has met an achievement testing requirement 213
specified in a reciprocal agreement entered into under this 214
division shall be deemed to have attained at least the applicable 215
score designated under this division on each test required by this 216
division that is specified in the agreement. 217

(C) The state board shall annually designate as follows the 218
dates on which the tests prescribed under this section shall be 219
administered: 220

(1) For the reading test prescribed under division (A)(1)(a) 221
of this section, as follows: 222

~~(a) One date prior to the thirty first day of December each 223
school year;~~ 224

~~(b)~~ At least one date of each school year that is not earlier 225
than Monday of the week containing the eighth day of March; 226

~~(c)~~(b) One date during the summer for students receiving 227
summer remediation services under section 3313.608 of the Revised 228
Code. 229

(2) For the mathematics test prescribed under division 230
(A)(1)(a) of this section and the tests prescribed under divisions 231
(A)(1)(b), (c), (d), ~~and~~ (e), and (f) of this section, at least 232
one date of each school year that is not earlier than Monday of 233
the week containing the eighth day of March; 234

~~(3)~~(2) For the tests prescribed under division (B) of this 235

section, at least one date in each school year that is not earlier 236
than Monday of the week containing the fifteenth day of March for 237
all tenth grade students and at least one date prior to the 238
thirty-first day of December and at least one date subsequent to 239
that date but prior to the thirty-first day of March of each 240
school year for eleventh and twelfth grade students. 241

(D) In prescribing test dates pursuant to division (C)~~(3)~~(2) 242
of this section, the state board shall, to the greatest extent 243
practicable, provide options to school districts in the case of 244
tests administered under that division to eleventh and twelfth 245
grade students and in the case of tests administered to students 246
pursuant to division (C)(2) of section 3301.0711 of the Revised 247
Code. Such options shall include at least an opportunity for 248
school districts to give such tests outside of regular school 249
hours. 250

(E) In prescribing test dates pursuant to this section, the 251
state board of education shall designate the dates in such a way 252
as to allow a reasonable length of time between the administration 253
of tests prescribed under this section and any administration of 254
the National Assessment of Education Progress Test given to 255
students in the same grade level pursuant to section 3301.27 of 256
the Revised Code or federal law. 257

(F) In designating scores on the tests described by this 258
section pursuant to division (A)(2) or (B) of this section, if the 259
state board intends to make any change to recommendations made by 260
any committee established by the department of education for the 261
purpose of setting such scores, the president of the state board 262
shall explain the intended change before a joint meeting of the 263
house of representatives and senate committees with jurisdiction 264
over education legislation. The state board shall not adopt the 265
intended change unless, by concurrent resolution, the change is 266
approved by both houses of the general assembly. 267

Sec. 3301.0711. (A) The department of education shall:	268
(1) Annually furnish to, grade, and score all tests required by section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts. In awarding contracts for grading tests, the department shall give preference to Ohio-based entities employing Ohio residents.	269 270 271 272 273 274
(2) Adopt rules for the ethical use of tests and prescribing the manner in which the tests prescribed by section 3301.0710 of the Revised Code shall be administered to students.	275 276 277
(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:	278 279 280 281
(1) Administer the <u>reading</u> test prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice <u>once</u> annually to all students in the third grade who have not attained the score designated for that test under division (A)(2)(b) of section 3301.0710 of the Revised Code and once each summer to students receiving summer remediation services under section 3313.608 of the Revised Code.	282 283 284 285 286 287 288
(2) <u>Administer the mathematics test prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.</u>	289 290 291
<u>(3)</u> Administer the tests prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	292 293 294
(3) <u>(4)</u> Administer the tests prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	295 296 297

(4) (5) Administer <u>the tests prescribed under division</u>	298
<u>(A)(1)(d) of section 3301.0710 of the Revised Code at least once</u>	299
<u>annually to all students in the sixth grade.</u>	300
<u>(6) Administer</u> the tests prescribed under division	301
(A)(1) (d) (e) of section 3301.0710 of the Revised Code at least	302
once annually to all students in the seventh grade.	303
(5) (7) Administer the tests prescribed under division	304
(A)(1) (e) (f) of section 3301.0710 of the Revised Code at least	305
once annually to all students in the eighth grade.	306
(6) (8) Except as provided in division (B) (7) (9) of this	307
sections <u>section</u> , administer any test prescribed under division	308
(B) of section 3301.0710 of the Revised Code as follows:	309
(a) At least once annually to all tenth grade students and at	310
least twice annually to all students in eleventh or twelfth grade	311
who have not yet attained the score on that test designated under	312
that division;	313
(b) To any person who has successfully completed the	314
curriculum in any high school or the individualized education	315
program developed for the person by any high school pursuant to	316
section 3323.08 of the Revised Code but has not received a high	317
school diploma and who requests to take such test, at any time	318
such test is administered in the district.	319
(7) (9) In lieu of the board of education of any city, local,	320
or exempted village school district in which the student is also	321
enrolled, the board of a joint vocational school district shall	322
administer any test prescribed under division (B) of section	323
3301.0710 of the Revised Code at least twice annually to any	324
student enrolled in the joint vocational school district who has	325
not yet attained the score on that test designated under that	326
division. A board of a joint vocational school district may also	327
administer such a test to any student described in division	328

(8)(b) of this section.	329
(C)(1)(a) Any student receiving special education services	330
under Chapter 3323. of the Revised Code may be excused from taking	331
any particular test required to be administered under this section	332
if the individualized education program developed for the student	333
pursuant to section 3323.08 of the Revised Code excuses the	334
student from taking that test and instead specifies an alternate	335
assessment method approved by the department of education as	336
conforming to requirements of federal law for receipt of federal	337
funds for disadvantaged pupils. To the extent possible, the	338
individualized education program shall not excuse the student from	339
taking a test unless no reasonable accommodation can be made to	340
enable the student to take the test.	341
(b) Any alternate assessment approved by the department for a	342
student under this division shall produce measurable results	343
comparable to those produced by the tests which the alternate	344
assessments are replacing in order to allow for the student's	345
assessment results to be included in the data compiled for a	346
school district <u>or building</u> under section 3302.03 of the Revised	347
Code.	348
(c) Any student enrolled in a chartered nonpublic school who	349
has been identified, based on an evaluation conducted in	350
accordance with section 3323.03 of the Revised Code or section 504	351
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A.	352
794, as amended, as a child with a disability shall be excused	353
from taking any particular test required to be administered under	354
this section if a plan developed for the student pursuant to rules	355
adopted by the state board excuses the student from taking that	356
test. In the case of any student so excused from taking a test,	357
the chartered nonpublic school shall not prohibit the student from	358
taking the test.	359
(2) A district board may, for medical reasons or other good	360

cause, excuse a student from taking a test administered under this 361
section on the date scheduled, but any such test shall be 362
administered to such excused student not later than nine days 363
following the scheduled date. The board shall annually report the 364
number of students who have not taken one or more of the tests 365
required by this section to the state board of education not later 366
than the thirtieth day of June. 367

(3) As used in this division, "~~English limited limited~~ 368
~~English proficient~~ student" means a student whose primary language 369
is not English, who has been enrolled in United States schools for 370
less than three full school years, and who within the school year 371
has been identified, in accordance with criteria provided by the 372
department of education, as lacking adequate proficiency in 373
English for a test under this section to produce valid results 374
with respect to that student's academic progress has the same 375
meaning as in 20 U.S.C. 7801. 376

A (a) Except as prohibited by division (C)(3)(b) of this 377
section, a school district board or governing authority of a 378
chartered nonpublic school may grant a temporary, one year 379
exemption from any test administered under this section to an 380
English limited student. Not more than three temporary one year 381
exemptions may be granted to any student excuse any limited 382
English proficient student from taking any particular test 383
required to be administered under this section, provided that any 384
student so excused by a district board shall take an alternate 385
assessment approved by the department in accordance with division 386
(C)(1)(b) of this section and designed to yield reliable 387
information on that student's academic ability. During any school 388
year in which a For each limited English proficient student is 389
excused from taking one or more tests administered under this 390
section, the each school district shall annually assess that 391
student's progress in learning English, in accordance with 392

procedures approved by the department. 393

No district board or governing authority of a chartered 394
nonpublic school shall prohibit ~~an English limited~~ a limited 395
English proficient student from taking a test under this section. 396

(b) No district board shall excuse any limited English 397
proficient student from taking any test in reading prescribed by 398
section 3301.0710 of the Revised Code that is written in English 399
if the student has been enrolled in United States schools for 400
three or more consecutive years. 401

(D) In the school year next succeeding the school year in 402
which the tests prescribed by division (A)(1) of section 3301.0710 403
of the Revised Code or former division (A)(1), (A)(2), or (B) of 404
section 3301.0710 of the Revised Code as it existed prior to ~~the~~ 405
~~effective date of this amendment~~ September 11, 2001, are 406
administered to any student, the board of education of any school 407
district in which the student is enrolled in that year shall 408
provide to the student intervention services commensurate with the 409
student's test performance, including any intensive intervention 410
required under section 3313.608 of the Revised Code, in any skill 411
in which the student failed to demonstrate at least a score at the 412
Ohio proficient level on a proficiency test or a score in the 413
basic nationally proficient range on an achievement test. ~~This~~ 414
~~division does not apply to any student receiving services pursuant~~ 415
~~to an individualized education program developed for the student~~ 416
~~pursuant to section 3323.08 of the Revised Code. 417~~

(E) Except as provided in section 3313.608 of the Revised 418
Code and division (M) of this section, no school district board of 419
education shall utilize any student's failure to attain a 420
specified score on any test administered under this section as a 421
factor in any decision to deny the student promotion to a higher 422
grade level. However, a district board may choose not to promote 423
to the next grade level any student who does not take any test 424

administered under this section or make up such test as provided 425
by division (C)(2) of this section and who is not exempted from 426
the requirement to take the test under division (C)(1) or (3) of 427
this section. 428

(F) No person shall be charged a fee for taking any test 429
administered under this section. 430

(G) Not later than sixty days after any administration of any 431
test prescribed by section 3301.0710 of the Revised Code, the 432
department shall send to each school district board a list of the 433
individual test scores of all persons taking the test. For any 434
tests administered under this section by a joint vocational school 435
district, the department shall also send to each city, local, or 436
exempted village school district a list of the individual test 437
scores of any students of such city, local, or exempted village 438
school district who are attending school in the joint vocational 439
school district. 440

(H) Individual test scores on any tests administered under 441
this section shall be released by a district board only in 442
accordance with section 3319.321 of the Revised Code and the rules 443
adopted under division (A) of this section. No district board or 444
its employees shall utilize individual or aggregate test results 445
in any manner that conflicts with rules for the ethical use of 446
tests adopted pursuant to division (A) of this section. 447

(I) Except as provided in division (G) of this section, the 448
department shall not release any individual test scores on any 449
test administered under this section and shall adopt rules to 450
ensure the protection of student confidentiality at all times. 451

(J) Notwithstanding division (D) of section 3311.52 of the 452
Revised Code, this section does not apply to the board of 453
education of any cooperative education school district except as 454
provided under rules adopted pursuant to this division. 455

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

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

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

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

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

(K)(1) Any chartered nonpublic school may participate in the testing program by administering any of the tests prescribed by section 3301.0710 of the Revised Code if the chief administrator

of the school specifies which tests the school wishes to 487
administer. Such specification shall be made in writing to the 488
superintendent of public instruction prior to the first day of 489
August of any school year in which tests are administered and 490
shall include a pledge that the nonpublic school will administer 491
the specified tests in the same manner as public schools are 492
required to do under this section and rules adopted by the 493
department. 494

(2) The department of education shall furnish the tests 495
prescribed by section 3301.0710 of the Revised Code to any 496
chartered nonpublic school electing to participate under this 497
division. 498

(L)(1) The superintendent of the state school for the blind 499
and the superintendent of the state school for the deaf shall 500
administer the tests described by section 3301.0710 of the Revised 501
Code. Each superintendent shall administer the tests in the same 502
manner as district boards are required to do under this section 503
and rules adopted by the department of education and in conformity 504
with division (C)(1)(a) of this section. 505

(2) The department of education shall furnish the tests 506
described by section 3301.0710 of the Revised Code to each 507
superintendent. 508

(M) Notwithstanding division (E) of this section, a school 509
district may use a student's failure to attain a score in at least 510
the ~~basic~~ nationally proficient range on the mathematics test 511
described by division (A)(1)(a) of section 3301.0710 of the 512
Revised Code or on any of the tests described by division 513
(A)(1)(b), (c), (d), ~~or~~ (e), or (f) of section 3301.0710 of the 514
Revised Code as a factor in retaining that student in the current 515
grade level. 516

(N)(1) All tests required by section 3301.0710 of the Revised 517

Code shall become public records pursuant to section 149.43 of the Revised Code on the first day of July following the school year that the test was administered.

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

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

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

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 3301.0711 of the Revised Code, the state board of education shall continue to prescribe and the department of education and each school district shall continue to administer any proficiency test ~~as required by~~ in accordance with those former sections, ~~as they existed prior to September 11, 2001,~~ until the applicable test is no longer required to be administered as indicated on the chart below. ~~When any achievement test, as indicated on the chart below,~~ has been developed and made available in accordance with section 3301.079 of the Revised Code. ~~Thereafter,~~ such achievement test shall be administered to students under sections 3301.0710 and 3301.0711 of the Revised Code beginning in the school year

<u>indicated on the chart below.</u>			549
School districts shall continue to			
provide intervention services as required under former division			550
(D) of section 3301.0711 of the Revised Code, <u>as it existed prior</u>			551
<u>to September 11, 2001,</u> to students who fail to attain a score in			552
the <u>Ohio</u> proficient range on a fourth grade proficiency test.			553
		First administration	554
Proficiency	Achievement	in school year	555
Test	Test	beginning July 1 of	556
4th grade reading	3rd grade reading		557
test	test	2003	558
4th grade writing	4th grade writing		559
test	test	2004	560
4th grade mathematics	4th grade mathematics		561
test	test	2004	562
4th grade science	5th grade science		563
test	test	2005	564
4th grade citizenship	5th grade social		565
test	studies test	2005	566
6th grade reading	7th grade reading		567
test	test	2006	568
6th grade writing	7th grade writing		569
test	test	2006	570
6th grade mathematics	7th grade mathematics		571
test	test	2006	572
6th grade science	8th grade science		573
test	test	2006	574
6th grade citizenship	8th grade social		575
test	studies test	2006	576
9th grade reading test	Ohio graduation test	2004	577
	in reading		
9th grade writing test	Ohio graduation test	2004	578
	in writing		

9th grade mathematics test	Ohio graduation test in mathematics	2004	579
9th grade science test	Ohio graduation test in science	2004	580
9th grade citizenship test	Ohio graduation test in social studies	2004	581
<u>Proficiency Test Last</u>	<u>Achievement Test</u>	<u>First</u>	582
<u>administration</u>		<u>administration</u>	
<u>in school year</u>		<u>in school year</u>	
<u>beginning July 1</u>		<u>beginning July</u>	
<u>of</u>		<u>1 of</u>	
	<u>3rd grade reading test</u>	<u>2003</u>	583
	<u>3rd grade mathematics test</u>	<u>2004</u>	584
<u>4th grade reading test</u>	<u>4th grade reading test</u>	<u>2003</u>	585
<u>4th grade mathematics test</u>	<u>4th grade mathematics test</u>	<u>2004</u>	586
<u>4th grade writing test</u>	<u>4th grade writing test</u>	<u>2005</u>	587
<u>4th grade science test</u>	<u>4th grade science test</u>	<u>2004</u>	588
<u>4th grade citizenship test</u>	<u>4th grade social studies test</u>	<u>2004</u>	589
	<u>5th grade reading test</u>	<u>2006</u>	590
	<u>5th grade mathematics test</u>	<u>2004</u>	591
<u>6th grade reading test</u>	<u>6th grade reading test</u>	<u>2005</u>	592
<u>6th grade mathematics test</u>	<u>6th grade mathematics test</u>	<u>2005</u>	593

