

As Reported by the Senate Education Committee

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 3

Representatives Schlichter, Callender, Carano, Chandler, DeBose, DeWine,
Distel, C. Evans, Hartnett, Hoops, Reidelbach, Reinhard, Taylor, Webster,
Williams, Yates, Cates, Collier, Hagan, Hughes, Jolivette, Key, McGregor,
Otterman, Peterson, Seitz, Ujvagi, Widener, Widowfield

A B I L L

To amend sections 3301.079, 3301.0710, 3301.0711, 1
3301.0712, 3301.0714, 3301.0715, 3301.801, 2
3301.91, 3302.01, 3302.02, 3302.03, 3302.031, 3
3302.04, 3302.05, 3313.532, 3313.6010, 3313.6012, 4
3313.61, 3313.611, 3313.612, 3313.64, 3313.65, 5
3313.97, 3314.012, 3314.02, 3314.03, 3314.20, 6
3317.01, 3317.023, 3317.03, 3317.04, 3317.08, 7
3334.01, 3334.12, 3334.17, 3334.19, and 5705.412; 8
to enact sections 3302.021 and 3314.033, and to 9
repeal sections 3301.0713 and 3365.15 of the 10
Revised Code and to supersede section 3314.03 of 11
the Revised Code as amended by Am. Sub. H.B. 95 of 12
the 125th General Assembly to comply with the "No 13
Child Left Behind Act of 2001" by revising the 14
system of statewide achievement testing to include 15
annual achievement tests in reading and math in 16
grades three through eight; requiring the State 17
Board of Education to designate five ranges of 18
scores on the Ohio Graduation Tests; requiring an 19
annual determination of a district's progress 20
toward meeting a "proficient" level of achievement 21

(AYP); requiring school districts to provide 22
intervention services to students scoring below 23
the "proficient" level on achievement tests; 24
prohibiting exemptions from taking achievement 25
tests for limited English proficient students; 26
making the administration of diagnostic 27
assessments to certain students in grades three 28
through eight voluntary; adding calculations of a 29
performance index score to determinations of 30
school district and building performance ratings; 31
directing the Department of Education to implement 32
a value-added progress dimension and to 33
incorporate it into the district and building 34
report cards by July 1, 2007; creating the Ohio 35
Accountability Task Force to examine the 36
implementation of the value-added factor and to 37
make recommendations regarding the state's 38
accountability system; requiring the inclusion of 39
"highly qualified" teacher data on the report 40
cards; requiring the disaggregation of student 41
performance data according to disability, limited 42
English proficient status, and migrant status and 43
eliminating disaggregations of data by vocational 44
education status; specifying the sanctions for 45
school districts and buildings, including 46
community schools, that fail to meet performance 47
standards; to require the State Board of Education 48
to recommend standards for the operation of 49
Internet- and computer-based community schools; to 50
make other changes to the Community School Law; to 51
make changes in the authority of the Ohio Tuition 52
Trust Authority to administer its programs; to 53
specify that school districts need not attach a 54

certificate of available resources to current 55
payrolls and employment contracts for all district 56
employees and officers; to eliminate the 57
requirement that certain rules proposed by the 58
State Board of Education be approved by the 59
General Assembly before taking effect; to require 60
school districts to certify ADM biannually 61
beginning in FY 2005; to permit a student who 62
relocates or whose parent relocates outside of the 63
school district in which the student is entitled 64
to attend school after the end of the first full 65
week in October and who is enrolled in a school of 66
that district prior to that time to continue to 67
attend school in that district free of tuition for 68
the balance of the school year; to require school 69
district aid payments to reflect biannual ADM; to 70
define tuition calculations for purposes of 71
tuition caps for certain state colleges and 72
universities; to supersede provisions of Section 73
41.06 of Am. Sub. H.B. 95 of the 125th General 74
Assembly prescribing terms for earmarked funds for 75
training of community school sponsors; to clarify 76
that the reappraisal guarantee calculation does 77
not include the charge-off supplement; to clarify 78
that reappraisal guarantee calculations for fiscal 79
year 2005 include fiscal year 2004 transitional 80
aid payments; to amend the version of section 81
3313.608 of the Revised Code that is scheduled to 82
take effect July 1, 2003, to continue amendments 83
to that section by this act on and after that 84
effective date; to amend the version of section 85
3313.65 of the Revised Code that is scheduled to 86
take effect January 1, 2004, to continue the 87

provision of this act on and after that effective 88
date, and to declare an emergency. 89

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 90
3301.0712, 3301.0714, 3301.0715, 3301.801, 3301.91, 3302.01, 91
3302.02, 3302.03, 3302.031, 3302.04, 3302.05, 3313.532, 3313.6010, 92
3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 3313.65, 3313.97, 93
3314.012, 3314.02, 3314.03, 3314.20, 3317.01, 3317.023, 3317.03, 94
3317.04, 3317.08, 3334.01, 3334.12, 3334.17, 3334.19, and 5705.412 95
be amended and sections 3302.021 and 3314.033 of the Revised Code 96
be enacted to read as follows: 97

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 98
state board of education shall adopt statewide academic standards 99
for each of grades kindergarten through twelve in reading, 100
writing, and mathematics. Not later than December 31, 2002, the 101
state board shall adopt statewide academic standards for each of 102
grades kindergarten through twelve in science and social studies. 103
The standards shall specify the academic content and skills that 104
students are expected to know and be able to do at each grade 105
level. 106

(2) When academic standards have been completed for any 107
subject area required by this division, the state board shall 108
inform all school districts of the content of those standards. 109

(B) Not later than eighteen months after the completion of 110
academic standards for any subject area required by division (A) 111
of this section, the state board shall adopt a model curriculum 112
for instruction in that subject area for each of grades 113
kindergarten through twelve that is sufficient to meet the needs 114
of students in every community. The model curriculum shall be 115

aligned with the standards to ensure that the academic content and 116
skills specified for each grade level are taught to students. When 117
any model curriculum has been completed, the state board shall 118
inform all school districts of the content of that model 119
curriculum. 120

All school districts may utilize the state standards and the 121
model curriculum established by the state board, together with 122
other relevant resources, examples, or models to ensure that 123
students have the opportunity to attain the academic standards. 124
Upon request, the department of education shall provide technical 125
assistance to any district in implementing the model curriculum. 126

Nothing in this section requires any school district to 127
utilize all or any part of a model curriculum developed under this 128
division. 129

(C) The state board shall develop achievement tests aligned 130
with the academic standards and model curriculum for each of the 131
subject areas and grade levels required by section 3301.0710 of 132
the Revised Code. 133

When any achievement test has been completed, the state board 134
shall inform all school districts of its completion, and the 135
department of education shall make the achievement test available 136
to the districts. School districts shall administer the 137
achievement test beginning in the school year indicated in section 138
3301.0712 of the Revised Code. 139

(D)(1) Not later than July 1, 2007, and except as provided in 140
division (D)(3) of this section, the state board shall adopt a 141
diagnostic assessment aligned with the academic standards and 142
model curriculum for each of grades kindergarten through two in 143
reading, writing, and mathematics and for each of grades three 144
through eight in reading, writing, mathematics, science, and 145
social studies. The diagnostic assessment shall be designed to 146

measure student comprehension of academic content and mastery of 147
related skills for the relevant subject area and grade level. Any 148
diagnostic assessment shall not include components to identify 149
gifted students. Blank copies of diagnostic tests shall be public 150
records. 151

(2) When each diagnostic assessment has been completed, the 152
state board shall inform all school districts of its completion 153
and the department of education shall make the diagnostic 154
assessment available to the districts at no cost to the district. 155
School districts shall administer the diagnostic assessment 156
pursuant to section 3301.0715 of the Revised Code beginning the 157
first school year following the development of the assessment. 158

(3) The state board shall not adopt a diagnostic assessment 159
for any subject area and grade level for which the state board 160
develops an achievement test under division (C) of this section. 161

(E) Whenever the state board or the department of education 162
consults with persons for the purpose of drafting or reviewing any 163
standards, diagnostic assessments, achievement tests, or model 164
curriculum required under this section, the state board or the 165
department shall first consult with parents of students in 166
kindergarten through twelfth grade and with active Ohio classroom 167
teachers, other school personnel, and administrators with 168
expertise in the appropriate subject area. Whenever practicable, 169
the state board and department shall consult with teachers 170
recognized as outstanding in their fields. 171

If the department contracts with more than one outside entity 172
for the development of the achievement tests required by this 173
section, the department shall ensure the interchangeability of 174
those tests. 175

~~(F) Not later than forty five days prior to any deadline 176~~
~~established under division (A) or (B) of this section for the 177~~

~~adoption of academic standards or model curricula, the 178
superintendent of public instruction shall present the relevant 179
academic standards or curricula to a joint meeting of the house of 180
representatives and senate committees with jurisdiction over 181
education legislation. 182~~

(G) The fairness sensitivity review committee, established by 183
rule of the state board of education, shall not allow any question 184
on any achievement test or diagnostic assessment developed under 185
this section or any proficiency test prescribed by former section 186
3301.0710 of the Revised Code, as it existed prior to ~~the~~ 187
~~effective date of this section~~ September 11, 2001, to include, be 188
written to promote, or inquire as to individual moral or social 189
values or beliefs. The decision of the committee shall be final. 190
This section does not create a private cause of action. 191

Sec. 3301.0710. The state board of education shall adopt 192
rules establishing a statewide program to test student 193
achievement. The state board shall ensure that all tests 194
administered under the testing program are aligned with the 195
academic standards and model curricula adopted by the state board 196
and are created with input from Ohio parents, Ohio classroom 197
teachers, Ohio school administrators, and other Ohio school 198
personnel pursuant to section 3301.079 of the Revised Code. 199

The testing program shall be designed to ensure that students 200
who receive a high school diploma demonstrate at least high school 201
levels of achievement in reading, writing, mathematics, science, 202
and social studies. 203

(A)(1) The state board shall prescribe all of the following: 204

(a) ~~A~~ Two statewide achievement ~~test~~ tests, one each designed 205
to measure the level of reading and mathematics skill expected at 206
the end of third grade; 207

(b) Two <u>Three</u> statewide achievement tests, one each designed	208
to measure the level of <u>reading, writing, and mathematics skill</u>	209
expected at the end of fourth grade;	210
(c) Two <u>Four</u> statewide achievement tests, one each designed	211
to measure the level of <u>reading, mathematics, science, and social</u>	212
studies skill expected at the end of fifth grade;	213
(d) <u>Two statewide achievement tests, one each designed to</u>	214
<u>measure the level of reading and mathematics skill expected at the</u>	215
<u>end of sixth grade;</u>	216
(e) Three statewide achievement tests, one each designed to	217
measure the level of reading, writing, and mathematics skill	218
expected at the end of seventh grade;	219
(e) (f) <u>Four</u> statewide achievement tests, one each	220
designed to measure the level of <u>reading, mathematics, science,</u>	221
and social studies skill expected at the end of eighth grade.	222
(2) The state board shall determine and designate at least	223
four <u>five</u> ranges of scores on each of the achievement tests	224
described in division <u>divisions</u> (A)(1) <u>and (B)</u> of this section.	225
Each range of scores shall be deemed to demonstrate a level of	226
achievement so that any student attaining a score within such	227
range has achieved one of the following:	228
(a) An advanced level of skill;	229
(b) <u>An accelerated level of skill;</u>	230
(c) A proficient level of skill;	231
(e) (d) A basic level of skill;	232
(d) (e) A below basic <u>limited</u> level of skill.	233
(B) The tests prescribed under this division shall	234
collectively be known as the Ohio graduation tests. The state	235
board shall prescribe five statewide high school achievement	236

tests, one each designed to measure the level of reading, writing, 237
mathematics, science, and social studies skill expected at the end 238
of tenth grade, ~~and shall determine and designate the score on~~ 239
~~each such test that shall be deemed to demonstrate that any~~ 240
~~student attaining such score has achieved at least a proficient~~ 241
~~level of skill appropriate for tenth grade. The state board shall~~ 242
designate a score in at least the range designated under division 243
(A)(2)(b) of this section on each such test that shall be deemed 244
to be a passing score on the test as a condition toward granting 245
high school diplomas under sections 3313.61, 3313.611, 3313.612, 246
and 3325.08 of the Revised Code. 247

The state board may enter into a reciprocal agreement with 248
the appropriate body or agency of any other state that has similar 249
statewide achievement testing requirements for receiving high 250
school diplomas, under which any student who has met an 251
achievement testing requirement of one state is recognized as 252
having met the similar achievement testing requirement of the 253
other state for purposes of receiving a high school diploma. For 254
purposes of this section and sections 3301.0711 and 3313.61 of the 255
Revised Code, any student enrolled in any public high school in 256
this state who has met an achievement testing requirement 257
specified in a reciprocal agreement entered into under this 258
division shall be deemed to have attained at least the applicable 259
score designated under this division on each test required by this 260
division that is specified in the agreement. 261

(C) The state board shall annually designate as follows the 262
dates on which the tests prescribed under this section shall be 263
administered: 264

(1) For the reading test prescribed under division (A)(1)(a) 265
of this section, as follows: 266