<u>6th grade</u>	<u>2004</u>	<u>7th grade writing</u>	<u>2006</u>	594
<u>writing test</u>		<u>test</u>		
		<u>7th grade reading</u>	<u>2005</u>	595
		<u>test</u>		
		<u>7th grade</u>	<u>2004</u>	596
		<u>mathematics test</u>		
<u>6th grade</u>	<u>2004</u>	<u>8th grade science</u>	<u>2006</u>	597
<u>science test</u>		<u>test</u>		
<u>6th grade</u>	<u>2004</u>	<u>8th grade social</u>	<u>2007</u>	598
<u>citizenship test</u>		<u>studies test</u>		
		<u>8th grade reading</u>	<u>2004</u>	599
		<u>test</u>		
		<u>8th grade</u>	<u>2004</u>	600
		<u>mathematics test</u>		
<u>9th grade</u>	<u>2002, except as</u>	<u>Ohio graduation</u>	<u>2002</u>	601
<u>reading test</u>	<u>provided in</u>	<u>test in reading</u>		
	<u>division (B) of</u>			
	<u>this section</u>			
<u>9th grade</u>	<u>2002, except as</u>	<u>Ohio graduation</u>	<u>2002</u>	602
<u>mathematics test</u>	<u>provided in</u>	<u>test in</u>		
	<u>division (B) of</u>	<u>mathematics</u>		
	<u>this section</u>			
<u>9th grade</u>	<u>2002, except as</u>	<u>Ohio graduation</u>	<u>2004</u>	603
<u>writing test</u>	<u>provided in</u>	<u>test in writing</u>		
	<u>division (B) of</u>			
	<u>this section</u>			
<u>9th grade</u>	<u>2002, except as</u>	<u>Ohio graduation</u>	<u>2004</u>	604
<u>science test</u>	<u>provided in</u>	<u>test in science</u>		
	<u>division (B) of</u>			
	<u>this section</u>			
<u>9th grade</u>	<u>2002, except as</u>	<u>Ohio graduation</u>	<u>2004</u>	605
<u>citizenship test</u>	<u>provided in</u>	<u>test in social</u>		
	<u>division (B) of</u>	<u>studies</u>		

this section

(B) ~~The Notwithstanding division (A) of this section, the~~ 606
state board shall continue to prescribe and school districts and 607
chartered nonpublic schools shall continue to administer ninth 608
grade proficiency tests in reading, writing, mathematics, science, 609
and citizenship to students who enter ninth grade prior to July 1, 610
2003, for as long as those students remain eligible under section 611
3313.614 of the Revised Code to receive their high school diplomas 612
based on passage of those ninth grade proficiency tests. ~~No~~ 613
~~student who enters ninth grade prior to July 1, 2003, is required~~ 614
~~to take any Ohio graduation test, even if any are administered to~~ 615
~~the student's grade level, until the student is required by~~ 616
~~section 3313.614 of the Revised Code to pass Ohio graduation tests~~ 617
~~to receive a high school diploma.~~ 618

Sec. 3301.0714. (A) The state board of education shall adopt 619
rules for a statewide education management information system. The 620
rules shall require the state board to establish guidelines for 621
the establishment and maintenance of the system in accordance with 622
this section and the rules adopted under this section. The 623
guidelines shall include: 624

(1) Standards identifying and defining the types of data in 625
the system in accordance with divisions (B) and (C) of this 626
section; 627

(2) Procedures for annually collecting and reporting the data 628
to the state board in accordance with division (D) of this 629
section; 630

(3) Procedures for annually compiling the data in accordance 631
with division (G) of this section; 632

(4) Procedures for annually reporting the data to the public 633
in accordance with division (H) of this section. 634

(B) The guidelines adopted under this section shall require 635
the data maintained in the education management information system 636
to include at least the following: 637

(1) Student participation and performance data, for each 638
grade in each school district as a whole and for each grade in 639
each school building in each school district, that includes: 640

(a) The numbers of students receiving each category of 641
instructional service offered by the school district, such as 642
regular education instruction, vocational education instruction, 643
specialized instruction programs or enrichment instruction that is 644
part of the educational curriculum, instruction for gifted 645
students, instruction for handicapped students, and remedial 646
instruction. The guidelines shall require instructional services 647
under this division to be divided into discrete categories if an 648
instructional service is limited to a specific subject, a specific 649
type of student, or both, such as regular instructional services 650
in mathematics, remedial reading instructional services, 651
instructional services specifically for students gifted in 652
mathematics or some other subject area, or instructional services 653
for students with a specific type of handicap. The categories of 654
instructional services required by the guidelines under this 655
division shall be the same as the categories of instructional 656
services used in determining cost units pursuant to division 657
(C)(3) of this section. 658

(b) The numbers of students receiving support or 659
extracurricular services for each of the support services or 660
extracurricular programs offered by the school district, such as 661
counseling services, health services, and extracurricular sports 662
and fine arts programs. The categories of services required by the 663
guidelines under this division shall be the same as the categories 664
of services used in determining cost units pursuant to division 665
(C)(4)(a) of this section. 666

(c) Average student grades in each subject in grades nine through twelve;	667 668
(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	669 670 671
(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	672 673 674
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	675 676 677
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	678 679 680 681
(h) Expulsion rates;	682
(i) Suspension rates;	683
(j) The percentage of students receiving corporal punishment;	684
(k) Dropout rates;	685
(l) Rates of retention in grade;	686
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	687 688 689
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	690 691 692 693 694
(o) Results of diagnostic assessments administered to	695

~~kindergarten students as required under section 3301.0715 of the~~ 696
~~Revised Code to permit a comparison of the academic readiness of~~ 697
~~kindergarten students. However, no district shall be required to~~ 698
~~report to the department the results of any diagnostic assessment~~ 699
~~administered to a kindergarten student if the parent of that~~ 700
~~student requests the district not to report those results.~~ 701

(2) Personnel and classroom enrollment data for each school 702
district, including: 703

(a) The total numbers of licensed employees and nonlicensed 704
employees and the numbers of full-time equivalent licensed 705
employees and nonlicensed employees providing each category of 706
instructional service, instructional support service, and 707
administrative support service used pursuant to division (C)(3) of 708
this section. The guidelines adopted under this section shall 709
require these categories of data to be maintained for the school 710
district as a whole and, wherever applicable, for each grade in 711
the school district as a whole, for each school building as a 712
whole, and for each grade in each school building. 713

(b) The total number of employees and the number of full-time 714
equivalent employees providing each category of service used 715
pursuant to divisions (C)(4)(a) and (b) of this section, and the 716
total numbers of licensed employees and nonlicensed employees and 717
the numbers of full-time equivalent licensed employees and 718
nonlicensed employees providing each category used pursuant to 719
division (C)(4)(c) of this section. The guidelines adopted under 720
this section shall require these categories of data to be 721
maintained for the school district as a whole and, wherever 722
applicable, for each grade in the school district as a whole, for 723
each school building as a whole, and for each grade in each school 724
building. 725

(c) The total number of regular classroom teachers teaching 726
classes of regular education and the average number of pupils 727

enrolled in each such class, in each of grades kindergarten 728
through five in the district as a whole and in each school 729
building in the school district. 730

(3)(a) Student demographic data for each school district, 731
including information regarding the gender ratio of the school 732
district's pupils, the racial make-up of the school district's 733
pupils, the number of limited English proficient students in the 734
district, and an appropriate measure of the number of the school 735
district's pupils who reside in economically disadvantaged 736
households. The demographic data shall be collected in a manner to 737
allow correlation with data collected under division (B)(1) of 738
this section. Categories for data collected pursuant to division 739
(B)(3) of this section shall conform, where appropriate, to 740
standard practices of agencies of the federal government. 741

(b) With respect to each student entering kindergarten, 742
whether the student previously participated in a public preschool 743
program, a private preschool program, or a head start program, and 744
the number of years the student participated in each of these 745
programs. 746

(4) Any data required to be collected pursuant to federal 747
law. 748

(C) The education management information system shall include 749
cost accounting data for each district as a whole and for each 750
school building in each school district. The guidelines adopted 751
under this section shall require the cost data for each school 752
district to be maintained in a system of mutually exclusive cost 753
units and shall require all of the costs of each school district 754
to be divided among the cost units. The guidelines shall require 755
the system of mutually exclusive cost units to include at least 756
the following: 757

(1) Administrative costs for the school district as a whole. 758

The guidelines shall require the cost units under this division 759
(C)(1) to be designed so that each of them may be compiled and 760
reported in terms of average expenditure per pupil in formula ADM 761
in the school district, as determined pursuant to section 3317.03 762
of the Revised Code. 763

(2) Administrative costs for each school building in the 764
school district. The guidelines shall require the cost units under 765
this division (C)(2) to be designed so that each of them may be 766
compiled and reported in terms of average expenditure per 767
full-time equivalent pupil receiving instructional or support 768
services in each building. 769

(3) Instructional services costs for each category of 770
instructional service provided directly to students and required 771
by guidelines adopted pursuant to division (B)(1)(a) of this 772
section. The guidelines shall require the cost units under 773
division (C)(3) of this section to be designed so that each of 774
them may be compiled and reported in terms of average expenditure 775
per pupil receiving the service in the school district as a whole 776
and average expenditure per pupil receiving the service in each 777
building in the school district and in terms of a total cost for 778
each category of service and, as a breakdown of the total cost, a 779
cost for each of the following components: 780

(a) The cost of each instructional services category required 781
by guidelines adopted under division (B)(1)(a) of this section 782
that is provided directly to students by a classroom teacher; 783

(b) The cost of the instructional support services, such as 784
services provided by a speech-language pathologist, classroom 785
aide, multimedia aide, or librarian, provided directly to students 786
in conjunction with each instructional services category; 787

(c) The cost of the administrative support services related 788
to each instructional services category, such as the cost of 789

personnel that develop the curriculum for the instructional 790
services category and the cost of personnel supervising or 791
coordinating the delivery of the instructional services category. 792

(4) Support or extracurricular services costs for each 793
category of service directly provided to students and required by 794
guidelines adopted pursuant to division (B)(1)(b) of this section. 795
The guidelines shall require the cost units under division (C)(4) 796
of this section to be designed so that each of them may be 797
compiled and reported in terms of average expenditure per pupil 798
receiving the service in the school district as a whole and 799
average expenditure per pupil receiving the service in each 800
building in the school district and in terms of a total cost for 801
each category of service and, as a breakdown of the total cost, a 802
cost for each of the following components: 803

(a) The cost of each support or extracurricular services 804
category required by guidelines adopted under division (B)(1)(b) 805
of this section that is provided directly to students by a 806
licensed employee, such as services provided by a guidance 807
counselor or any services provided by a licensed employee under a 808
supplemental contract; 809

(b) The cost of each such services category provided directly 810
to students by a nonlicensed employee, such as janitorial 811
services, cafeteria services, or services of a sports trainer; 812

(c) The cost of the administrative services related to each 813
services category in division (C)(4)(a) or (b) of this section, 814
such as the cost of any licensed or nonlicensed employees that 815
develop, supervise, coordinate, or otherwise are involved in 816
administering or aiding the delivery of each services category. 817

(D)(1) The guidelines adopted under this section shall 818
require school districts to collect information about individual 819
students, staff members, or both in connection with any data 820

required by division (B) or (C) of this section or other reporting 821
requirements established in the Revised Code. The guidelines may 822
also require school districts to report information about 823
individual staff members in connection with any data required by 824
division (B) or (C) of this section or other reporting 825
requirements established in the Revised Code. The guidelines shall 826
not authorize school districts to request social security numbers 827
of individual students. The guidelines shall prohibit the 828
reporting under this section of a student's name, address, and 829
social security number to the state board of education or the 830
department of education. The guidelines shall also prohibit the 831
reporting under this section of any personally identifiable 832
information about any student, except for the purpose of assigning 833
the data verification code required by division (D)(2) of this 834
section, to any other person unless such person is employed by the 835
school district or the data acquisition site operated under 836
section 3301.075 of the Revised Code and is authorized by the 837
district or acquisition site to have access to such information. 838
The guidelines may require school districts to provide the social 839
security numbers of individual staff members. 840

(2) The guidelines shall provide for each school district or 841
community school to assign a data verification code that is unique 842
on a statewide basis over time to each student whose initial Ohio 843
enrollment is in that district or school and to report all 844
required individual student data for that student utilizing such 845
code. The guidelines shall also provide for assigning data 846
verification codes to all students enrolled in districts or 847
community schools on the effective date of the guidelines 848
established under this section. 849

Individual student data shall be reported to the department 850
through the data acquisition sites utilizing the code but at no 851
time shall the state board or the department have access to 852

information that would enable any data verification code to be 853
matched to personally identifiable student data. 854

Each school district shall ensure that the data verification 855
code is included in the student's records reported to any 856
subsequent school district or community school in which the 857
student enrolls and shall remove all references to the code in any 858
records retained in the district or school that pertain to any 859
student no longer enrolled. Any such subsequent district or school 860
shall utilize the same identifier in its reporting of data under 861
this section. 862

(E) The guidelines adopted under this section may require 863
school districts to collect and report data, information, or 864
reports other than that described in divisions (A), (B), and (C) 865
of this section for the purpose of complying with other reporting 866
requirements established in the Revised Code. The other data, 867
information, or reports may be maintained in the education 868
management information system but are not required to be compiled 869
as part of the profile formats required under division (G) of this 870
section or the annual statewide report required under division (H) 871
of this section. 872

(F) Beginning with the school year that begins July 1, 1991, 873
the board of education of each school district shall annually 874
collect and report to the state board, in accordance with the 875
guidelines established by the board, the data required pursuant to 876
this section. A school district may collect and report these data 877
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 878

(G) The state board shall, in accordance with the procedures 879
it adopts, annually compile the data reported by each school 880
district pursuant to division (D) of this section. The state board 881
shall design formats for profiling each school district as a whole 882
and each school building within each district and shall compile 883
the data in accordance with these formats. These profile formats 884

shall: 885

(1) Include all of the data gathered under this section in a 886
manner that facilitates comparison among school districts and 887
among school buildings within each school district; 888

(2) Present the data on academic achievement levels as 889
assessed by the testing of student achievement maintained pursuant 890
to division (B)(1)(~~e~~)(d) of this section ~~so that the academic~~ 891
~~achievement levels of students who are excused from taking any~~ 892
~~such test pursuant to division (C)(1) of section 3301.0711 of the~~ 893
~~Revised Code are distinguished from the academic achievement~~ 894
~~levels of students who are not so excused.~~ 895

(H)(1) The state board shall, in accordance with the 896
procedures it adopts, annually prepare a statewide report for all 897
school districts and the general public that includes the profile 898
of each of the school districts developed pursuant to division (G) 899
of this section. Copies of the report shall be sent to each school 900
district. 901

(2) The state board shall, in accordance with the procedures 902
it adopts, annually prepare an individual report for each school 903
district and the general public that includes the profiles of each 904
of the school buildings in that school district developed pursuant 905
to division (G) of this section. Copies of the report shall be 906
sent to the superintendent of the district and to each member of 907
the district board of education. 908

(3) Copies of the reports received from the state board under 909
divisions (H)(1) and (2) of this section shall be made available 910
to the general public at each school district's offices. Each 911
district board of education shall make copies of each report 912
available to any person upon request and payment of a reasonable 913
fee for the cost of reproducing the report. The board shall 914
annually publish in a newspaper of general circulation in the 915

school district, at least twice during the two weeks prior to the 916
week in which the reports will first be available, a notice 917
containing the address where the reports are available and the 918
date on which the reports will be available. 919

(I) Any data that is collected or maintained pursuant to this 920
section and that identifies an individual pupil is not a public 921
record for the purposes of section 149.43 of the Revised Code. 922

(J) As used in this section: 923

(1) "School district" means any city, local, exempted 924
village, or joint vocational school district. 925

(2) "Cost" means any expenditure for operating expenses made 926
by a school district excluding any expenditures for debt 927
retirement except for payments made to any commercial lending 928
institution for any loan approved pursuant to section 3313.483 of 929
the Revised Code. 930

(K) Any person who removes data from the information system 931
established under this section for the purpose of releasing it to 932
any person not entitled under law to have access to such 933
information is subject to section 2913.42 of the Revised Code 934
prohibiting tampering with data. 935

(L) Any time the department of education determines that a 936
school district has taken any of the actions described under 937
division (L)(1), (2), or (3) of this section, it shall make a 938
report of the actions of the district, send a copy of the report 939
to the superintendent of such school district, and maintain a copy 940
of the report in its files: 941

(1) The school district fails to meet any deadline 942
established pursuant to this section for the reporting of any data 943
to the education management information system; 944

(2) The school district fails to meet any deadline 945

established pursuant to this section for the correction of any 946
data reported to the education management information system; 947

(3) The school district reports data to the education 948
management information system in a condition, as determined by the 949
department, that indicates that the district did not make a good 950
faith effort in reporting the data to the system. 951

Any report made under this division shall include 952
recommendations for corrective action by the school district. 953

Upon making a report for the first time in a fiscal year, the 954
department shall withhold ten per cent of the total amount due 955
during that fiscal year under Chapter 3317. of the Revised Code to 956
the school district to which the report applies. Upon making a 957
second report in a fiscal year, the department shall withhold an 958
additional twenty per cent of such total amount due during that 959
fiscal year to the school district to which the report applies. 960
The department shall not release such funds unless it determines 961
that the district has taken corrective action. However, no such 962
release of funds shall occur if the district fails to take 963
corrective action within forty-five days of the date upon which 964
the report was made by the department. 965

(M) The department of education, after consultation with the 966
Ohio education computer network, may provide at no cost to school 967
districts uniform computer software for use in reporting data to 968
the education management information system, provided that no 969
school district shall be required to utilize such software to 970
report data to the education management information system if such 971
district is so reporting data in an accurate, complete, and timely 972
manner in a format compatible with that required by the education 973
management information system. 974

(N) The state board of education, in accordance with sections 975
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 976

license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

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

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

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

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

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

(2) Any student who transfers into the district.

(B) Each district board shall administer each diagnostic

assessment ~~as~~ whenever the board deems appropriate. However, the 1007
board shall administer any diagnostic assessment at least once 1008
annually to all students in the appropriate grade level. A 1009
district board may administer any diagnostic assessment in the 1010
fall and spring of a school year to measure the "~~value added~~" 1011
amount of academic growth attributable to the instruction received 1012
by students during that school year. 1013

(C) Each district board shall utilize and score any 1014
diagnostic assessment administered under division (A) of this 1015
section in accordance with rules established by the department of 1016
education. ~~Except as required by division (B)(1)(o) of section~~ 1017
~~3301.0714 of the Revised Code, neither~~ Neither the state board of 1018
education nor the department shall require school districts to 1019
report the results of diagnostic assessments for any students to 1020
the department or to make any such results available in any form 1021
to the public. After the administration of any diagnostic 1022
assessment, each district shall provide a student's completed 1023
diagnostic assessment, the results of such assessment, and any 1024
other accompanying documents used during the administration of the 1025
assessment to the parent of that student upon the parent's 1026
request. 1027

(D) Each district board shall provide intervention services 1028
to students whose diagnostic assessments show that they are 1029
failing to make satisfactory progress toward attaining the 1030
academic standards for their grade level. 1031

(E) ~~Any district declared excellent under section 3302.03 of~~ 1032
~~the Revised Code may assess student progress using a diagnostic~~ 1033
~~assessment other than the diagnostic assessment required by~~ 1034
~~division (A) of this section.~~ 1035

~~(F) Within thirty days after a student transfers into a~~ 1036
~~school district or to a different school within the same district,~~ 1037
~~the district shall administer each diagnostic assessment required~~ 1038

under division (A) of this section to the student A district board 1039
may administer any diagnostic assessment provided to the district 1040
in accordance with section 3301.079 of the Revised Code to any 1041
student enrolled in a building that is not subject to division (A) 1042
of this section. Any district electing to administer diagnostic 1043
assessments to students under this division shall provide 1044
intervention services to any such student whose diagnostic 1045
assessment shows unsatisfactory progress toward attaining the 1046
academic standards for the student's grade level. 1047

Sec. 3301.91. (A) The OhioReads council's responsibilities 1048
include, but are not limited to, the following: 1049

(1) Advising and consenting to the superintendent of public 1050
instruction's appointments to the position of executive director 1051
of the OhioReads office; 1052

(2) Evaluating the effectiveness of the OhioReads initiative 1053
established by this section and sections 3301.86 and 3301.87 of 1054
the Revised Code and conducting annual evaluations beginning in 1055
fiscal year 2002; 1056

(3) Developing a strategic plan for identifying, recruiting, 1057
training, qualifying, and placing volunteers for the OhioReads 1058
initiative; 1059

(4) Establishing standards for the awarding of classroom 1060
reading grants under section 3301.86 of the Revised Code and 1061
community reading grants under section 3301.87 of the Revised 1062
Code, including eligibility criteria, grant amounts, purposes for 1063
which grants may be used, and administrative, programmatic, and 1064
reporting requirements; 1065

(5) Awarding classroom reading grants and community reading 1066
grants to be paid by the OhioReads office under sections 3301.86 1067
and 3301.87 of the Revised Code; 1068

(6) Establishing guidelines for and overseeing the general 1069
responsibilities and mission of the executive director of the 1070
OhioReads office; 1071

(7) Adopting rules pursuant to Chapter 119. of the Revised 1072
Code to establish standards required under sections 3301.86 and 1073
3301.87 of the Revised Code. 1074

(B) In performing its duties, the council shall, to the 1075
extent practicable: 1076

(1) Give primary consideration to the safety and well-being 1077
of children participating in the OhioReads initiative; 1078

(2) Maximize the use of resources to improve reading 1079
outcomes, especially the fourth grade reading proficiency test 1080
established under former division (A)(1) of section 3301.0710 of 1081
the Revised Code, as it existed prior to September 11, 2001, and 1082
the third grade reading achievement test established under 1083
division (A)(1)(a) of section 3301.0710 of the Revised Code; 1084

(3) Identify and maximize relevant federal and state 1085
resources to leverage OhioReads resources and related programs; 1086

(4) Focus on early reading intervention strategies, 1087
professional development, and parental involvement; 1088

(5) Give priority to programs recognized as promising 1089
educational practices for accelerating student achievement, 1090
including, but not limited to, programs primarily using volunteers 1091
and programs that may have been reviewed by the education 1092
commission of the states. 1093

Sec. 3302.01. As used in this chapter: 1094

(A) "Dropout" means a student who withdraws from school 1095
before completing course requirements for graduation and who is 1096
not enrolled in an education program approved by the state board 1097

of education or an education program outside the state. "Dropout" 1098
does not include a student who has departed the country. 1099

(B) "Graduation rate" means a calculation of the percentage 1100
of ninth grade students who graduate by the end of the summer 1101
following their twelfth grade year. The graduation rate is the 1102
ratio of the students receiving a diploma to the number of 1103
students who entered ninth grade four years earlier. Students who 1104
transfer into the district are added to the calculation. Students 1105
who transfer out of the district for reasons other than dropout 1106
are subtracted from the calculation. Students who do not graduate 1107
within four years but who continue their high school education in 1108
the following year in the same school district are removed from 1109
the calculation for the year in which they would have graduated 1110
and are added to the calculation for the following year's 1111
graduating class as if the student had entered ninth grade four 1112
years before the intended graduation date of that class. In each 1113
subsequent year that such students do not graduate but continue 1114
their high school education uninterrupted in the same school 1115
district, such students shall be reassigned to the district's 1116
graduation rate for that year by assuming that the students 1117
entered ninth grade four years before the date of the intended 1118
graduation. If a student who was a dropout in any previous year 1119
returns to the same school district, that student shall be entered 1120
into the calculation as if the student had entered ninth grade 1121
four years before the graduation year of the graduating class that 1122
the student joins. 1123

(C) "Attendance rate" means the ratio of the number of 1124
students actually in attendance over the course of a school year 1125
to the number of students who were required to be in attendance 1126
that school year, as calculated pursuant to rules of the 1127
superintendent of public instruction. 1128

(D) "Three-year average" means the average of the most recent 1129

consecutive three school years of data. 1130

~~(E) "Required level of improvement" means at least one 1131
standard unit of improvement on at least the percentage of 1132
performance standards required to demonstrate overall improvement, 1133
in accordance with the rule approved under division (A) of section 1134
3302.04 of the Revised Code "Performance index score" means the 1135
average of the totals derived from calculations for each subject 1136
area of reading, writing, mathematics, science, and social studies 1137
of the weighted proportion of untested students and students 1138
scoring at each level of skill described in division (A)(2) of 1139
section 3301.0710 of the Revised Code on the tests prescribed by 1140
divisions (A) and (B) of that section. The department of education 1141
shall assign weights in the following manner: 1142~~

(1) Students who do not take a test receive a weight of zero. 1143

(2) Students who score at the limited proficient level on a 1144
test receive a weight of three-tenths. 1145

(3) Students who score at the nationally proficient level on 1146
a test receive a weight of six-tenths. 1147

(4) Students who score at the Ohio proficient level on a test 1148
receive a weight of one. 1149

(5) Students who score at the advanced proficient level on a 1150
test receive a weight of one and two-tenths. 1151

Students shall be included in the "performance index score" 1152
in accordance with division (D)(2) of section 3302.03 of the 1153
Revised Code. 1154

(F) "Subgroup" means a subset of the entire student 1155
population of the state, a school district, or a school building 1156
and includes each of the following: 1157

(1) Major racial and ethnic groups; 1158

(2) Students with disabilities; 1159

(3) Economically disadvantaged students; 1160

(4) Limited English proficient students. 1161

(G) "Other academic indicators" means measures of student 1162
academic performance other than scores on tests administered under 1163
section 3301.0710 of the Revised Code, which shall be the 1164
attendance rate for elementary and middle schools and the 1165
graduation rate for high schools. 1166

(H) "Annual measurable objective" means the yearly percentage 1167
of students, which shall be established by the state board, who 1168
must score at or above the nationally proficient level on tests 1169
established under section 3301.0710 of the Revised Code in reading 1170
and mathematics administered to their grade level for a school 1171
district or a school building to be deemed to have made sufficient 1172
progress for that school year toward the goal of having all 1173
students scoring at or above the nationally proficient level on 1174
such tests by June 30, 2014. For the school year that begins July 1175
1, 2003, the state board shall establish an "annual measurable 1176
objective" in accordance with the "No Child Left Behind Act of 1177
2001," 115 Stat. 1425, 20 U.S.C. 6311. In the school year 1178
following the first administration of each test established under 1179
section 3301.0710 of the Revised Code, the state board shall use 1180
the results from such tests to make any necessary adjustments in 1181
the applicable annual measurable objective. 1182

(I) "Adequate yearly progress," as required by the "No Child 1183
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6311, means a 1184
measure of annual academic improvement. "Adequate yearly progress" 1185
is made by a school district or a school building when, in 1186
accordance with division (D)(2) of section 3302.03 of the Revised 1187
Code, the district or building satisfies either divisions (I)(1) 1188
and (2) of this section or divisions (I)(1) and (3) of this 1189
section in the applicable school year: 1190

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

(2) The total student population and each subgroup in the district or building meets or exceeds the annual measurable objective for that school year in reading and mathematics based upon data from the current school year or a three-year average of data and the district or building meets or exceeds the minimum threshold on the other academic indicators for that school year. In calculating whether a district or building satisfies this division, the department shall include any subgroup in the district or building that contains thirty or more students, except that the department shall not include the subgroup described in division (F)(2) of this section unless such subgroup contains forty-five or more students. The percentage of students in the subgroup described in division (F)(2) of this section who are not required to score at or above the nationally proficient level on tests established under section 3301.0710 of the Revised Code for the purpose of determining whether a district or building satisfies this division shall not exceed the percentage permitted by federal law.

(3) If the performance of the total student population or any subgroup in the district or building results in the failure of the district or building to satisfy division (I)(2) of this section, the district or building shall fulfill both of the following

requirements with respect to the total student population or any 1223
pertinent subgroup: 1224

(a) The percentage of students scoring below the level of 1225
national proficiency on the applicable tests in the total student 1226
population or subgroup decreases by at least ten per cent from the 1227
percentage of such students in the total student population or 1228
subgroup in the preceding school year or from the average 1229
percentage of such students in the total student population or 1230
subgroup in the two preceding school years. 1231

(b) The total student population or subgroup meets or exceeds 1232
the minimum threshold on the other academic indicators for that 1233
school year or makes progress toward meeting the minimum threshold 1234
on one of the other academic indicators for that school year. 1235

(J) "Supplemental educational services" means additional 1236
academic assistance, such as tutoring, remediation, or other 1237
educational enrichment activities, that is conducted outside of 1238
the regular school day by a provider approved by the department in 1239
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1240
1425, 20 U.S.C. 6316. 1241

(K) "Value-added progress dimension" means a measure of 1242
academic gain for a student or group of students over a specific 1243
period of time that is calculated by applying a statistical 1244
methodology to individual student achievement data derived from 1245
the achievement tests prescribed by section 3301.0710 of the 1246
Revised Code. 1247

Sec. 3302.02. (A) Except as provided in division (B) of this 1248
section, the following are the expected state performance 1249
indicators for school districts and school buildings: 1250

(1) At least seventy-five per cent of third graders Ohio 1251
proficient on the reading test prescribed by division (A)(1)(a) of 1252

<u>section 3301.0710 of the Revised Code;</u>	1253
<u>(2) At least seventy-five per cent of third graders Ohio</u>	1254
<u>proficient on the mathematics test prescribed by division</u>	1255
<u>(A)(1)(a) of section 3301.0710 of the Revised Code;</u>	1256
<u>(3) At least seventy-five per cent of fourth graders Ohio</u>	1257
<u>proficient on the reading test prescribed by division (A)(1)(b) of</u>	1258
<u>section 3301.0710 of the Revised Code;</u>	1259
<u>(4) At least seventy-five per cent of fourth graders Ohio</u>	1260
<u>proficient on the writing test prescribed by division (A)(1)(b) of</u>	1261
<u>section 3301.0710 of the Revised Code;</u>	1262
<u>(5) At least seventy-five per cent of fourth graders Ohio</u>	1263
<u>proficient on the mathematics test prescribed by division</u>	1264
<u>(A)(1)(b) of section 3301.0710 of the Revised Code;</u>	1265
<u>(6) At least seventy-five per cent of fifth graders Ohio</u>	1266
<u>proficient on the reading test prescribed by division (A)(1)(c) of</u>	1267
<u>section 3301.0710 of the Revised Code;</u>	1268
<u>(7) At least seventy-five per cent of fifth graders Ohio</u>	1269
<u>proficient on the mathematics test prescribed by division</u>	1270
<u>(A)(1)(c) of section 3301.0710 of the Revised Code;</u>	1271
<u>(8) At least seventy-five per cent of fifth graders Ohio</u>	1272
<u>proficient on the science test prescribed by division (A)(1)(c) of</u>	1273
<u>section 3301.0710 of the Revised Code;</u>	1274
<u>(9) At least seventy-five per cent of fifth graders Ohio</u>	1275
<u>proficient on the social studies test prescribed by division</u>	1276
<u>(A)(1)(c) of section 3301.0710 of the Revised Code;</u>	1277
<u>(10) At least seventy-five per cent of sixth graders Ohio</u>	1278
<u>proficient on the reading test prescribed by division (A)(1)(d) of</u>	1279
<u>section 3301.0710 of the Revised Code;</u>	1280
<u>(11) At least seventy-five per cent of sixth graders Ohio</u>	1281
<u>proficient on the mathematics test prescribed by division</u>	1282