(a) One date prior to the thirty-first day of December each 267
school year; 268

(b) At least one date of each school year that is not earlier than Monday of the week containing the eighth day of March;	269 270
(c) One date during the summer for students receiving summer remediation services under section 3313.608 of the Revised Code.	271 272
(2) For the <u>mathematics test prescribed under division (A)(1)(a) of this section and the tests prescribed under divisions (A)(1)(b), (c), (d), and (e), and (f)</u> of this section, at least one date of each school year that is not earlier than Monday of the week containing the eighth day of March;	273 274 275 276 277
(3) For the tests prescribed under division (B) of this section, at least one date in each school year that is not earlier than Monday of the week containing the fifteenth day of March for all tenth grade students and at least one date prior to the thirty-first day of December and at least one date subsequent to that date but prior to the thirty-first day of March of each school year for eleventh and twelfth grade students.	278 279 280 281 282 283 284
(D) In prescribing test dates pursuant to division (C)(3) of this section, the <u>state</u> board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.	285 286 287 288 289 290 291 292 293
(E) In prescribing test dates pursuant to this section, the state board of education shall designate the dates in such a way as to allow a reasonable length of time between the administration of tests prescribed under this section and any administration of the National Assessment of Education Progress Test given to students in the same grade level pursuant to section 3301.27 of	294 295 296 297 298 299

the Revised Code or federal law. 300

(F) Any committee established by the department of education 301
for the purpose of making recommendations to the state board 302
regarding the state board's designation of scores on the tests 303
described by this section shall inform the state board of the 304
probable percentage of students who would score in each of the 305
ranges established under division (A)(2) of this section on the 306
tests if the committee's recommendations are adopted by the state 307
board. To the extent possible, these percentages shall be 308
disaggregated by gender, major racial and ethnic groups, limited 309
English proficient students, economically disadvantaged students, 310
students with disabilities, and migrant students. 311

If the state board intends to make any change to the 312
committee's recommendations, the state board shall explain the 313
intended change to the Ohio accountability task force established 314
by section 3302.021 of the Revised Code. The task force shall 315
recommend whether the state board should proceed to adopt the 316
intended change. Nothing in this division shall require the state 317
board to designate test scores based upon the recommendations of 318
the task force. 319

Sec. 3301.0711. (A) The department of education shall: 320

(1) Annually furnish to, grade, and score all tests required 321
by section 3301.0710 of the Revised Code to be administered by 322
city, local, exempted village, and joint vocational school 323
districts. In awarding contracts for grading tests, the department 324
shall give preference to Ohio-based entities employing Ohio 325
residents. 326

(2) Adopt rules for the ethical use of tests and prescribing 327
the manner in which the tests prescribed by section 3301.0710 of 328
the Revised Code shall be administered to students. 329

(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:

(1) Administer the reading test prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that test under division (A)(2)~~(b)~~(c) 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.

(2) 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.

(3) 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.

~~(3)~~(4) 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.

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

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

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

~~(6)~~(8) Except as provided in division (B)~~(7)~~(9) of this

~~sections~~ section, administer any test prescribed under division 360
(B) of section 3301.0710 of the Revised Code as follows: 361

(a) At least once annually to all tenth grade students and at 362
least twice annually to all students in eleventh or twelfth grade 363
who have not yet attained the score on that test designated under 364
that division; 365

(b) To any person who has successfully completed the 366
curriculum in any high school or the individualized education 367
program developed for the person by any high school pursuant to 368
section 3323.08 of the Revised Code but has not received a high 369
school diploma and who requests to take such test, at any time 370
such test is administered in the district. 371

~~(7)~~(9) In lieu of the board of education of any city, local, 372
or exempted village school district in which the student is also 373
enrolled, the board of a joint vocational school district shall 374
administer any test prescribed under division (B) of section 375
3301.0710 of the Revised Code at least twice annually to any 376
student enrolled in the joint vocational school district who has 377
not yet attained the score on that test designated under that 378
division. A board of a joint vocational school district may also 379
administer such a test to any student described in division 380
(B)~~(6)~~(8)(b) of this section. 381

(C)(1)(a) Any student receiving special education services 382
under Chapter 3323. of the Revised Code may be excused from taking 383
any particular test required to be administered under this section 384
if the individualized education program developed for the student 385
pursuant to section 3323.08 of the Revised Code excuses the 386
student from taking that test and instead specifies an alternate 387
assessment method approved by the department of education as 388
conforming to requirements of federal law for receipt of federal 389
funds for disadvantaged pupils. To the extent possible, the 390
individualized education program shall not excuse the student from 391

taking a test unless no reasonable accommodation can be made to 392
enable the student to take the test. 393

(b) Any alternate assessment approved by the department for a 394
student under this division shall produce measurable results 395
comparable to those produced by the tests which the alternate 396
assessments are replacing in order to allow for the student's 397
assessment results to be included in the data compiled for a 398
school district or building under section 3302.03 of the Revised 399
Code. 400

(c) Any student enrolled in a chartered nonpublic school who 401
has been identified, based on an evaluation conducted in 402
accordance with section 3323.03 of the Revised Code or section 504 403
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 404
794, as amended, as a child with a disability shall be excused 405
from taking any particular test required to be administered under 406
this section if a plan developed for the student pursuant to rules 407
adopted by the state board excuses the student from taking that 408
test. In the case of any student so excused from taking a test, 409
the chartered nonpublic school shall not prohibit the student from 410
taking the test. 411

(2) A district board may, for medical reasons or other good 412
cause, excuse a student from taking a test administered under this 413
section on the date scheduled, but any such test shall be 414
administered to such excused student not later than nine days 415
following the scheduled date. The board shall annually report the 416
number of students who have not taken one or more of the tests 417
required by this section to the state board of education not later 418
than the thirtieth day of June. 419

(3) As used in this division, "~~English-limited~~ limited 420
English proficient student" ~~means a student whose primary language~~ 421
~~is not English, who has been enrolled in United States schools for~~ 422
~~less than three full school years, and who within the school year~~ 423

~~has been identified, in accordance with criteria provided by the~~ 424
~~department of education, as lacking adequate proficiency in~~ 425
~~English for a test under this section to produce valid results~~ 426
~~with respect to that student's academic progress has the same~~ 427
~~meaning as in 20 U.S.C. 7801.~~ 428