<u>(A)(1)(d) of section 3301.0710 of the Revised Code;</u>	1283
<u>(12) At least seventy-five per cent of seventh graders Ohio proficient on the reading test prescribed by division (A)(1)(e) of section 3301.0710 of the Revised Code;</u>	1284
	1285
	1286
<u>(13) At least seventy-five per cent of seventh graders Ohio proficient on the writing test prescribed by division (A)(1)(e) of section 3301.0710 of the Revised Code;</u>	1287
	1288
	1289
<u>(14) At least seventy-five per cent of seventh graders Ohio proficient on the mathematics test prescribed by division (A)(1)(e) of section 3301.0710 of the Revised Code;</u>	1290
	1291
	1292
<u>(15) At least seventy-five per cent of eighth graders Ohio proficient on the reading test prescribed by division (A)(1)(f) of section 3301.0710 of the Revised Code;</u>	1293
	1294
	1295
<u>(16) At least seventy-five per cent of eighth graders Ohio proficient on the mathematics test prescribed by division (A)(1)(f) of section 3301.0710 of the Revised Code;</u>	1296
	1297
	1298
<u>(17) At least seventy-five per cent of eighth graders Ohio proficient on the science test prescribed by division (A)(1)(f) of section 3301.0710 of the Revised Code;</u>	1299
	1300
	1301
<u>(18) At least seventy-five per cent of eighth graders Ohio proficient on the social studies test prescribed by division (A)(1)(f) of section 3301.0710 of the Revised Code;</u>	1302
	1303
	1304
<u>(19) At least seventy-five per cent of tenth graders Ohio proficient on the reading test prescribed by division (B) of section 3301.0710 of the Revised Code;</u>	1305
	1306
	1307
<u>(20) At least seventy-five per cent of tenth graders Ohio proficient on the writing test prescribed by division (B) of section 3301.0710 of the Revised Code;</u>	1308
	1309
	1310
<u>(21) At least seventy-five per cent of tenth graders Ohio proficient on the mathematics test prescribed by division (B) of</u>	1311
	1312

<u>section 3301.0710 of the Revised Code;</u>	1313
<u>(22) At least seventy-five per cent of tenth graders Ohio</u>	1314
<u>proficient on the science test prescribed by division (B) of</u>	1315
<u>section 3301.0710 of the Revised Code;</u>	1316
<u>(23) At least seventy-five per cent of tenth graders Ohio</u>	1317
<u>proficient on the social studies test prescribed by division (B)</u>	1318
<u>of section 3301.0710 of the Revised Code;</u>	1319
<u>(24) At least eighty-five per cent of eleventh graders Ohio</u>	1320
<u>proficient on the reading test prescribed by division (B) of</u>	1321
<u>section 3301.0710 of the Revised Code;</u>	1322
<u>(25) At least eighty-five per cent of eleventh graders Ohio</u>	1323
<u>proficient on the writing test prescribed by division (B) of</u>	1324
<u>section 3301.0710 of the Revised Code;</u>	1325
<u>(26) At least eighty-five per cent of eleventh graders Ohio</u>	1326
<u>proficient on the mathematics test prescribed by division (B) of</u>	1327
<u>section 3301.0710 of the Revised Code;</u>	1328
<u>(27) At least eighty-five per cent of eleventh graders Ohio</u>	1329
<u>proficient on the science test prescribed by division (B) of</u>	1330
<u>section 3301.0710 of the Revised Code;</u>	1331
<u>(28) At least eighty-five per cent of eleventh graders Ohio</u>	1332
<u>proficient on the social studies test prescribed by division (B)</u>	1333
<u>of section 3301.0710 of the Revised Code;</u>	1334
<u>(29) A ninety per cent graduation rate;</u>	1335
<u>(30) A ninety-three per cent attendance rate.</u>	1336
<u>(B) Only those performance indicators that are applicable to</u>	1337
<u>the grade levels of the students in a school building shall apply</u>	1338
<u>to that building.</u>	1339
<u>Sec. 3302.021. (A) Not later than July 1, 2005, the</u>	1340
<u>department of education shall incorporate a value-added progress</u>	1341

dimension into the report cards and performance ratings issued for 1342
school districts and buildings under section 3302.03 of the 1343
Revised Code. The state board of education shall adopt rules, 1344
pursuant to Chapter 119. of the Revised Code, for the 1345
implementation of the value-added progress dimension. In adopting 1346
rules, the state board shall consult with the Ohio accountability 1347
committee established under division (C) of this section. The 1348
rules adopted under this division shall specify both of the 1349
following: 1350

(1) A scale for describing the levels of academic progress in 1351
reading and mathematics relative to a standard year of academic 1352
growth in those subjects for each of grades three through eight; 1353

(2) That the department shall maintain the confidentiality of 1354
individual student test scores and individual student reports in 1355
accordance with sections 3301.0711 and 3301.0714 of the Revised 1356
Code and federal law. The department may require school districts 1357
to use a unique identifier for each student for this purpose. 1358
Individual student test scores and individual student reports 1359
shall be made available only to a student's classroom teacher and 1360
the student's parent or guardian. 1361

(B) The department shall use a system designed for collecting 1362
necessary data, calculating the value-added progress dimension, 1363
analyzing data, and generating reports, which system has been used 1364
previously by a non-profit organization led by the Ohio business 1365
community for at least one year in the operation of a pilot 1366
program in cooperation with school districts to collect and report 1367
student achievement data via electronic means and to provide 1368
information to the districts regarding the academic performance of 1369
individual students, grade levels, school buildings, and the 1370
districts as a whole. 1371

(C)(1) There is hereby established the Ohio accountability 1372

committee. The committee shall consist of the following eleven 1373
members: 1374

(a) The chairpersons and ranking minority members of the 1375
house of representatives and senate standing committees primarily 1376
responsible for education legislation; 1377

(b) One representative of the governor's office, appointed by 1378
the governor; 1379

(c) The superintendent of public instruction, or the 1380
superintendent's designee; 1381

(d) One representative of teacher employee organizations 1382
formed pursuant to Chapter 4117. of the Revised Code, appointed by 1383
the speaker of the house of representatives; 1384

(e) One representative of school district boards of 1385
education, appointed by the president of the senate; 1386

(f) One school district superintendent, appointed by the 1387
speaker of the house of representatives; 1388

(g) One representative of business, appointed by the 1389
president of the senate; 1390

(h) One representative of a non-profit organization led by 1391
the Ohio business community, appointed by the governor. 1392

Initial appointed members of the committee shall serve until 1393
January 1, 2005. Thereafter, terms of office for appointed members 1394
shall be for two years, each term ending on the same day of the 1395
same month as did the term that it succeeds. Each appointed member 1396
shall hold office from the date of appointment until the end of 1397
the term for which the member was appointed. Members may be 1398
reappointed. Vacancies shall be filled in the same manner as the 1399
original appointment. Any member appointed to fill a vacancy 1400
occurring prior to the expiration of the term for which the 1401
member's predecessor was appointed shall hold office for the 1402

remainder of that term. 1403

The committee shall select from among its members a 1404
chairperson. The committee shall meet at least six times each 1405
calendar year and at other times upon the call of the chairperson 1406
to conduct its business. Members of the committee shall serve 1407
without compensation. 1408

(2) The committee shall do all of the following: 1409

(a) Monitor the implementation of the value-added progress 1410
dimension by the department, including the system described in 1411
division (B) of this section, the reporting of performance data to 1412
school districts and buildings, and the provision of professional 1413
development on the interpretation of the data to classroom 1414
teachers and administrators; 1415

(b) Advise the department and the state board on all issues 1416
related to the school district and building accountability system 1417
established under Chapter 3302. of the Revised Code; 1418

(c) Not later than five years after its initial meeting, make 1419
recommendations to improve and simplify the school district and 1420
building accountability system established under Chapter 3302. of 1421
the Revised Code. The committee shall adopt recommendations by a 1422
majority vote of its members. Copies of the recommendations shall 1423
be provided to the state board, the governor, the speaker of the 1424
house of representatives, and the president of the senate. 1425

Sec. 3302.03. (A) Annually the department of education shall 1426
report for each school district ~~the~~ and each school building in a 1427
district all of the following: 1428

(1) The extent to which ~~it~~ the school district or building 1429
meets each of the applicable performance indicators ~~created by the~~ 1430
~~state board of education~~ established under section 3302.02 of the 1431
Revised Code and shall specify for each such district the number 1432

of applicable performance indicators that have been achieved ~~and~~ 1433
~~whether;~~ 1434

(2) The performance index score of the school district or 1435
building; 1436

(3) Whether the school district or building has made adequate 1437
yearly progress; 1438

(4) Whether the school district or building is ~~an~~ excellent 1439
~~school district~~, an effective ~~school district~~, needs continuous 1440
improvement, is under an academic watch, or is in a state of 1441
academic emergency. 1442

~~When possible, the department shall also determine for each~~ 1443
~~school building in a district the extent to which it meets any of~~ 1444
~~the performance indicators applicable to the grade levels of the~~ 1445
~~students in that school building and whether the school building~~ 1446
~~is an excellent school, an effective school, needs continuous~~ 1447
~~improvement, is under an academic watch, or is in a state of~~ 1448
~~academic emergency.~~ 1449

~~(B) If the state board establishes seventeen performance~~ 1450
~~indicators applicable to a school district or building under~~ 1451
~~section 3302.02 of the Revised Code;~~ 1452

(1) A school district or building shall be declared excellent 1453
if it makes adequate yearly progress and either meets at least 1454
sixteen ninety-four per cent of the applicable state performance 1455
indicators or has a performance index score of at least one 1456
hundred. 1457

(2) A school district or building shall be declared effective 1458
if it fulfills one of the following requirements: 1459

(a) It makes adequate yearly progress and either meets 1460
~~thirteen through fifteen~~ at least seventy-five per cent but less 1461
than ninety-four per cent of the applicable state performance 1462

indicators or has a performance index score of at least ninety but 1463
less than one hundred. 1464

(b) It does not make adequate yearly progress and either 1465
meets at least seventy-five per cent of the applicable state 1466
performance indicators or has a performance index score of at 1467
least ninety, except that if it does not make adequate yearly 1468
progress for three consecutive years, it shall be declared in need 1469
of continuous improvement. 1470

(3) A school district or building shall be declared to be in 1471
need of continuous improvement if it fulfills one of the following 1472
requirements: 1473

(a) It makes adequate yearly progress, meets more than eight 1474
but less than thirteen less than seventy-five per cent of the 1475
applicable state performance indicators, and has a performance 1476
index score of less than ninety. 1477

(b) It does not make adequate yearly progress and either 1478
meets at least fifty per cent but less than seventy-five per cent 1479
of the applicable state performance indicators or has a 1480
performance index score of at least eighty but less than ninety. 1481

(4) A school district or building shall be declared to be 1482
under an academic watch if it does not make adequate yearly 1483
progress and either meets ~~more than five but not more than eight~~ 1484
at least thirty-one per cent but less than fifty per cent of the 1485
applicable state performance indicators or has a performance index 1486
score of at least seventy but less than eighty. 1487

(5) A school district or building shall be declared to be in 1488
a state of academic emergency if it does not make adequate yearly 1489
progress, does not meet more than ~~five~~ thirty per cent of the 1490
applicable state performance indicators, and has a performance 1491
index score of less than seventy. 1492

~~(C) If the state board establishes more than seventeen~~ 1493

~~performance indicators under section 3302.02 of the Revised Code, 1494
or if less than seventeen performance indicators are applicable to 1495
a school building, the state board shall establish the number of 1496
indicators that must be met in order for a district or building to 1497
be designated as excellent, effective, needs continuous 1498
improvement, is under an academic watch, or is in a state of 1499
academic emergency. The number established for each such category 1500
under this division shall bear a similar relationship to the total 1501
number of indicators as the number of indicators required for the 1502
respective categories stated in division (B) of this section bears 1503
to seventeen. 1504~~

~~(D)(1) The department shall issue annual report cards for 1505
each school district, each building within each district, and for 1506
the state as a whole reflecting performance on the indicators 1507
created by the state board established under section 3302.02 of 1508
the Revised Code, the performance index score, and adequate yearly 1509
progress. 1510~~

(2) The department shall include on the report card for each 1511
district information pertaining to any change from the previous 1512
year made by the school district or school buildings within the 1513
district on any performance indicator. 1514

(3) When reporting data on student performance, the 1515
department shall disaggregate that data according to the following 1516
categories: 1517

(a) Performance of students by age group; 1518

(b) Performance of students by race and ethnic group; 1519

(c) Performance of students by gender; 1520

(d) Performance of students grouped by those who have been 1521
enrolled in a district or school for three or more years; 1522

(e) Performance of students grouped by those who have been 1523

enrolled in a district or school for more than one year and less than three years;	1524 1525
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1526 1527
(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;	1528 1529 1530
(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;	1531 1532 1533 1534
(i) <u>(h)</u> Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1535 1536 1537
<u>(i) Performance of students grouped by those who are classified as limited English proficient;</u>	1538 1539
<u>(j) Performance of students grouped by those who have disabilities;</u>	1540 1541
<u>(k) Performance of students grouped by those who are classified as migrants.</u>	1542 1543
The department may disaggregate data on student performance according to other categories that the department determines are appropriate.	1544 1545 1546
In reporting data pursuant to division (D) <u>(C)</u> (3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students.	1547 1548 1549 1550
<u>For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.</u>	1551 1552 1553

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

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

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

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

~~(E)(D)(1)~~ In calculating reading, writing, mathematics, social studies, or science proficiency or achievement test passage rates used to determine school district or building performance under this section, the department shall include all students taking a test with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, ~~but shall not include any~~

~~student excused from taking a test pursuant to division (C)(3) of 1585
that section, whether or not the student chose to take the test 1586
voluntarily in spite of the exemption granted in that division. 1587~~

(2) In calculating performance index scores, rates of 1588
achievement on the performance indicators established in section 1589
3302.02 of the Revised Code, and adequate yearly progress for 1590
school districts and buildings under this section, the department 1591
shall include for each district or building only those students 1592
who are included in the formula ADM certified for the first full 1593
school week of October and are continuously enrolled in the 1594
district or building through the time of the spring administration 1595
of any test prescribed by section 3301.0710 of the Revised Code 1596
that is administered to the student's grade level. 1597

Sec. 3302.04. ~~(A) The state board of education shall adopt a 1598
rule establishing both of the following: 1599~~

~~(1) A standard unit of improvement that any building within a 1600
district or school district would be required to achieve on a 1601
specific performance indicator that it failed to meet in order to 1602
be deemed to have made satisfactory improvement toward meeting 1603
that indicator. 1604~~

~~(2) The percentage of those performance indicators that a 1605
building within a district or a district did not meet, on which a 1606
building or district would be required to achieve the standard 1607
unit of improvement in order to be deemed to be making overall 1608
progress toward becoming an excellent building or district. 1609~~

The rule shall apply to determinations of school district 1610
improvement under division (B) of this section The department of 1611
education shall establish a system of intensive, ongoing support 1612
for the improvement of school districts and school buildings. The 1613
system shall give priority to districts and buildings that have 1614
been declared to be under an academic watch or in a state of 1615

academic emergency under section 3302.03 of the Revised Code and 1616
shall include services provided to districts and buildings through 1617
regional service providers, such as educational service centers, 1618
regional professional development centers, and special education 1619
regional resource centers. 1620

(B) When a school district has been notified by the 1621
department pursuant to division (A) of section 3302.03 of the 1622
Revised Code that the district or a building within the district 1623
needs continuous improvement, is under an academic watch, or is in 1624
a state of academic emergency, the district shall develop a 1625
three-year continuous improvement plan for the district or 1626
building containing an analysis of the reasons for the district's 1627
failure as a whole, or the failure of any buildings, to meet any 1628
of the indicators not met and specifying the strategies the 1629
district will use and the resources it will allocate to address 1630
the problem. Copies of the plan shall be made available to the 1631
public each of the following: 1632

(1) An analysis of the reasons for the failure of the 1633
district or building to meet any of the applicable performance 1634
indicators specified in section 3302.02 of the Revised Code that 1635
it did not meet and, if applicable, an analysis of the reasons for 1636
its failure to make adequate yearly progress; 1637

(2) Specific strategies that the district or building will 1638
use to address the problems in academic achievement identified in 1639
division (B)(1) of this section; 1640

(3) Identification of the resources that the district will 1641
allocate toward improving the academic achievement of the district 1642
or building; 1643

(4) A description of any progress that the district or 1644
building made in the preceding year toward improving its academic 1645
achievement. 1646

No three-year continuous improvement plan shall be developed 1647
or adopted pursuant to this division unless at least one public 1648
hearing is held within the affected school district or building 1649
concerning the final draft of the plan. Notice of the hearing 1650
shall be given two weeks prior to the hearing by publication in 1651
one newspaper of general circulation within the territory of the 1652
affected school district or building. Copies of the plan shall be 1653
made available to the public. 1654

(C) When a school district or building has been notified by 1655
the department pursuant to division (A) of section 3302.03 of the 1656
Revised Code that the district or ~~a building within the district~~ 1657
is under an academic watch or in a state of academic emergency, 1658
the district or building shall be subject to any rules 1659
establishing intervention in academic watch or emergency school 1660
districts or buildings that have been recommended to the general 1661
assembly by the department of education and approved by joint 1662
resolution of the general assembly. 1663

(D)(1) Within one hundred twenty days after any school 1664
district or building ~~within the district~~ is declared to be in a 1665
state of academic emergency under section 3302.03 of the Revised 1666
Code, the department ~~shall~~ may initiate a site evaluation of the 1667
building or school district. 1668

(2) If any school district that is declared to be in a state 1669
of academic emergency or in a state of academic watch under 1670
section 3302.03 of the Revised Code or encompasses a building that 1671
is declared to be in a state of academic emergency or in a state 1672
of academic watch fails to demonstrate to the department 1673
satisfactory improvement of the district or applicable buildings 1674
or fails to submit to the department any information required 1675
under rules established by the state board of education, prior to 1676
approving a three-year continuous improvement plan under rules 1677
established by the state board of education, the department shall 1678

conduct a site evaluation of the school district or applicable 1679
buildings to determine whether the school district is in 1680
compliance with minimum standards established by law or rule. 1681

(3) Site evaluations conducted under divisions (D)(1) and (2) 1682
of this section shall include, but not be limited to, the 1683
following: 1684

(a) Determining whether teachers are assigned to subject 1685
areas for which they are licensed or certified; 1686

(b) Determining pupil-teacher ratios; 1687

(c) Examination of compliance with minimum instruction time 1688
requirements for each school day and for each school year; 1689

(d) Determining whether materials and equipment necessary to 1690
implement the curriculum approved by the school district board are 1691
available. 1692

~~(E)(1) If, after three years under a continuous improvement 1693
plan developed pursuant to division (B) of this section, any 1694
school district that is declared to be in a state of academic 1695
emergency under section 3302.03 of the Revised Code has any 1696
building within the district that is declared to be in a state of 1697
academic emergency under that section and that fails to improve on 1698
the performance indicators that the building did not meet under 1699
that section to make progress toward becoming an excellent 1700
building, the district shall implement at least one of the 1701
following options with respect to that building: 1702~~

~~(a) Replace the building principal; 1703~~

~~(b) Examine the factors impeding student success and redesign 1704
the building to address those factors, including transferring or 1705
reassigning personnel; 1706~~

~~(c) Institute a new schoolwide curriculum or educational 1707
model that is consistent with the statewide academic standards 1708~~

adopted pursuant to division (A) of section 3301.079 of the Revised Code and alter the structure of the school day or year; 1709
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~~(d) Contract with departments of education at public and private colleges in Ohio, educational service centers, or the state department of education to operate the building, including the provision of personnel, supplies, and equipment;~~ 1711
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~~(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;~~ 1715
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~~(f) Close the building and reassign its students to other buildings within the district;~~ 1719
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~~(g) Develop and implement a comprehensive alternative plan, subject to approval by the department of education, to improve the overall performance of the building.~~ 1721
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~~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 has been declared to be in need of continuous improvement, under an academic watch, or in a state of academic emergency under section 3302.03 of the Revised Code.~~ 1724
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(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: 1730
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(a) Provide written notification of the academic issues that resulted in the performance designation assigned to the building under section 3302.03 of the Revised Code 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 1733
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building and any progress achieved toward that goal in the 1739
immediately preceding school year. 1740

(b) If the school receives funds under Title 1, Part A of the 1741
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1742
to 6339, from the district, in accordance with section 3313.97 of 1743
the Revised Code, offer all students enrolled in the building the 1744
opportunity to enroll in an alternative building within the 1745
district that has made adequate yearly progress for at least two 1746
consecutive school years. Notwithstanding Chapter 3327. of the 1747
Revised Code, the district shall spend at least twenty per cent of 1748
the funds it receives under Title I, Part A of the "Elementary and 1749
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 1750
provide transportation for students who enroll in alternative 1751
buildings under this division, unless the district can satisfy all 1752
demand for transportation with a lesser amount. If twenty per cent 1753
of the funds the district receives under Title I, Part A of the 1754
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1755
to 6339, is insufficient to satisfy all demand for transportation, 1756
the district shall grant priority over all other students to the 1757
lowest achieving students among the subgroup described in division 1758
(F)(3) of section 3302.01 of the Revised Code in providing 1759
transportation. Any district that does not receive funds under 1760
Title I, Part A of the "Elementary and Secondary Education Act of 1761
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 1762
transportation to any student who enrolls in an alternative 1763
building under this division. 1764

(c) Administer diagnostic assessments in accordance with 1765
section 3301.0715 of the Revised Code to each student enrolled in 1766
the building and provide intervention services to those students 1767
eligible for such services under that section. 1768

(2) For any school building that fails to make adequate 1769
yearly progress for three consecutive school years, the district 1770

shall do both of the following:

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(a) If the school 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, provide all students enrolled in the building
the opportunity to enroll in an alternative building within the
district that has made adequate yearly progress for at least two
consecutive school years. Notwithstanding Chapter 3327. of the
Revised Code, the district shall provide transportation for
students who enroll in alternative buildings under this division
to the extent required under division (E)(2) of this section.

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(b) If the school 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, offer supplemental educational
services to students who are enrolled in the building and who are
in the subgroup described in division (F)(3) of section 3302.01 of
the Revised Code.

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The district shall spend a combined total of at least twenty
per cent of the funds it receives under Title I, Part A of the
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311
to 6339, to provide transportation for students who enroll in
alternative buildings under division (E)(2)(a) of this section and
to pay the costs of the supplemental educational services provided
to students under division (E)(2)(b) of this section, unless the
district can satisfy all demand for transportation and pay the
costs of supplemental educational services for those students who
request them with a lesser amount. In allocating the funds the
district receives under Title I, Part A of the "Elementary and
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, between
the requirements of divisions (E)(2)(a) and (b) of this section,
the district shall spend at least five per cent of such funds to
provide transportation for students who enroll in alternative

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buildings under division (E)(2)(a) of this section, unless the 1803
district can satisfy all demand for transportation with a lesser 1804
amount, and at least five per cent of such funds to pay the costs 1805
of the supplemental educational services provided to students 1806
under division (E)(2)(b) of this section, unless the district can 1807
pay the costs of such services for all students requesting them 1808
with a lesser amount. If twenty per cent of the funds the district 1809
receives under Title I, Part A of the "Elementary and Secondary 1810
Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to 1811
satisfy all demand for transportation under division (E)(2)(a) of 1812
this section and to pay the costs of all of the supplemental 1813
educational services provided to students under division (E)(2)(b) 1814
of this section, the district shall grant priority over all other 1815
students in providing transportation and in paying the costs of 1816
supplemental educational services to the lowest achieving students 1817
among the subgroup described in division (F)(3) of section 3302.01 1818
of the Revised Code. 1819

Any district that does not receive funds under Title I, Part 1820
A of the "Elementary and Secondary Education Act of 1965," 20 1821
U.S.C. 6311 to 6339, shall not be required to provide 1822
transportation to any student who enrolls in an alternative 1823
building under division (E)(2)(a) of this section or to pay the 1824
costs of supplemental educational services provided to any student 1825
under division (E)(2)(b) of this section. 1826

No student who enrolls in an alternative building under 1827
division (E)(2)(a) of this section shall be eligible for 1828
supplemental educational services under division (E)(2)(b) of this 1829
section. 1830

(3) For any school building that fails to make adequate 1831
yearly progress for four consecutive school years, the district 1832
shall continue to comply with division (E)(2) of this section and 1833
shall implement at least one of the following options with respect 1834

<u>to the building:</u>	1835
<u>(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;</u>	1836 1837 1838
<u>(b) Decrease the degree of authority the building has to manage its internal operations;</u>	1839 1840
<u>(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.</u>	1841 1842 1843 1844
<u>(d) Extend the length of the school day or year;</u>	1845
<u>(e) Replace the building principal or other key personnel;</u>	1846
<u>(f) Reorganize the administrative structure of the building.</u>	1847
<u>(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:</u>	1848 1849 1850 1851 1852 1853
<u>(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;</u>	1854 1855
<u>(b) Replace personnel;</u>	1856
<u>(c) Contract with a nonprofit or for-profit entity to operate the building;</u>	1857 1858
<u>(d) Other significant restructuring of the building's governance.</u>	1859 1860
<u>(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and</u>	1861 1862 1863

shall implement the plan developed pursuant to division (E)(4) of this section. 1864
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(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years. 1866
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(F) This division applies only to school districts that have been declared to be in need of continuous improvement, under an academic watch, or in a state of academic emergency under section 3302.03 of the Revised Code. 1871
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(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. 1875
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(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. 1881
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(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: 1885
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(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; 1889
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(b) Direct the district to replace key district personnel; 1892

(c) Institute a new curriculum that is consistent with the 1893

<u>statewide academic standards adopted pursuant to division (A) of</u>	1894
<u>section 3301.079 of the Revised Code;</u>	1895
<u>(d) Establish alternative forms of governance for individual</u>	1896
<u>school buildings within the district;</u>	1897
<u>(e) Appoint a trustee to manage the district in place of the</u>	1898
<u>district superintendent and board of education.</u>	1899
<u>The department shall conduct individual audits of a sampling</u>	1900
<u>of districts subject to this division to determine compliance with</u>	1901
<u>the corrective actions taken by the department.</u>	1902
<u>(4) If a school district fails to make adequate yearly</u>	1903
<u>progress for five consecutive school years, the department shall</u>	1904
<u>continue to monitor implementation of the corrective action taken</u>	1905
<u>under division (F)(3) of this section with respect to the</u>	1906
<u>district.</u>	1907
<u>(5) If a school district fails to make adequate yearly</u>	1908
<u>progress for six consecutive school years, the department shall</u>	1909
<u>take at least one of the corrective actions identified in division</u>	1910
<u>(F)(3) of this section with respect to the district, provided that</u>	1911
<u>the corrective action the department takes is different from the</u>	1912
<u>corrective action previously taken under division (F)(3) of this</u>	1913
<u>section with respect to the district.</u>	1914
<u>(G) The department may establish a state intervention team to</u>	1915
<u>evaluate all aspects of the a school district or building,</u>	1916
<u>including management, curriculum, instructional methods, resource</u>	1917
<u>allocation, and scheduling. Any such intervention team shall be</u>	1918
<u>appointed by the department and shall include teachers and</u>	1919
<u>administrators recognized as outstanding in their fields. The</u>	1920
<u>intervention team shall make recommendations to the district</u>	1921
<u>regarding methods for improving the performance of the <u>district or</u></u>	1922
<u>building. The</u>	1923

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

~~(2) If any building subject to this division fails to improve on the performance indicators that the building did not meet under section 3302.03 of the Revised Code to make progress toward becoming an excellent building within two years following any action taken by the district under this division, the district shall select another option described by this division and implement such option with respect to the building.~~

(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.

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

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

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

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

person is handicapped, the board shall determine whether to excuse 1954
the person from taking any of the tests required by division (B) 1955
of section 3301.0710 of the Revised Code as a requirement for 1956
receiving a diploma under section 3313.611 of the Revised Code. 1957
~~The determination of whether to excuse the person from any such~~ 1958
~~test shall be made in the same manner as it would be for students~~ 1959
~~enrolled in the district who are receiving special education under~~ 1960
~~Chapter 3323 of the Revised Code~~ The board may require the person 1961
to take an alternate assessment in place of any test from which 1962
the person is so excused. 1963

Sec. 3313.6012. (A) The board of education of each city, 1964
exempted village, and local school district shall adopt a policy 1965
governing the conduct of academic prevention/intervention services 1966
for all grades and all schools throughout the district. The board 1967
shall update the policy annually. The policy shall include, but 1968
not be limited to, all of the following: 1969

(1) Procedures for using diagnostic assessments to measure 1970
student progress toward the attainment of academic standards and 1971
to identify students who may not attain the academic standards in 1972
accordance with section 3301.0715 of the Revised Code; 1973

~~(2) A plan for the design of classroom based intervention~~ 1974
~~services to meet the instructional needs of individual students as~~ 1975
~~determined by the results of diagnostic assessments;~~ 1976

~~(3)~~ Procedures for the regular collection of student 1977
performance data; 1978

~~(4)~~(3) Procedures for using student performance data to 1979
evaluate the effectiveness of intervention services and, if 1980
necessary, to modify such services. 1981

The policy shall include any prevention/intervention services 1982
required under sections 3301.0711, ~~3301.0715,~~ and 3313.608 of the 1983

Revised Code.	1984
(B) In accordance with the policy adopted under division (A)	1985
of this section, each school district shall provide	1986
prevention/intervention services in pertinent subject areas to	1987
students who score below the <u>Ohio</u> proficient level on a reading,	1988
writing, mathematics, social studies, or science proficiency test	1989
administered in the fourth, sixth, or ninth grade or below the	1990
basic nationally proficient level on any achievement test or who	1991
do not demonstrate academic performance at their grade level based	1992
on the results of a diagnostic assessment.	1993
Sec. 3313.61. (A) A diploma shall be granted by the board of	1994
education of any city, exempted village, or local school district	1995
that operates a high school to any person to whom all of the	1996
following apply:	1997
(1) The person has successfully completed the curriculum in	1998
any high school or the individualized education program developed	1999
for the person by any high school pursuant to section 3323.08 of	2000
the Revised Code;	2001
(2) Subject to section 3313.614 of the Revised Code, the	2002
person either:	2003
(a) Has attained at least the applicable scores designated	2004
under division (B) of section 3301.0710 of the Revised Code on all	2005
the tests required by that division unless the person was excused	2006
from taking any such test pursuant to section 3313.532 of the	2007
Revised Code or unless division (H) or (L) of this section applies	2008
to the person;	2009
(b) Has satisfied the alternative conditions prescribed in	2010
section 3313.615 of the Revised Code.	2011
(3) The person is not eligible to receive an honors diploma	2012
granted pursuant to division (B) of this section.	2013

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

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

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

that type of diploma. 2046

(C) Any such district board administering any of the tests 2047
required by section 3301.0710 or 3301.0712 of the Revised Code to 2048
any person requesting to take such test pursuant to division 2049
(B)~~(6)~~(8)(b) of section 3301.0711 of the Revised Code shall award 2050
a diploma to such person if the person attains at least the 2051
applicable scores designated under division (B) of section 2052
3301.0710 of the Revised Code on all the tests administered and if 2053
the person has previously attained the applicable scores on all 2054
the other tests required by division (B) of that section or has 2055
been exempted or excused from attaining the applicable score on 2056
any such test pursuant to division (H) or (L) of this section or 2057
from taking any such test pursuant to section 3313.532 of the 2058
Revised Code. 2059

(D) Each diploma awarded under this section shall be signed 2060
by the president and treasurer of the issuing board, the 2061
superintendent of schools, and the principal of the high school. 2062
Each diploma shall bear the date of its issue, be in such form as 2063
the district board prescribes, and be paid for out of the 2064
district's general fund. 2065