A ~~No~~ school district board ~~or governing authority of a~~ 429
~~nonpublic school may grant a temporary, one-year exemption from~~ 430
~~any test administered under this section to an English limited~~ 431
~~student. Not more than three temporary one-year exemptions may be~~ 432
~~granted to any student shall excuse any limited English proficient~~ 433
~~student from taking any particular test required to be~~ 434
~~administered under this section, but a board may permit any~~ 435
~~limited English proficient student to take the test with~~ 436
~~appropriate accommodations, as determined by the department.~~ 437
~~During any school year in which a For each limited English~~ 438
~~proficient student is excused from taking one or more tests~~ 439
~~administered under this section, the each school district shall~~ 440
~~annually assess that student's progress in learning English, in~~ 441
~~accordance with procedures approved by the department.~~ 442

~~No district board or The governing authority of a chartered~~ 443
~~nonpublic school may excuse a limited English proficient student~~ 444
~~from taking any test administered under this section. However, no~~ 445
~~governing authority shall prohibit an English limited a limited~~ 446
~~English proficient student from taking a the test ~~under this~~~~ 447
~~section.~~ 448

(D) In the school year next succeeding the school year in 449
which the tests prescribed by division (A)(1) ~~or (B)~~ of section 450
3301.0710 of the Revised Code or former division (A)(1), ~~(A)(2),~~ 451
or (B) of section 3301.0710 of the Revised Code as it existed 452
prior to ~~the effective date of this amendment~~ September 11, 2001, 453
are administered to any student, the board of education of any 454
school district in which the student is enrolled in that year 455

shall provide to the student intervention services commensurate 456
with the student's test performance, including any intensive 457
intervention required under section 3313.608 of the Revised Code, 458
in any skill in which the student failed to demonstrate at least a 459
score at the proficient level on a ~~proficiency~~ the test ~~or a score~~ 460
~~in the basic range on an achievement test. This division does not~~ 461
~~apply to any student receiving services pursuant to an~~ 462
~~individualized education program developed for the student~~ 463
~~pursuant to section 3323.08 of the Revised Code.~~ 464

(E) Except as provided in section 3313.608 of the Revised 465
Code and division (M) of this section, no school district board of 466
education shall utilize any student's failure to attain a 467
specified score on any test administered under this section as a 468
factor in any decision to deny the student promotion to a higher 469
grade level. However, a district board may choose not to promote 470
to the next grade level any student who does not take any test 471
administered under this section or make up such test as provided 472
by division (C)(2) of this section ~~and who is not exempted from~~ 473
~~the requirement to take the test under division (C)(1) or (3) of~~ 474
~~this section.~~ 475

(F) No person shall be charged a fee for taking any test 476
administered under this section. 477

(G) Not later than sixty days after any administration of any 478
test prescribed by section 3301.0710 of the Revised Code, the 479
department shall send to each school district board a list of the 480
individual test scores of all persons taking the test. For any 481
tests administered under this section by a joint vocational school 482
district, the department shall also send to each city, local, or 483
exempted village school district a list of the individual test 484
scores of any students of such city, local, or exempted village 485
school district who are attending school in the joint vocational 486
school district. 487

(H) Individual test scores on any tests administered under 488
this section shall be released by a district board only in 489
accordance with section 3319.321 of the Revised Code and the rules 490
adopted under division (A) of this section. No district board or 491
its employees shall utilize individual or aggregate test results 492
in any manner that conflicts with rules for the ethical use of 493
tests adopted pursuant to division (A) of this section. 494

(I) Except as provided in division (G) of this section, the 495
department shall not release any individual test scores on any 496
test administered under this section and shall adopt rules to 497
ensure the protection of student confidentiality at all times. 498

(J) Notwithstanding division (D) of section 3311.52 of the 499
Revised Code, this section does not apply to the board of 500
education of any cooperative education school district except as 501
provided under rules adopted pursuant to this division. 502

(1) In accordance with rules that the state board of 503
education shall adopt, the board of education of any city, 504
exempted village, or local school district with territory in a 505
cooperative education school district established pursuant to 506
divisions (A) to (C) of section 3311.52 of the Revised Code may 507
enter into an agreement with the board of education of the 508
cooperative education school district for administering any test 509
prescribed under this section to students of the city, exempted 510
village, or local school district who are attending school in the 511
cooperative education school district. 512

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

of any test prescribed under this section to both of the 519
following: 520

(a) Students who are attending school in the cooperative 521
district and who, if the cooperative district were not 522
established, would be entitled to attend school in the city, 523
local, or exempted village school district pursuant to section 524
3313.64 or 3313.65 of the Revised Code; 525

(b) Persons described in division (B)~~(6)~~(8)(b) of this 526
section. 527

Any testing of students pursuant to such an agreement shall 528
be in lieu of any testing of such students or persons pursuant to 529
this section. 530

(K)(1) Any chartered nonpublic school may participate in the 531
testing program by administering any of the tests prescribed by 532
section 3301.0710 or 3301.0712 of the Revised Code if the chief 533
administrator of the school specifies which tests the school 534
wishes to administer. Such specification shall be made in writing 535
to the superintendent of public instruction prior to the first day 536
of August of any school year in which tests are administered and 537
shall include a pledge that the nonpublic school will administer 538
the specified tests in the same manner as public schools are 539
required to do under this section and rules adopted by the 540
department. 541

(2) The department of education shall furnish the tests 542
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 543
to any chartered nonpublic school electing to participate under 544
this division. 545

(L)(1) The superintendent of the state school for the blind 546
and the superintendent of the state school for the deaf shall 547
administer the tests described by section 3301.0710 of the Revised 548
Code. Each superintendent shall administer the tests in the same 549

manner as district boards are required to do under this section 550
and rules adopted by the department of education and in conformity 551
with division (C)(1)(a) of this section. 552

(2) The department of education shall furnish the tests 553
described by section 3301.0710 of the Revised Code to each 554
superintendent. 555

(M) Notwithstanding division (E) of this section, a school 556
district may use a student's failure to attain a score in at least 557
the basic range on the mathematics test described by division 558
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 559
the tests described by division (A)(1)(b), (c), (d), ~~or~~ (e), or 560
(f) of section 3301.0710 of the Revised Code as a factor in 561
retaining that student in the current grade level. 562

(N)(1) All tests required by section 3301.0710 of the Revised 563
Code shall become public records pursuant to section 149.43 of the 564
Revised Code on the first day of July following the school year 565
that the test was administered. 566

(2) The department may field test proposed test questions 567
with samples of students to determine the validity, reliability, 568
or appropriateness of test questions for possible inclusion in a 569
future year's test. The department also may use anchor questions 570
on tests to ensure that different versions of the same test are of 571
comparable difficulty. 572

Field test questions and anchor questions shall not be 573
considered in computing test scores for individual students. Field 574
test questions and anchor questions may be included as part of the 575
administration of any test required by section 3301.0710 of the 576
Revised Code. 577

(3) Any field test question or anchor question administered 578
under division (N)(2) of this section shall not be a public 579
record. Such field test questions and anchor questions shall be 580

redacted from any tests which are released as a public record 581
pursuant to division (N)(1) of this section. 582

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 583
3301.0711 of the Revised Code, the state board of education shall 584
continue to prescribe and the department of education and each 585
school district shall continue to administer any proficiency test 586
~~as required by~~ in accordance with those former sections, as they 587
existed prior to September 11, 2001, until the applicable test is 588
no longer required to be administered as indicated on the chart 589
below. When any achievement test, ~~as indicated on the chart below,~~ 590
has been developed and made available in accordance with section 591
3301.079 of the Revised Code. ~~Thereafter,~~ such achievement test 592
shall be administered to students under sections 3301.0710 and 593
3301.0711 of the Revised Code beginning in the school year 594
indicated on the chart below. School districts shall continue to 595
provide intervention services as required under former division 596
(D) of section 3301.0711 of the Revised Code, as it existed prior 597
to September 11, 2001, to students who fail to attain a score in 598
the proficient range on a fourth grade proficiency test. 599

		First	600
		administration	
Proficiency	Achievement	in school year	601
Test	Test	beginning July 1 of	602
4th grade reading	3rd grade		603
	reading		
test	test	2003	604
4th grade writing	4th grade		605
	writing		
test	test	2004	606
4th grade	4th grade		607
mathematics	mathematics		
test	test	2004	608

4th grade science	5th grade science		609
test	test	2005	610
4th grade	5th grade social		611
citizenship	test	2005	612
6th grade reading	7th grade reading		613
test	test	2006	614
6th grade writing	7th grade writing		615
test	test	2006	616
6th grade	7th grade		617
mathematics	mathematics		
test	test	2006	618
6th grade science	8th grade science		619
test	test	2006	620
6th grade	8th grade social		621
citizenship	test	2006	622
9th grade reading	Ohio graduation test in reading	2004	623
9th grade writing	Ohio graduation test in writing	2004	624
9th grade	Ohio graduation test in	2004	625
mathematics test	test in mathematics		
9th grade science	Ohio graduation test in science	2004	626
9th grade	Ohio graduation test in social	2004	627
citizenship test	test in social studies		

<u>Proficiency</u>	<u>Last</u>	<u>Achievement</u>	<u>First</u>	628
<u>Test</u>	<u>administration</u>	<u>Test</u>	<u>administration</u>	
	<u>in school</u>		<u>in school</u>	
	<u>year</u>		<u>year</u>	
	<u>beginning</u>		<u>beginning</u>	
	<u>July 1 of</u>		<u>July 1 of</u>	
		<u>3rd grade</u>	<u>2003</u>	629
		<u>reading test</u>		
		<u>3rd grade</u>	<u>2004</u>	630
		<u>mathematics</u>		
		<u>test</u>		
<u>4th grade</u>	<u>2003</u>	<u>4th grade</u>	<u>2004</u>	631
<u>reading test</u>		<u>reading test</u>		
<u>4th grade</u>	<u>2004</u>	<u>4th grade</u>	<u>2005</u>	632
<u>mathematics</u>		<u>mathematics</u>		
<u>test</u>		<u>test</u>		
<u>4th grade</u>	<u>2003</u>	<u>4th grade</u>	<u>2004</u>	633
<u>writing test</u>		<u>writing test</u>		
<u>4th grade</u>	<u>2004</u>	<u>5th grade</u>	<u>2006</u>	634
<u>science test</u>		<u>science test</u>		
<u>4th grade</u>	<u>2004</u>	<u>5th grade</u>	<u>2006</u>	635
<u>citizenship</u>		<u>social</u>		
<u>test</u>		<u>studies test</u>		
		<u>5th grade</u>	<u>2004</u>	636
		<u>reading test</u>		
		<u>5th grade</u>	<u>2005</u>	637
		<u>mathematics</u>		
		<u>test</u>		
<u>6th grade</u>	<u>2004</u>	<u>6th grade</u>	<u>2005</u>	638
<u>reading test</u>		<u>reading test</u>		
<u>6th grade</u>	<u>2004</u>	<u>6th grade</u>	<u>2005</u>	639
<u>mathematics</u>		<u>mathematics</u>		
<u>test</u>		<u>test</u>		

<u>6th grade</u>	<u>2004</u>	<u>7th grade</u>	<u>2006</u>	640
<u>writing test</u>		<u>writing test</u>		
		<u>7th grade</u>	<u>2005</u>	641
		<u>reading test</u>		
		<u>7th grade</u>	<u>2004</u>	642
		<u>mathematics</u>		
		<u>test</u>		
<u>6th grade</u>	<u>2004</u>	<u>8th grade</u>	<u>2006</u>	643
<u>science test</u>		<u>science test</u>		
<u>6th grade</u>	<u>2004</u>	<u>8th grade</u>	<u>2007</u>	644
<u>citizenship</u>		<u>social</u>		
<u>test</u>		<u>studies test</u>		
		<u>8th grade</u>	<u>2004</u>	645
		<u>reading test</u>		
		<u>8th grade</u>	<u>2004</u>	646
		<u>mathematics</u>		
		<u>test</u>		
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2002</u>		647
<u>reading test</u>	<u>as provided</u>	<u>graduation</u>		
	<u>in division</u>	<u>test in</u>		
	<u>(B) of this</u>	<u>reading</u>		
	<u>section</u>			
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2002</u>		648
<u>mathematics</u>	<u>as provided</u>	<u>graduation</u>		
<u>test</u>	<u>in division</u>	<u>test in</u>		
	<u>(B) of this</u>	<u>mathematics</u>		
	<u>section</u>			
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2004</u>		649
<u>writing test</u>	<u>as provided</u>	<u>graduation</u>		
	<u>in division</u>	<u>test in</u>		
	<u>(B) of this</u>	<u>writing</u>		
	<u>section</u>			
<u>9th grade</u>	<u>2002, except Ohio</u>	<u>2004</u>		650

science test as provided graduation
in division test in
(B) of this science
section

9th grade 2002, except Ohio 2004 651

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

(B) The Notwithstanding division (A) of this section, the 652
state board shall continue to prescribe and school districts and 653
chartered nonpublic schools shall continue to administer ninth 654
grade proficiency tests in reading, writing, mathematics, science, 655
and citizenship to students who enter ninth grade prior to July 1, 656
2003, for as long as those students remain eligible under section 657
3313.614 of the Revised Code to receive their high school diplomas 658
based on passage of those ninth grade proficiency tests. ~~No~~ 659
~~student who enters ninth grade prior to July 1, 2003, is required~~ 660
~~to take any Ohio graduation test, even if any are administered to~~ 661
~~the student's grade level, until the student is required by~~ 662
~~section 3313.614 of the Revised Code to pass Ohio graduation tests~~ 663
~~to receive a high school diploma.~~ 664