(E) A person who is a resident of Ohio and is eligible under 2066
state board of education minimum standards to receive a high 2067
school diploma based in whole or in part on credits earned while 2068
an inmate of a correctional institution operated by the state or 2069
any political subdivision thereof, shall be granted such diploma 2070
by the correctional institution operating the programs in which 2071
such credits were earned, and by the board of education of the 2072
school district in which the inmate resided immediately prior to 2073
the inmate's placement in the institution. The diploma granted by 2074
the correctional institution shall be signed by the director of 2075
the institution, and by the person serving as principal of the 2076
institution's high school and shall bear the date of issue. 2077

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

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

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

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

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

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

(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. 2109

(J) Upon receipt of a notice under division (D) of section 2110
3325.08 of the Revised Code that a student has received a diploma 2111
under that section, the board of education receiving the notice 2112
may grant a high school diploma under this section to the student, 2113
except that such board shall grant the student a diploma if the 2114
student meets the graduation requirements that the student would 2115
otherwise have had to meet to receive a diploma from the district. 2116
The diploma granted under this section shall be of the same type 2117
the notice indicates the student received under section 3325.08 of 2118
the Revised Code. 2119

(K) As used in this division, "~~English-limited~~ limited 2120
English proficient student" has the same meaning as in division 2121
(C)(3) of section 3301.0711 of the Revised Code. 2122

~~Notwithstanding the exemption for English-limited students~~ 2123
~~provided in division (C)(3) of section 3301.0711 of the Revised~~ 2124
~~Code, no English-limited~~ No limited English proficient student who 2125
has not attained the applicable scores designated under division 2126
(B) of section 3301.0710 of the Revised Code on all the tests 2127
required by that division or on alternate assessments taken in 2128
lieu of such tests shall be awarded a diploma under this section. 2129

(L) Any student described by division (A)(1) of this section 2130
may be awarded a diploma without attaining the applicable scores 2131
designated on the tests prescribed under division (B) of section 2132
3301.0710 of the Revised Code provided an individualized education 2133
program specifically exempts the student from attaining such 2134
scores. This division does not negate the requirement for such a 2135
student to take all such tests or alternate assessments required 2136
by division (C)(1) of section 3301.0711 of the Revised Code for 2137
the purpose of assessing student progress as required by federal 2138
law. 2139

Sec. 3313.611. (A) The state board of education shall adopt, 2140
by rule, standards for awarding high school credit equivalent to 2141
credit for completion of high school academic and vocational 2142
education courses to applicants for diplomas under this section. 2143
The standards may permit high school credit to be granted to an 2144
applicant for any of the following: 2145

(1) Work experiences or experiences as a volunteer; 2146

(2) Completion of academic, vocational, or self-improvement 2147
courses offered to persons over the age of twenty-one by a 2148
chartered public or nonpublic school; 2149

(3) Completion of academic, vocational, or self-improvement 2150
courses offered by an organization, individual, or educational 2151
institution other than a chartered public or nonpublic school; 2152

(4) Other life experiences considered by the board to provide 2153
knowledge and learning experiences comparable to that gained in a 2154
classroom setting. 2155

(B) The board of education of any city, exempted village, or 2156
local school district that operates a high school shall grant a 2157
diploma of adult education to any applicant if all of the 2158
following apply: 2159

(1) The applicant is a resident of the district; 2160

(2) The applicant is over the age of twenty-one and has not 2161
been issued a diploma as provided in section 3313.61 of the 2162
Revised Code; 2163

(3) Subject to section 3313.614 of the Revised Code, the 2164
applicant either: 2165

(a) Has attained the applicable scores designated under 2166
division (B) of section 3301.0710 of the Revised Code on all of 2167
the tests required by that division or was excused or exempted 2168

from any such test pursuant to section 3313.532 or was exempted 2169
from attaining the applicable score on any such test pursuant to 2170
division (H) or (L) of section 3313.61 of the Revised Code; 2171

(b) Has satisfied the alternative conditions prescribed in 2172
section 3313.615 of the Revised Code. 2173

(4) The district board determines, in accordance with the 2174
standards adopted under division (A) of this section, that the 2175
applicant has attained sufficient high school credits, including 2176
equivalent credits awarded under such standards, to qualify as 2177
having successfully completed the curriculum required by the 2178
district for graduation. 2179

(C) If a district board determines that an applicant is not 2180
eligible for a diploma under division (B) of this section, it 2181
shall inform the applicant of the reason the applicant is 2182
ineligible and shall provide a list of any courses required for 2183
the diploma for which the applicant has not received credit. An 2184
applicant may reapply for a diploma under this section at any 2185
time. 2186

(D) If a district board awards an adult education diploma 2187
under this section, the president and treasurer of the board and 2188
the superintendent of schools shall sign it. Each diploma shall 2189
bear the date of its issuance, be in such form as the district 2190
board prescribes, and be paid for from the district's general 2191
fund, except that the state board may by rule prescribe standard 2192
language to be included on each diploma. 2193

(E) As used in this division, "~~English limited~~ limited 2194
English proficient student" has the same meaning as in division 2195
(C)(3) of section 3301.0711 of the Revised Code. 2196

~~Notwithstanding the exemption for English limited students~~ 2197
~~provided in division (C)(3) of section 3301.0711 of the Revised~~ 2198
~~Code, no English limited~~ No limited English proficient student who 2199

has not attained the applicable scores designated under division 2200
(B) of section 3301.0710 of the Revised Code on all the tests 2201
required by that division or on alternate assessments taken in 2202
lieu of such tests shall be awarded a diploma under this section. 2203

Sec. 3313.612. (A) No nonpublic school chartered by the state 2204
board of education shall grant any high school diploma to any 2205
person unless the person has attained, subject to section 3313.614 2206
of the Revised Code at least the applicable scores designated 2207
under division (B) of section 3301.0710 of the Revised Code on all 2208
the tests required by that division, or has satisfied the 2209
alternative conditions prescribed in section 3313.615 of the 2210
Revised Code. 2211

(B) This section does not apply to either of the following: 2212

(1) Any person with regard to any test from which the person 2213
was excused pursuant to division (C)(1)(c) of section 3301.0711 of 2214
the Revised Code; 2215

(2) Any person with regard to the social studies test or the 2216
citizenship test under former division (B) of section 3301.0710 of 2217
the Revised Code as it existed prior to ~~the effective date of this~~ 2218
~~amendment~~ September 11, 2001, if all of the following apply: 2219

(a) The person is not a citizen of the United States; 2220

(b) The person is not a permanent resident of the United 2221
States; 2222

(c) The person indicates no intention to reside in the United 2223
States after completion of high school. 2224

(C) As used in this division, "~~English limited~~ limited 2225
English proficient student" has the same meaning as in division 2226
(C)(3) of section 3301.0711 of the Revised Code. 2227

~~Notwithstanding the exemption for English limited students~~ 2228
~~provided in division (C)(3) of section 3301.0711 of the Revised~~ 2229

~~Code, no English limited~~ No limited English proficient student who 2230
has not attained the applicable scores designated under division 2231
(B) of section 3301.0710 of the Revised Code on all the tests 2232
required by that division or on alternate assessments taken in 2233
lieu of such tests shall be awarded a diploma under this section. 2234

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 2235
and division (D) of section 3311.52 of the Revised Code, this 2236
section does not apply to any joint vocational or cooperative 2237
education school district. 2238

(A) As used in this section: 2239

(1) "Parent" has the same meaning as in section 3313.64 of 2240
the Revised Code. 2241

(2) "Alternative school" means a school building other than 2242
the one to which a student is assigned by the district 2243
superintendent. 2244

(3) "IEP" means an individualized education program defined 2245
by division (E) of section 3323.01 of the Revised Code. 2246

(B) The board of education of each city, local, and exempted 2247
village school district shall adopt an open enrollment policy 2248
allowing students entitled to attend school in the district 2249
pursuant to section 3313.64 or 3313.65 of the Revised Code, ~~7~~ 2250
~~effective with the school year that begins July 1, 1993,~~ to enroll 2251
in an alternative school. Each policy shall provide for the 2252
following: 2253

(1) Application procedures, including deadlines for 2254
application and for notification of students and principals of 2255
alternative schools whenever a student's application is accepted. 2256
The policy shall require a student to apply only if ~~he~~ the student 2257
wishes to attend an alternative school. The policy shall grant 2258
preference over all other applicants to students who apply to 2259

enroll in an alternative school pursuant to division (E) of 2260
section 3302.04 of the Revised Code. In the event that there are 2261
insufficient openings available for all students who apply to 2262
enroll in an alternative school pursuant to division (E) of 2263
section 3302.04 of the Revised Code, then preference among such 2264
students shall be granted to the lowest achieving students among 2265
the subgroup described in division (E)(3) of section 3302.01 of 2266
the Revised Code. 2267

~~(2) Procedures for admitting applicants to alternative~~ 2268
~~schools, including but not limited to:~~ 2269

~~(a)~~ The establishment of district capacity limits by grade 2270
level, school building, and education program; 2271

~~(b)(3)~~ A requirement that students enrolled in a school 2272
building or living in any attendance area of the school building 2273
established by the superintendent or board be given preference 2274
over applicants; 2275

~~(c) Procedures to ensure that an appropriate racial balance~~ 2276
~~is maintained in the district schools.~~ 2277

(C) Except as provided in section 3313.982 of the Revised 2278
Code, the procedures for admitting applicants to alternative 2279
schools shall not include: 2280

(1) Any requirement of academic ability, or any level of 2281
athletic, artistic, or other extracurricular skills; 2282

(2) Limitations on admitting applicants because of 2283
handicapping conditions, except that a board may require a student 2284
receiving services under Chapter 3323. of the Revised Code to 2285
attend school where the services described in the student's IEP 2286
are available; 2287

(3) A requirement that the student be proficient in the 2288
English language; 2289

(4) Rejection of any applicant because the student has been 2290
subject to disciplinary proceedings, except that if an applicant 2291
has been suspended or expelled for ten consecutive days or more in 2292
the term for which admission is sought or in the term immediately 2293
preceding the term for which admission is sought, the procedures 2294
may include a provision denying admission of such applicant to an 2295
alternative school. 2296

~~(D)~~(1) Notwithstanding Chapter 3327. of the Revised Code, and 2297
except as provided in division (D)(2) of this section, a district 2298
board is not required to provide transportation to a 2299
nonhandicapped student enrolled in an alternative school unless 2300
such student can be picked up and dropped off at a regular school 2301
bus stop designated in accordance with the board's transportation 2302
policy or unless the board is required to provide additional 2303
transportation to the student in accordance with a court-approved 2304
desegregation plan. 2305

(2) A district board shall provide transportation to any 2306
student enrolled in an alternative school pursuant to division (E) 2307
of section 3302.04 of the Revised Code to the extent required by 2308
that division, except that no district board shall be required to 2309
provide transportation to any student enrolled in an alternative 2310
school pursuant to division (E) of section 3302.04 of the Revised 2311
Code after the date the school in which the student was enrolled 2312
immediately prior to enrolling in the alternative school ceases to 2313
be subject to that division. 2314

(E) Each school board shall provide information about the 2315
policy adopted under this section and the application procedures 2316
and deadlines to the parent of each student in the district and to 2317
the general public. 2318

(F) The state board of education shall monitor school 2319
districts to ensure compliance with this section and the 2320

districts' policies.	2321
<u>Sec. 3313.971. (A) As used in this section:</u>	2322
<u>(1) "School zone" includes all of the following:</u>	2323
<u>(a) The parcel of real property on which any school building is situated during those times when school is in session;</u>	2324
<u>(b) Any other parcel of real property that is owned or leased by a board of education and on which some instruction, extracurricular activities, or training is conducted during those times when school is in session;</u>	2326
<u>(c) Any school bus used for transporting students to and from a school building or school-sponsored activity and any bus stops designated by a board of education;</u>	2327
<u>(d) Any activities held under the auspices of a board of education, including any school-sponsored activities that take place off the premises of the school building.</u>	2328
<u>(2) "Persistently dangerous school" means any school building operated by a board of education that satisfies one of the following conditions:</u>	2329
<u>(a) The school building has an average daily membership of three hundred or fewer students and six or more offenses of violence occur within the school zone in each of two consecutive school years.</u>	2330
<u>(b) The school building has an average daily membership between three hundred one and one thousand three hundred forty-nine students and two or more offenses of violence per one hundred students occur within the school zone in each of two consecutive school years.</u>	2331
<u>(c) The school building has an average daily membership of one thousand three hundred fifty or more students and twenty-seven</u>	2332

or more offenses of violence occur within the school zone in each 2350
of two consecutive school years. 2351

(B) Except under the conditions specified in division (C) of 2352
this section, the board of education of any city, exempted 2353
village, or local school district shall provide any student who 2354
attends a persistently dangerous school or who is the victim of an 2355
offense of violence while within the school zone of the school 2356
that the student attends the opportunity to enroll in another 2357
school operated by the district that is not a persistently 2358
dangerous school. For purposes of this division, a student is a 2359
victim of an offense of violence if the alleged perpetrator of 2360
such offense has plead guilty to or been convicted of committing 2361
such offense against the student or has been adjudicated a 2362
delinquent child for committing against the student an act that 2363
would be such an offense if committed by an adult. 2364

Notwithstanding Chapter 3327. of the Revised Code, a district 2365
board is not required to provide transportation to a 2366
nonhandicapped student who enrolls in another school under this 2367
division unless such student can be picked up and dropped off at a 2368
regular school bus stop designated in accordance with the board's 2369
transportation policy. 2370

(C) In the event there is no school operated by the district 2371
that is not a persistently dangerous school and that offers 2372
instruction in the grade level of a student eligible to transfer 2373
pursuant to division (B) of this section, the district may enter 2374
into an agreement with another city, exempted village, or local 2375
school district allowing the student to enroll in a school 2376
operated by that district that is not a persistently dangerous 2377
school. Prior to such enrollment, the superintendent of each 2378
district shall enter into a written agreement consenting to the 2379
attendance of the student in the district and specifying that the 2380
reason for the attendance is to satisfy the requirements of this 2381

section. 2382

Upon the request of a parent or guardian, and provided that 2383
the district offers transportation to students entitled to attend 2384
school in the district pursuant to section 3313.64 or 3313.65 of 2385
the Revised Code who are of the same grade level and distance from 2386
school under section 3327.01 of the Revised Code, any school 2387
district that agrees to allow a student to enroll in one of its 2388
schools under this division shall be required to pick up and drop 2389
off a nonhandicapped student only at a regular school bus stop 2390
designated in accordance with the board's transportation policy. 2391

Sec. 3314.012. (A) Within ninety days of ~~the effective date~~ 2392
~~of this section~~ September 28, 1999, the superintendent of public 2393
instruction shall appoint representatives of the department of 2394
education, including employees who work with the education 2395
management information system and employees of the office of 2396
~~school options~~ community schools established by section 3314.11 of 2397
the Revised Code, to a committee to develop report card models for 2398
community schools. The director of the legislative office of 2399
education oversight shall also appoint representatives to the 2400
committee. The committee shall design model report cards 2401
appropriate for the various types of community schools approved to 2402
operate in the state. Sufficient models shall be developed to 2403
reflect the variety of grade levels served and the missions of the 2404
state's community schools. All models shall include both financial 2405
and academic data. The initial models shall be developed by March 2406
31, 2000. 2407

(B) The department of education shall issue an annual report 2408
card for each community school. The report card shall report the 2409
academic and financial performance of the school, including 2410
whether the school has made adequate yearly progress as defined in 2411
section 3302.01 of the Revised Code, utilizing one of the models 2412

developed under division (A) of this section. 2413

(C) Upon receipt of a copy of a contract between a sponsor 2414
and a community school entered into under this chapter, the 2415
department of education shall notify the community school of the 2416
specific model report card that will be used for that school. 2417

(D) Report cards shall be distributed to the parents of all 2418
students in the community school, to the members of the board of 2419
education of the school district in which the community school is 2420
located, and to any person who requests one from the department. 2421

(E) No report card shall be issued for any community school 2422
under this section until the school has been open for instruction 2423
for two full school years. 2424