Sec. 3301.0714. (A) The state board of education shall adopt 665
rules for a statewide education management information system. The 666
rules shall require the state board to establish guidelines for 667
the establishment and maintenance of the system in accordance with 668
this section and the rules adopted under this section. The 669
guidelines shall include: 670

(1) Standards identifying and defining the types of data in 671
the system in accordance with divisions (B) and (C) of this 672
section; 673

(2) Procedures for annually collecting and reporting the data	674
to the state board in accordance with division (D) of this	675
section;	676
(3) Procedures for annually compiling the data in accordance	677
with division (G) of this section;	678
(4) Procedures for annually reporting the data to the public	679
in accordance with division (H) of this section.	680
(B) The guidelines adopted under this section shall require	681
the data maintained in the education management information system	682
to include at least the following:	683
(1) Student participation and performance data, for each	684
grade in each school district as a whole and for each grade in	685
each school building in each school district, that includes:	686
(a) The numbers of students receiving each category of	687
instructional service offered by the school district, such as	688
regular education instruction, vocational education instruction,	689
specialized instruction programs or enrichment instruction that is	690
part of the educational curriculum, instruction for gifted	691
students, instruction for handicapped students, and remedial	692
instruction. The guidelines shall require instructional services	693
under this division to be divided into discrete categories if an	694
instructional service is limited to a specific subject, a specific	695
type of student, or both, such as regular instructional services	696
in mathematics, remedial reading instructional services,	697
instructional services specifically for students gifted in	698
mathematics or some other subject area, or instructional services	699
for students with a specific type of handicap. The categories of	700
instructional services required by the guidelines under this	701
division shall be the same as the categories of instructional	702
services used in determining cost units pursuant to division	703
(C)(3) of this section.	704

(b) The numbers of students receiving support or	705
extracurricular services for each of the support services or	706
extracurricular programs offered by the school district, such as	707
counseling services, health services, and extracurricular sports	708
and fine arts programs. The categories of services required by the	709
guidelines under this division shall be the same as the categories	710
of services used in determining cost units pursuant to division	711
(C)(4)(a) of this section.	712
(c) Average student grades in each subject in grades nine	713
through twelve;	714
(d) Academic achievement levels as assessed by the testing of	715
student achievement under sections 3301.0710 and 3301.0711 of the	716
Revised Code;	717
(e) The number of students designated as having a	718
handicapping condition pursuant to division (C)(1) of section	719
3301.0711 of the Revised Code;	720
(f) The numbers of students reported to the state board	721
pursuant to division (C)(2) of section 3301.0711 of the Revised	722
Code;	723
(g) Attendance rates and the average daily attendance for the	724
year. For purposes of this division, a student shall be counted as	725
present for any field trip that is approved by the school	726
administration.	727
(h) Expulsion rates;	728
(i) Suspension rates;	729
(j) The percentage of students receiving corporal punishment;	730
(k) Dropout rates;	731
(l) Rates of retention in grade;	732
(m) For pupils in grades nine through twelve, the average	733

number of carnegie units, as calculated in accordance with state 734
board of education rules; 735

(n) Graduation rates, to be calculated in a manner specified 736
by the department of education that reflects the rate at which 737
students who were in the ninth grade three years prior to the 738
current year complete school and that is consistent with 739
nationally accepted reporting requirements; 740

(o) Results of diagnostic assessments administered to 741
kindergarten students as required under section 3301.0715 of the 742
Revised Code to permit a comparison of the academic readiness of 743
kindergarten students. However, no district shall be required to 744
report to the department the results of any diagnostic assessment 745
administered to a kindergarten student if the parent of that 746
student requests the district not to report those results. 747

(2) Personnel and classroom enrollment data for each school 748
district, including: 749

(a) The total numbers of licensed employees and nonlicensed 750
employees and the numbers of full-time equivalent licensed 751
employees and nonlicensed employees providing each category of 752
instructional service, instructional support service, and 753
administrative support service used pursuant to division (C)(3) of 754
this section. The guidelines adopted under this section shall 755
require these categories of data to be maintained for the school 756
district as a whole and, wherever applicable, for each grade in 757
the school district as a whole, for each school building as a 758
whole, and for each grade in each school building. 759

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

nonlicensed employees providing each category used pursuant to 765
division (C)(4)(c) of this section. The guidelines adopted under 766
this section shall require these categories of data to be 767
maintained for the school district as a whole and, wherever 768
applicable, for each grade in the school district as a whole, for 769
each school building as a whole, and for each grade in each school 770
building. 771

(c) The total number of regular classroom teachers teaching 772
classes of regular education and the average number of pupils 773
enrolled in each such class, in each of grades kindergarten 774
through five in the district as a whole and in each school 775
building in the school district. 776

(3)(a) Student demographic data for each school district, 777
including information regarding the gender ratio of the school 778
district's pupils, the racial make-up of the school district's 779
pupils, the number of limited English proficient students in the 780
district, and an appropriate measure of the number of the school 781
district's pupils who reside in economically disadvantaged 782
households. The demographic data shall be collected in a manner to 783
allow correlation with data collected under division (B)(1) of 784
this section. Categories for data collected pursuant to division 785
(B)(3) of this section shall conform, where appropriate, to 786
standard practices of agencies of the federal government. 787

(b) With respect to each student entering kindergarten, 788
whether the student previously participated in a public preschool 789
program, a private preschool program, or a head start program, and 790
the number of years the student participated in each of these 791
programs. 792

(4) Any data required to be collected pursuant to federal 793
law. 794

(C) The education management information system shall include 795

cost accounting data for each district as a whole and for each 796
school building in each school district. The guidelines adopted 797
under this section shall require the cost data for each school 798
district to be maintained in a system of mutually exclusive cost 799
units and shall require all of the costs of each school district 800
to be divided among the cost units. The guidelines shall require 801
the system of mutually exclusive cost units to include at least 802
the following: 803

(1) Administrative costs for the school district as a whole. 804
The guidelines shall require the cost units under this division 805
(C)(1) to be designed so that each of them may be compiled and 806
reported in terms of average expenditure per pupil in formula ADM 807
in the school district, as determined pursuant to section 3317.03 808
of the Revised Code. 809

(2) Administrative costs for each school building in the 810
school district. The guidelines shall require the cost units under 811
this division (C)(2) to be designed so that each of them may be 812
compiled and reported in terms of average expenditure per 813
full-time equivalent pupil receiving instructional or support 814
services in each building. 815

(3) Instructional services costs for each category of 816
instructional service provided directly to students and required 817
by guidelines adopted pursuant to division (B)(1)(a) of this 818
section. The guidelines shall require the cost units under 819
division (C)(3) of this section to be designed so that each of 820
them may be compiled and reported in terms of average expenditure 821
per pupil receiving the service in the school district as a whole 822
and average expenditure per pupil receiving the service in each 823
building in the school district and in terms of a total cost for 824
each category of service and, as a breakdown of the total cost, a 825
cost for each of the following components: 826

(a) The cost of each instructional services category required 827

by guidelines adopted under division (B)(1)(a) of this section 828
that is provided directly to students by a classroom teacher; 829

(b) The cost of the instructional support services, such as 830
services provided by a speech-language pathologist, classroom 831
aide, multimedia aide, or librarian, provided directly to students 832
in conjunction with each instructional services category; 833

(c) The cost of the administrative support services related 834
to each instructional services category, such as the cost of 835
personnel that develop the curriculum for the instructional 836
services category and the cost of personnel supervising or 837
coordinating the delivery of the instructional services category. 838

(4) Support or extracurricular services costs for each 839
category of service directly provided to students and required by 840
guidelines adopted pursuant to division (B)(1)(b) of this section. 841
The guidelines shall require the cost units under division (C)(4) 842
of this section to be designed so that each of them may be 843
compiled and reported in terms of average expenditure per pupil 844
receiving the service in the school district as a whole and 845
average expenditure per pupil receiving the service in each 846
building in the school district and in terms of a total cost for 847
each category of service and, as a breakdown of the total cost, a 848
cost for each of the following components: 849

(a) The cost of each support or extracurricular services 850
category required by guidelines adopted under division (B)(1)(b) 851
of this section that is provided directly to students by a 852
licensed employee, such as services provided by a guidance 853
counselor or any services provided by a licensed employee under a 854
supplemental contract; 855

(b) The cost of each such services category provided directly 856
to students by a nonlicensed employee, such as janitorial 857
services, cafeteria services, or services of a sports trainer; 858

(c) The cost of the administrative services related to each 859
services category in division (C)(4)(a) or (b) of this section, 860
such as the cost of any licensed or nonlicensed employees that 861
develop, supervise, coordinate, or otherwise are involved in 862
administering or aiding the delivery of each services category. 863

(D)(1) The guidelines adopted under this section shall 864
require school districts to collect information about individual 865
students, staff members, or both in connection with any data 866
required by division (B) or (C) of this section or other reporting 867
requirements established in the Revised Code. The guidelines may 868
also require school districts to report information about 869
individual staff members in connection with any data required by 870
division (B) or (C) of this section or other reporting 871
requirements established in the Revised Code. The guidelines shall 872
not authorize school districts to request social security numbers 873
of individual students. The guidelines shall prohibit the 874
reporting under this section of a student's name, address, and 875
social security number to the state board of education or the 876
department of education. The guidelines shall also prohibit the 877
reporting under this section of any personally identifiable 878
information about any student, except for the purpose of assigning 879
the data verification code required by division (D)(2) of this 880
section, to any other person unless such person is employed by the 881
school district or the data acquisition site operated under 882
section 3301.075 of the Revised Code and is authorized by the 883
district or acquisition site to have access to such information. 884
The guidelines may require school districts to provide the social 885
security numbers of individual staff members. 886

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

required individual student data for that student utilizing such 891
code. The guidelines shall also provide for assigning data 892
verification codes to all students enrolled in districts or 893
community schools on the effective date of the guidelines 894
established under this section. 895

Individual student data shall be reported to the department 896
through the data acquisition sites utilizing the code but at no 897
time shall the state board or the department have access to 898
information that would enable any data verification code to be 899
matched to personally identifiable student data. 900

Each school district shall ensure that the data verification 901
code is included in the student's records reported to any 902
subsequent school district or community school in which the 903
student enrolls ~~and shall remove all references to the code in any~~ 904
~~records retained in the district or school that pertain to any~~ 905
~~student no longer enrolled.~~ Any such subsequent district or school 906
shall utilize the same identifier in its reporting of data under 907
this section. 908

(E) The guidelines adopted under this section may require 909
school districts to collect and report data, information, or 910
reports other than that described in divisions (A), (B), and (C) 911
of this section for the purpose of complying with other reporting 912
requirements established in the Revised Code. The other data, 913
information, or reports may be maintained in the education 914
management information system but are not required to be compiled 915
as part of the profile formats required under division (G) of this 916
section or the annual statewide report required under division (H) 917
of this section. 918

(F) Beginning with the school year that begins July 1, 1991, 919
the board of education of each school district shall annually 920
collect and report to the state board, in accordance with the 921
guidelines established by the board, the data required pursuant to 922

this section. A school district may collect and report these data 923
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 924

(G) The state board shall, in accordance with the procedures 925
it adopts, annually compile the data reported by each school 926
district pursuant to division (D) of this section. The state board 927
shall design formats for profiling each school district as a whole 928
and each school building within each district and shall compile 929
the data in accordance with these formats. These profile formats 930
shall: 931

(1) Include all of the data gathered under this section in a 932
manner that facilitates comparison among school districts and 933
among school buildings within each school district; 934

(2) Present the data on academic achievement levels as 935
assessed by the testing of student achievement maintained pursuant 936
to division (B)(1)~~(e)~~(d) of this section ~~so that the academic~~ 937
~~achievement levels of students who are excused from taking any~~ 938
~~such test pursuant to division (C)(1) of section 3301.0711 of the~~ 939
~~Revised Code are distinguished from the academic achievement~~ 940
~~levels of students who are not so excused.~~ 941

(H)(1) The state board shall, in accordance with the 942
procedures it adopts, annually prepare a statewide report for all 943
school districts and the general public that includes the profile 944
of each of the school districts developed pursuant to division (G) 945
of this section. Copies of the report shall be sent to each school 946
district. 947

(2) The state board shall, in accordance with the procedures 948
it adopts, annually prepare an individual report for each school 949
district and the general public that includes the profiles of each 950
of the school buildings in that school district developed pursuant 951
to division (G) of this section. Copies of the report shall be 952
sent to the superintendent of the district and to each member of 953

the district board of education. 954

(3) Copies of the reports received from the state board under 955
divisions (H)(1) and (2) of this section shall be made available 956
to the general public at each school district's offices. Each 957
district board of education shall make copies of each report 958
available to any person upon request and payment of a reasonable 959
fee for the cost of reproducing the report. The board shall 960
annually publish in a newspaper of general circulation in the 961
school district, at least twice during the two weeks prior to the 962
week in which the reports will first be available, a notice 963
containing the address where the reports are available and the 964
date on which the reports will be available. 965