Sec. 3314.03. A copy of every contract entered into under 2425
this section shall be filed with the superintendent of public 2426
instruction. 2427

(A) Each contract entered into between a sponsor and the 2428
governing authority of a community school shall specify the 2429
following: 2430

(1) That the school shall be established as either of the 2431
following: 2432

(a) A nonprofit corporation established under Chapter 1702. 2433
of the Revised Code, if established prior to ~~the effective date of~~ 2434
~~this amendment~~ April 8, 2003; 2435

(b) A public benefit corporation established under Chapter 2436
1702. of the Revised Code, if established after ~~the effective date~~ 2437
~~of this amendment~~ April 8, 2003; 2438

(2) The education program of the school, including the 2439
school's mission, the characteristics of the students the school 2440
is expected to attract, the ages and grades of students, and the 2441
focus of the curriculum; 2442

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	2443 2444 2445
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	2446 2447
(5) The admission standards of section 3314.06 of the Revised Code;	2448 2449
(6)(a) Dismissal procedures;	2450
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five cumulative hours of the learning opportunities offered to the student. Such a policy shall provide for withdrawing the student by the end of the thirtieth day after the student has failed to participate as required under this division.	2451 2452 2453 2454 2455 2456 2457 2458
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2459 2460
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	2461 2462 2463 2464 2465 2466
(9) The facilities to be used and their locations;	2467
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised	2468 2469 2470 2471 2472

Code;	2473
(11) That the school will comply with the following	2474
requirements:	2475
(a) The school will provide learning opportunities to a	2476
minimum of twenty-five students for a minimum of nine hundred	2477
twenty hours per school year;	2478
(b) The governing authority will purchase liability	2479
insurance, or otherwise provide for the potential liability of the	2480
school;	2481
(c) The school will be nonsectarian in its programs,	2482
admission policies, employment practices, and all other	2483
operations, and will not be operated by a sectarian school or	2484
religious institution;	2485
(d) The school will comply with sections 9.90, 9.91, 109.65,	2486
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711,	2487
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643,	2488
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671,	2489
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96,	2490
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17,	2491
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and	2492
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,	2493
4123., 4141., and 4167. of the Revised Code as if it were a school	2494
district and will comply with section 3301.0714 of the Revised	2495
Code in the manner specified in section 3314.17 of the Revised	2496
Code;	2497
(e) The school shall comply with Chapter 102. of the Revised	2498
Code except that nothing in that chapter shall prohibit a member	2499
of the school's governing board from also being an employee of the	2500
school and nothing in that chapter or section 2921.42 of the	2501
Revised Code shall prohibit a member of the school's governing	2502
board from having an interest in a contract into which the	2503

governing board enters that is not a contract with a for-profit 2504
firm for the operation or management of a school under the 2505
auspices of the governing authority; 2506

(f) The school will comply with sections 3313.61, 3313.611, 2507
and 3313.614 of the Revised Code, except that the requirement in 2508
sections 3313.61 and 3313.611 of the Revised Code that a person 2509
must successfully complete the curriculum in any high school prior 2510
to receiving a high school diploma may be met by completing the 2511
curriculum adopted by the governing authority of the community 2512
school rather than the curriculum specified in Title XXXIII of the 2513
Revised Code or any rules of the state board of education; 2514

(g) The school governing authority will submit within four 2515
months after the end of each school year a report of its 2516
activities and progress in meeting the goals and standards of 2517
divisions (A)(3) and (4) of this section and its financial status 2518
to the sponsor, the parents of all students enrolled in the 2519
school, and the legislative office of education oversight. The 2520
school will collect and provide any data that the legislative 2521
office of education oversight requests in furtherance of any study 2522
or research that the general assembly requires the office to 2523
conduct, including the studies required under Section 50.39 of Am. 2524
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 2525
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 2526

(12) Arrangements for providing health and other benefits to 2527
employees; 2528

(13) The length of the contract, which shall begin at the 2529
beginning of an academic year. No contract shall exceed five years 2530
unless such contract has been renewed pursuant to division (E) of 2531
this section. 2532

(14) The governing authority of the school, which shall be 2533
responsible for carrying out the provisions of the contract; 2534

(15) A financial plan detailing an estimated school budget 2535
for each year of the period of the contract and specifying the 2536
total estimated per pupil expenditure amount for each such year. 2537
The plan shall specify for each year the base formula amount that 2538
will be used for purposes of funding calculations under section 2539
3314.08 of the Revised Code. This base formula amount for any year 2540
shall not exceed the formula amount defined under section 3317.02 2541
of the Revised Code. The plan may also specify for any year a 2542
percentage figure to be used for reducing the per pupil amount of 2543
disadvantaged pupil impact aid calculated pursuant to section 2544
3317.029 of the Revised Code the school is to receive that year 2545
under section 3314.08 of the Revised Code. 2546

(16) Requirements and procedures regarding the disposition of 2547
employees of the school in the event the contract is terminated or 2548
not renewed pursuant to section 3314.07 of the Revised Code; 2549

(17) Whether the school is to be created by converting all or 2550
part of an existing public school or is to be a new start-up 2551
school, and if it is a converted public school, specification of 2552
any duties or responsibilities of an employer that the board of 2553
education that operated the school before conversion is delegating 2554
to the governing board of the community school with respect to all 2555
or any specified group of employees provided the delegation is not 2556
prohibited by a collective bargaining agreement applicable to such 2557
employees; 2558

(18) Provisions establishing procedures for resolving 2559
disputes or differences of opinion between the sponsor and the 2560
governing authority of the community school; 2561

(19) A provision requiring the governing authority to adopt a 2562
policy regarding the admission of students who reside outside the 2563
district in which the school is located. That policy shall comply 2564
with the admissions procedures specified in section 3314.06 of the 2565

Revised Code and, at the sole discretion of the authority, shall	2566
do one of the following:	2567
(a) Prohibit the enrollment of students who reside outside	2568
the district in which the school is located;	2569
(b) Permit the enrollment of students who reside in districts	2570
adjacent to the district in which the school is located;	2571
(c) Permit the enrollment of students who reside in any other	2572
district in the state.	2573
(20) A provision recognizing the authority of the department	2574
of education to take over the sponsorship of the school in	2575
accordance with the provisions of division (C) of section 3314.015	2576
of the Revised Code;	2577
(21) A provision recognizing the sponsor's authority to	2578
assume the operation of a school under the conditions specified in	2579
division (B) of section 3314.073 of the Revised Code;	2580
(22) A provision recognizing both of the following:	2581
(a) The authority of public health and safety officials to	2582
inspect the facilities of the school and to order the facilities	2583
closed if those officials find that the facilities are not in	2584
compliance with health and safety laws and regulations;	2585
(b) The authority of the department of education as the	2586
community school oversight body to suspend the operation of the	2587
school under section 3314.072 of the Revised Code if the	2588
department has evidence of conditions or violations of law at the	2589
school that pose an imminent danger to the health and safety of	2590
the school's students and employees and the sponsor refuses to	2591
take such action;	2592
(23) A description of the learning opportunities that will be	2593
offered to students including both classroom-based and	2594
non-classroom-based learning opportunities that is in compliance	2595

with criteria for student participation established by the 2596
department under division (L)(2) of section 3314.08 of the Revised 2597
Code; 2598

(24) The school will comply with section 3302.04 of the 2599
Revised Code, including division (E) of that section to the extent 2600
possible, except that any action required to be taken by a school 2601
district pursuant to that section shall be taken by the sponsor of 2602
the school. However, the sponsor shall not be required to take any 2603
action described in division (F) of that section. 2604

(B) The community school shall also submit to the sponsor a 2605
comprehensive plan for the school. The plan shall specify the 2606
following: 2607

(1) The process by which the governing authority of the 2608
school will be selected in the future; 2609

(2) The management and administration of the school; 2610

(3) If the community school is a currently existing public 2611
school, alternative arrangements for current public school 2612
students who choose not to attend the school and teachers who 2613
choose not to teach in the school after conversion; 2614

(4) The instructional program and educational philosophy of 2615
the school; 2616

(5) Internal financial controls. 2617

(C) A contract entered into under section 3314.02 of the 2618
Revised Code between a sponsor and the governing authority of a 2619
community school may provide for the community school governing 2620
authority to make payments to the sponsor, which is hereby 2621
authorized to receive such payments as set forth in the contract 2622
between the governing authority and the sponsor. The total amount 2623
of such payments for oversight and monitoring of the school shall 2624
not exceed three per cent of the total amount of payments for 2625

operating expenses that the school receives from the state.	2626
(D) The contract shall specify the duties of the sponsor	2627
which shall be in accordance with the written agreement entered	2628
into with the department of education under division (B) of	2629
section 3314.015 of the Revised Code and shall include the	2630
following:	2631
(1) Monitor the community school's compliance with all laws	2632
applicable to the school and with the terms of the contract;	2633
(2) Monitor and evaluate the academic and fiscal performance	2634
and the organization and operation of the community school on at	2635
least an annual basis;	2636
(3) Report on an annual basis the results of the evaluation	2637
conducted under division (D)(2) of this section to the department	2638
of education and to the parents of students enrolled in the	2639
community school;	2640
(4) Provide technical assistance to the community school in	2641
complying with laws applicable to the school and terms of the	2642
contract;	2643
(5) Take steps to intervene in the school's operation to	2644
correct problems in the school's overall performance, declare the	2645
school to be on probationary status pursuant to section 3314.073	2646
of the Revised Code, suspend the operation of the school pursuant	2647
to section 3314.072 of the Revised Code, or terminate the contract	2648
of the school pursuant to section 3314.07 of the Revised Code as	2649
determined necessary by the sponsor;	2650
(6) Have in place a plan of action to be undertaken in the	2651
event the community school experiences financial difficulties or	2652
closes prior to the end of a school year.	2653
(E) Upon the expiration of a contract entered into under this	2654
section, the sponsor of a community school may, with the approval	2655

of the governing authority of the school, renew that contract for 2656
a period of time determined by the sponsor, but not ending earlier 2657
than the end of any school year, if the sponsor finds that the 2658
school's compliance with applicable laws and terms of the contract 2659
and the school's progress in meeting the academic goals prescribed 2660
in the contract have been satisfactory. Any contract that is 2661
renewed under this division remains subject to the provisions of 2662
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 2663

Sec. 3317.012. (A)(1) The general assembly, having analyzed 2664
school district expenditure and cost data for fiscal year 1999, 2665
performed the calculation described in division (B) of this 2666
section, adjusted the results for inflation, and added the amounts 2667
described in division (A)(2) of this section, hereby determines 2668
that the base cost of an adequate education per pupil for the 2669
fiscal year beginning July 1, 2001, is \$4,814. For the five 2670
following fiscal years, the base cost per pupil for each of those 2671
years, reflecting an annual rate of inflation of two and 2672
eight-tenths per cent, is \$4,949 for fiscal year 2003, \$5,088 for 2673
fiscal year 2004, \$5,230 for fiscal year 2005, \$5,376 for fiscal 2674
year 2006, and \$5,527 for fiscal year 2007. 2675

(2) The base cost per pupil amounts specified in division 2676
(A)(1) of this section include amounts to reflect the cost to 2677
school districts of increasing the minimum number of high school 2678
academic units required for graduation beginning September 15, 2679
2001, under section 3313.603 of the Revised Code. Analysis of 2680
fiscal year 1999 data revealed that the school districts meeting 2681
the requirements of division (B) of this section on average 2682
required high school students to complete a minimum of nineteen 2683
and eight-tenths units to graduate. The general assembly 2684
determines that the cost of funding the additional two-tenths unit 2685
required by section 3313.603 of the Revised Code is \$12 per pupil 2686
in fiscal year 2002. This amount was added after the calculation 2687

described in division (B) of this section and the adjustment for 2688
inflation from fiscal year 1999 to fiscal year 2002. It is this 2689
total amount, the calculated base cost plus the supplement to pay 2690
for the additional partial unit, that constitutes the base cost 2691
amount specified in division (A)(1) of this section for fiscal 2692
year 2002 and that is inflated to produce the base cost amounts 2693
for fiscal years 2003 through 2007. 2694

(B) In determining the base cost stated in division (A) of 2695
this section, capital and debt costs, costs paid for by federal 2696
funds, and costs covered by funds provided for disadvantaged pupil 2697
impact aid and transportation were excluded, as were the effects 2698
on the districts' state funds of the application of the 2699
cost-of-doing-business factors, assuming a seven and one-half per 2700
cent variance. 2701

The base cost for fiscal year 1999 was calculated as the 2702
unweighted average cost per student, on a school district basis, 2703
of educating students who were not receiving vocational education 2704
or services pursuant to Chapter 3323. of the Revised Code and who 2705
were enrolled in a city, exempted village, or local school 2706
district that in fiscal year 1999 met all of the following 2707
criteria: 2708

(1) The district met at least twenty of the following 2709
twenty-seven performance indicators: 2710

(a) A ninety per cent or higher graduation rate; 2711

(b) At least seventy-five per cent of fourth graders 2712
proficient on the mathematics test prescribed under former 2713
division (A)(1) of section 3301.0710 of the Revised Code, as it 2714
existed prior to September 11, 2001; 2715

(c) At least seventy-five per cent of fourth graders 2716
proficient on the reading test prescribed under former division 2717
(A)(1) of section 3301.0710 of the Revised Code, as it existed 2718

<u>prior to September 11, 2001;</u>	2719
(d) At least seventy-five per cent of fourth graders	2720
proficient on the writing test prescribed under former division	2721
(A)(1) of section 3301.0710 of the Revised Code, <u>as it existed</u>	2722
<u>prior to September 11, 2001;</u>	2723
(e) At least seventy-five per cent of fourth graders	2724
proficient on the citizenship test prescribed under former	2725
division (A)(1) of section 3301.0710 of the Revised Code, <u>as it</u>	2726
<u>existed prior to September 11, 2001;</u>	2727
(f) At least seventy-five per cent of fourth graders	2728
proficient on the science test prescribed under <u>former</u> division	2729
(A)(1) of section 3301.0710 of the Revised Code, <u>as it existed</u>	2730
<u>prior to September 11, 2001;</u>	2731
(g) At least seventy-five per cent of sixth graders	2732
proficient on the mathematics test prescribed under <u>former</u>	2733
division (A)(2) of section 3301.0710 of the Revised Code, <u>as it</u>	2734
<u>existed prior to September 11, 2001;</u>	2735
(h) At least seventy-five per cent of sixth graders	2736
proficient on the reading test prescribed under <u>former</u> division	2737
(A)(2) of section 3301.0710 of the Revised Code, <u>as it existed</u>	2738
<u>prior to September 11, 2001;</u>	2739
(i) At least seventy-five per cent of sixth graders	2740
proficient on the writing test prescribed under <u>former</u> division	2741
(A)(2) of section 3301.0710 of the Revised Code, <u>as it existed</u>	2742
<u>prior to September 11, 2001;</u>	2743
(j) At least seventy-five per cent of sixth graders	2744
proficient on the citizenship test prescribed under <u>former</u>	2745
division (A)(2) of section 3301.0710 of the Revised Code, <u>as it</u>	2746
<u>existed prior to September 11, 2001;</u>	2747
(k) At least seventy-five per cent of sixth graders	2748

proficient on the science test prescribed under <u>former</u> division	2749
(A)(2) of section 3301.0710 of the Revised Code, <u>as it existed</u>	2750
<u>prior to September 11, 2001</u> ;	2751
(l) At least seventy-five per cent of ninth graders	2752
proficient on the mathematics test prescribed under Section 4 of	2753
Am. Sub. S.B. 55 of the 122nd general assembly;	2754
(m) At least seventy-five per cent of ninth graders	2755
proficient on the reading test prescribed under Section 4 of Am.	2756
Sub. S.B. 55 of the 122nd general assembly;	2757
(n) At least seventy-five per cent of ninth graders	2758
proficient on the writing test prescribed under Section 4 of Am.	2759
Sub. S.B. 55 of the 122nd general assembly;	2760
(o) At least seventy-five per cent of ninth graders	2761
proficient on the citizenship test prescribed under Section 4 of	2762
Am. Sub. S.B. 55 of the 122nd general assembly;	2763
(p) At least seventy-five per cent of ninth graders	2764
proficient on the science test prescribed under Section 4 of Am.	2765
Sub. S.B. 55 of the 122nd general assembly;	2766
(q) At least eighty-five per cent of tenth graders proficient	2767
on the mathematics test prescribed under Section 4 of Am. Sub.	2768
S.B. 55 of the 122nd general assembly;	2769
(r) At least eighty-five per cent of tenth graders proficient	2770
on the reading test prescribed under Section 4 of Am. Sub. S.B. 55	2771
of the 122nd general assembly;	2772
(s) At least eighty-five per cent of tenth graders proficient	2773
on the writing test prescribed under Section 4 of Am. Sub. S.B. 55	2774
of the 122nd general assembly;	2775
(t) At least eighty-five per cent of tenth graders proficient	2776
on the citizenship test prescribed under Section 4 of Am. Sub.	2777
S.B. 55 of the 122nd general assembly;	2778

(u) At least eighty-five per cent of tenth graders proficient on the science test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001;

(w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001;

(x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001;

(y) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001;

(z) At least sixty per cent of twelfth graders proficient on the science test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001;

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

In determining whether a school district met any of the performance standards specified in divisions (B)(1)(a) to (aa) of this section, the general assembly used a rounding procedure previously recommended by the department of education. It is the same rounding procedure the general assembly used in 1998 to

determine whether a district had met the standards of former 2809
divisions (B)(1)(a) to (r) of this section, as it existed prior to 2810
July 1, 2001, for purposes of constructing the previous model 2811
based on fiscal year 1996 data. 2812

(2) The district was not among the five per cent of all 2813
districts with the highest income, nor among the five per cent of 2814
all districts with the lowest income. 2815

(3) The district was not among the five per cent of all 2816
districts with the highest valuation per pupil, nor among the five 2817
per cent of all districts with the lowest valuation per pupil. 2818

This model for calculating the base cost of an adequate 2819
education is expenditure-based. The general assembly recognizes 2820
that increases in state funding to school districts since fiscal 2821
year 1996, the fiscal year upon which the general assembly based 2822
its model for calculating state funding to school districts for 2823
fiscal years 1999 through 2001, has increased school district base 2824
cost expenditures for fiscal year 1999, the fiscal year upon which 2825
the general assembly based its model for calculating state funding 2826
for fiscal years 2002 through 2007. In the case of school 2827
districts included in the fiscal year 1999 model that also had met 2828
the fiscal year 1996 performance criteria of former division 2829
(B)(1) of this section, as it existed prior to July 1, 2001, the 2830
increased state funding may have driven the districts' 2831
expenditures beyond the expenditures that were actually needed to 2832
maintain their educational programs at the level necessary to 2833
maintain their ability to meet the fiscal year 1999 performance 2834
criteria of current division (B)(1) of this section. The general 2835
assembly has determined to control for this effect by stipulating 2836
in the later model that the fiscal year 1999 base cost 2837
expenditures of the districts that also met the performance 2838
criteria of former division (B)(1) of this section, as it existed 2839
prior to July 1, 2001, equals their base cost expenditures per 2840

pupil for fiscal year 1996, inflated to fiscal year 1999 using an 2841
annual rate of inflation of two and eight-tenths per cent. 2842
However, if this inflated amount exceeded the district's actual 2843
fiscal year 1999 base cost expenditures per pupil, the district's 2844
actual fiscal year 1999 base cost expenditures per pupil were used 2845
in the calculation. For districts in the 1999 model that did not 2846
also meet the performance criteria of former division (B)(1) of 2847
this section, as it existed prior to July 1, 2001, the actual 1999 2848
base cost per pupil expenditures were used in the calculation of 2849
the average district per pupil costs of the model districts. 2850

(C) In July of 2005, and in July of every six years 2851
thereafter, the speaker of the house of representatives and the 2852
president of the senate shall each appoint three members to a 2853
committee to reexamine the cost of an adequate education. No more 2854
than two members from any political party shall represent each 2855
house. The director of budget and management and the 2856
superintendent of public instruction shall serve as nonvoting ex 2857
officio members of the committee. 2858

The committee shall select a rational methodology for 2859
calculating the costs of an adequate education system for the 2860
ensuing six-year period, and shall report the methodology and the 2861
resulting costs to the general assembly. In performing its 2862
function, the committee is not bound by any method used by 2863
previous general assemblies to examine and calculate costs and 2864
instead may utilize any rational method it deems suitable and 2865
reasonable given the educational needs and requirements of the 2866
state at that time. 2867

The methodology for determining the cost of an adequate 2868
education system shall take into account the basic educational 2869
costs that all districts incur in educating regular students, the 2870
unique needs of special categories of students, and significant 2871
special conditions encountered by certain classifications of 2872

school districts. 2873

The committee also shall redetermine, for purposes of 2874
updating the parity aid calculation under section 3317.0217 of the 2875
Revised Code, the average number of effective operating mills that 2876
school districts in the seventieth to ninetieth percentiles of 2877
valuations per pupil collect above the revenues required to 2878
finance their attributed local shares of the calculated cost of an 2879
adequate education. 2880

Any committee appointed pursuant to this section shall make 2881
its report to the office of budget and management and the general 2882
assembly within one year of its appointment so that the 2883
information is available for use by the office and the general 2884
assembly in preparing the next biennial appropriations act. 2885

(D)(1) For purposes of this division, an "update year" is the 2886
first fiscal year for which the per pupil base cost of an adequate 2887
education is in effect after being recalculated by the general 2888
assembly. The first update year is fiscal year 2002. The second 2889
update year is fiscal year 2008. 2890

(2) The general assembly shall recalculate the per pupil base 2891
cost of an adequate education every six years after considering 2892
the recommendations of the committee appointed under division (C) 2893
of this section. At the time of the recalculation, for each of the 2894
five fiscal years following the update year, the general assembly 2895
shall adjust the base cost recalculated for the update year using 2896
an annual rate of inflation that the general assembly determines 2897
appropriate. 2898

(3) The general assembly shall include, in the act 2899
appropriating state funds for education programs for a fiscal 2900
biennium that begins with an update year, a statement of its 2901
determination of the total state share percentage of base cost and 2902
parity aid funding for the update year. 2903

(4) During its biennial budget deliberations, the general assembly shall determine the total state share percentage of base cost and parity aid funding for each fiscal year of the upcoming biennium. This determination shall be based on the latest projections and data provided by the department of education under division (D)(6) of this section prior to the enactment of education appropriations for the upcoming biennium. If, based on those latest projections and data, the general assembly determines that the total state share percentage for either or both nonupdate fiscal years varies more than two and one-half percentage points more or less than the total state share percentage for the most recent update year, as previously stated by the general assembly under division (D)(3) of this section, the general assembly shall determine and enact a method that it considers appropriate to restrict the estimated variance for each year to within two and one-half percentage points. The general assembly's methods may include, but are not required to include and need not be limited to, reexamining the rate of millage charged off as the local share of base cost funding under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. Regardless of any changes in charge-off millage rates in years between update years, however, the charge-off millage rate for update years shall be twenty-three mills, unless the general assembly determines that a different millage rate is more appropriate to share the total calculated base cost between the state and school districts.

(5) The total state share percentage of base cost and parity aid funding for any fiscal year is calculated as follows:

$$\frac{[(\text{Total state base cost} + \text{total state parity aid funding}) - \text{statewide charge-off amount}]}{(\text{Total state base cost} + \text{total state parity aid funding})}$$

Where:

(a) The total state base cost equals the sum of the base

costs for all school districts for the fiscal year.	2936
(b) The base cost for each school district equals:	2937
formula amount X cost-of-doing-business factor X	2938
the greater of formula ADM or	2939
three-year average formula ADM	2940
(c) The total state parity aid funding equals the sum of the	2941
amounts paid to all school districts for the fiscal year under	2942
section 3317.0217 of the Revised Code.	2943
(d) The statewide charge-off amount equals the sum of the	2944
charge-off amounts for all school districts.	2945
(e) The charge-off amount for each school district is the	2946
amount calculated as its local share of base cost funding and	2947
deducted from the total calculated base cost to determine the	2948
amount of its state payment under divisions (A)(1) and (2) of	2949
section 3317.022 of the Revised Code. The charge-off amount for	2950
each school district in fiscal year 2002 is the product of	2951
twenty-three mills multiplied by the district's recognized	2952
valuation as adjusted, if applicable, under division (A)(2) of	2953
section 3317.022 of the Revised Code. If however, in any fiscal	2954
year, including fiscal year 2002, a school district's calculated	2955
charge-off amount exceeds its base cost calculated as described in	2956
division (D)(5)(b) of this section, the district's charge-off	2957
amount shall be deemed to equal its calculated base cost.	2958
(6) Whenever requested by the chairperson of the standing	2959
committee of the house or <u>of</u> representatives or the senate having	2960
primary jurisdiction over appropriations, the legislative budget	2961
officer, or the director of budget and management, the department	2962
of education shall report its latest projections for total base	2963
cost, total parity aid funding, and the statewide charge-off	2964
amount, as those terms are defined in division (D)(5) of this	2965
section, for each year of the upcoming fiscal biennium, and all	2966

data it used to make the projections. 2967

Section 2. That existing sections 3301.079, 3301.0710, 2968
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.91, 3302.01, 2969
3302.03, 3302.04, 3313.532, 3313.6012, 3313.61, 3313.611, 2970
3313.612, 3313.97, 3314.012, 3314.03, and 3317.012 and sections 2971
3301.0713, 3302.02, and 3365.15 of the Revised Code are hereby 2972
repealed. 2973

Section 3. (A) Notwithstanding section 3302.02 of the Revised 2974
Code, as amended by this act, and except as provided in division 2975
(B) of this section, for each school year prior to July 1, 2007, 2976
the state performance indicators for school districts and school 2977
buildings shall be the following: 2978

(1) For each test prescribed by former division (A)(1) or (B) 2979
of section 3301.0710 of the Revised Code, as it existed prior to 2980
the effective date of this act, or former division (B) of section 2981
3301.0710 of the Revised Code, as it existed prior to September 2982
11, 2001, that is administered to students at the appropriate 2983
grade level, at least seventy-five per cent of those students Ohio 2984
proficient on the test; 2985

(2) For each test prescribed by former division (B) of 2986
section 3301.0710 of the Revised Code, as it existed prior to 2987
September 11, 2001, that is administered to tenth graders, at 2988
least eighty-five per cent of tenth graders Ohio proficient on the 2989
test; 2990

(3) A ninety per cent graduation rate; 2991

(4) A ninety-three per cent attendance rate. 2992

(B) Only those performance indicators that are applicable to 2993
the grade levels of the students in a school building shall apply 2994
to that building. 2995

(C) In each school year prior to July 1, 2005, the performance index score, as defined in section 3302.01 of the Revised Code, as amended by this act, calculated for school districts and school buildings shall include data from any proficiency tests required to be administered under section 3301.0712 in the applicable year.

(D) For each proficiency test required to be administered pursuant to section 3301.0712 of the Revised Code, as amended by this act, the four ranges of scores used to denote different levels of achievement on each test shall be the same as the levels of achievement described in division (A)(2) of section 3301.0710 of the Revised Code, as amended by this act.

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

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

(1) Promote the student to fourth 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 fourth grade;

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

(3) Retain the student in third grade.

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

(B)(1) To assist students in meeting this third grade
guarantee established by this section, each school district shall
adopt policies and procedures with which it shall annually assess
the reading skills of each student at the end of first and second
grade and identify students who are reading below their grade
level. If the diagnostic assessment to measure reading ability for
the appropriate grade level has been developed in accordance with
division (D)(1) of section 3301.079 of the Revised Code, ~~each a~~
school district ~~shall~~ may use such diagnostic assessment to
identify such students, ~~except that any district declared~~
~~excellent under division (B)(1) of section 3302.03 of the Revised~~
~~Code may use another assessment to identify such students.~~ The
policies and procedures shall require the students' classroom
teachers to be involved in the assessment and the identification
of students reading below grade level. The district shall notify
the parent or guardian of each student whose reading skills are
below grade level and, in accordance with division (C) of this
section, provide intervention services to each student reading
below grade level. Such intervention services shall include
instruction in intensive, systematic phonetics pursuant to rules
adopted by the state board of education.

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

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

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

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

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

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

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

~~(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; 3088
3089

~~(3) One date during the summer for fourth grade students.~~ 3090

~~(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:~~ 3091
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~~(1) Promote the student to fifth grade if the student's
principal and reading teacher agree that other evaluations of the
student's skill in reading demonstrate that the student is
academically prepared to be promoted to fifth grade;~~ 3097
3098
3099
3100

~~(2) Promote the student to fifth grade but provide the
student with intensive intervention services in fifth grade;~~ 3101
3102

~~(3) Retain the student in fourth grade.~~ 3103

~~(G) This section does not create a new cause of action or a
substantive legal right for any person.~~ 3104
3105

Section 5. That the existing version of section 3313.608 of 3106
the Revised Code that is scheduled to take effect July 1, 2003, is 3107
hereby repealed. 3108

Section 6. Sections 4 and 5 of this act take effect July 1, 3109
2003. 3110

Section 7. Within thirty days after the effective date of 3111
this act, the Governor, the President of the Senate, and the 3112
Speaker of the House of Representatives shall appoint members to 3113
the Ohio Accountability Committee pursuant to section 3302.021 of 3114
the Revised Code, as enacted by this act. Within sixty days after 3115

the effective date of this act, the Ohio Accountability Committee 3116
shall convene for its initial meeting. 3117

Section 8. Notwithstanding section 3301.0712 of the Revised 3118
Code, as amended by this act, and Section 9 of Am. Sub. S.B. 1 of 3119
the 124th General Assembly, in the school year beginning July 1, 3120
2003, the Department of Education and each school district shall 3121
administer the test to measure skill in reading required under 3122
former division (A)(1) of section 3301.0710 of the Revised Code, 3123
as it existed prior to September 11, 2001, to all students 3124
enrolled in the fourth grade one time during the school year in 3125
March. 3126

Section 9. Not later than thirty days after the effective 3127
date of this section, the Superintendent of Public Instruction 3128
shall submit to the General Assembly a detailed financial analysis 3129
of the projected costs for the state and for each school district 3130
of compliance with the "No Child Left Behind Act of 2001," Pub. L. 3131
107-110, 20 U.S.C. 6301 et seq.; the amount of new federal funds 3132
the state can reasonably expect to receive per year under that 3133
act; and the financial consequences to the state and each school 3134
district for noncompliance with that act. 3135

Section 10. The amendment of section 3301.91 of the Revised 3136
Code by this act is not intended to supersede its earlier repeal, 3137
effective July 1, 2004, by Am. Sub. H.B. 1 of the 123rd General 3138
Assembly. 3139

Section 11. Section 3314.03 of the Revised Code is presented 3140
in this act as a composite of the section as amended by both Sub. 3141
H.B. 248 and Sub. H.B. 364 of the 124th General Assembly. Section 3142
3317.012 of the Revised Code is presented in this act as a 3143
composite of the section as amended by both Am. Sub. H.B. 94 and 3144

Am. Sub. S.B. 1 of the 124th General Assembly. The General 3145
Assembly, applying the principle stated in division (B) of section 3146
1.52 of the Revised Code that amendments are to be harmonized if 3147
reasonably capable of simultaneous operation, finds that the 3148
composites are the resulting versions of the sections in effect 3149
prior to the effective date of the sections as presented in this 3150
act. 3151

Section 12. This act is hereby declared to be an emergency 3152
measure necessary for the immediate preservation of the public 3153
peace, health, and safety. The reason for such necessity is that 3154
Ohio needs to comply with the federal requirements contained in 3155
the "No Child Left Behind Act of 2001" and public schools need to 3156
know the accountability standards to which they will be held in 3157
future school years. Therefore, this act shall go into immediate 3158
effect. 3159