(I) Any data that is collected or maintained pursuant to this 966
section and that identifies an individual pupil is not a public 967
record for the purposes of section 149.43 of the Revised Code. 968

(J) As used in this section: 969

(1) "School district" means any city, local, exempted 970
village, or joint vocational school district. 971

(2) "Cost" means any expenditure for operating expenses made 972
by a school district excluding any expenditures for debt 973
retirement except for payments made to any commercial lending 974
institution for any loan approved pursuant to section 3313.483 of 975
the Revised Code. 976

(K) Any person who removes data from the information system 977
established under this section for the purpose of releasing it to 978
any person not entitled under law to have access to such 979
information is subject to section 2913.42 of the Revised Code 980
prohibiting tampering with data. 981

(L) Any time the department of education determines that a 982
school district has taken any of the actions described under 983
division (L)(1), (2), or (3) of this section, it shall make a 984

report of the actions of the district, send a copy of the report 985
to the superintendent of such school district, and maintain a copy 986
of the report in its files: 987

(1) The school district fails to meet any deadline 988
established pursuant to this section for the reporting of any data 989
to the education management information system; 990

(2) The school district fails to meet any deadline 991
established pursuant to this section for the correction of any 992
data reported to the education management information system; 993

(3) The school district reports data to the education 994
management information system in a condition, as determined by the 995
department, that indicates that the district did not make a good 996
faith effort in reporting the data to the system. 997

Any report made under this division shall include 998
recommendations for corrective action by the school district. 999

Upon making a report for the first time in a fiscal year, the 1000
department shall withhold ten per cent of the total amount due 1001
during that fiscal year under Chapter 3317. of the Revised Code to 1002
the school district to which the report applies. Upon making a 1003
second report in a fiscal year, the department shall withhold an 1004
additional twenty per cent of such total amount due during that 1005
fiscal year to the school district to which the report applies. 1006
The department shall not release such funds unless it determines 1007
that the district has taken corrective action. However, no such 1008
release of funds shall occur if the district fails to take 1009
corrective action within forty-five days of the date upon which 1010
the report was made by the department. 1011

(M) The department of education, after consultation with the 1012
Ohio education computer network, may provide at no cost to school 1013
districts uniform computer software for use in reporting data to 1014
the education management information system, provided that no 1015

school district shall be required to utilize such software to 1016
report data to the education management information system if such 1017
district is so reporting data in an accurate, complete, and timely 1018
manner in a format compatible with that required by the education 1019
management information system. 1020

(N) The state board of education, in accordance with sections 1021
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1022
license as defined under division (A) of section 3319.31 of the 1023
Revised Code that has been issued to any school district employee 1024
found to have willfully reported erroneous, inaccurate, or 1025
incomplete data to the education management information system. 1026

(O) No person shall release or maintain any information about 1027
any student in violation of this section. Whoever violates this 1028
division is guilty of a misdemeanor of the fourth degree. 1029

(P) The department shall disaggregate the data collected 1030
under division (B)(1)(o) of this section according to the race and 1031
socioeconomic status of the students assessed. No data collected 1032
under that division shall be included on the report cards required 1033
by section 3302.03 of the Revised Code. 1034

(Q) If the department cannot compile any of the information 1035
required by division ~~(D)~~(C)(5) of section 3302.03 of the Revised 1036
Code based upon the data collected under this section, the 1037
department shall develop a plan and a reasonable timeline for the 1038
collection of any data necessary to comply with that division. 1039

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

mathematics and for grades three through eight in reading, 1047
writing, mathematics, science, and social studies the following: 1048

(1) Each student enrolled in a building subject to division 1049
(E) of section 3302.04 of the Revised Code; 1050

(2) Any student who transfers into the district or to a 1051
different school within the district, within thirty days after the 1052
date of transfer; 1053

(3) Each kindergarten student, within six weeks after the 1054
first day of school. For the purpose of division (A)(3) of this 1055
section, the district shall administer the kindergarten readiness 1056
assessment provided by the department of education. 1057

(4) Each student enrolled in first or second grade. 1058

(B) Each district board shall administer each diagnostic 1059
assessment as the board deems appropriate. However, the board 1060
shall administer any diagnostic assessment at least once annually 1061
to all students in the appropriate grade level. A district board 1062
may administer any diagnostic assessment in the fall and spring of 1063
a school year to measure the ~~"value added"~~ amount of academic 1064
growth attributable to the instruction received by students during 1065
that school year. 1066

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

diagnostic assessment, the results of such assessment, and any 1077
other accompanying documents used during the administration of the 1078
assessment to the parent of that student upon the parent's 1079
request. 1080

(D) Each district board shall provide intervention services 1081
to students whose diagnostic assessments show that they are 1082
failing to make satisfactory progress toward attaining the 1083
academic standards for their grade level. 1084

(E) Any district ~~declared excellent under section 3302.03 of~~ 1085
~~the Revised Code that made adequate yearly progress, as defined in~~ 1086
section 3302.01 of the Revised Code, in the immediately preceding 1087
school year may assess student progress in grades one through 1088
eight using a diagnostic assessment other than the diagnostic 1089
assessment required by division (A) of this section. 1090

(F) ~~Within thirty days after a student transfers into a~~ 1091
~~school district or to a different school within the same district,~~ 1092
~~the district shall administer each diagnostic assessment required~~ 1093
~~under division (A) of this section to the student~~ A district board 1094
may administer any diagnostic assessment provided to the district 1095
in accordance with section 3301.079 of the Revised Code to any 1096
student enrolled in a building that is not subject to division 1097
(A)(1) of this section. Any district electing to administer 1098
diagnostic assessments to students under this division shall 1099
provide intervention services to any such student whose diagnostic 1100
assessment shows unsatisfactory progress toward attaining the 1101
academic standards for the student's grade level. 1102

Sec. 3301.801. ~~(A)~~ The Ohio SchoolNet commission shall create 1103
and maintain a clearinghouse for classroom teachers, including any 1104
classroom teachers employed by community schools established under 1105
Chapter 3314. of the Revised Code, to easily obtain lesson plans 1106
and materials and other practical resources for use in classroom 1107

teaching. The commission shall develop a method of obtaining 1108
submissions, from classroom teachers and others, of such plans, 1109
materials, and other resources that have been used in the 1110
classroom and that can be readily used and implemented by 1111
classroom teachers in their regular teaching activities. The 1112
commission also shall develop methods of informing classroom 1113
teachers of both the availability of such plans, materials, and 1114
other resources, and of the opportunity to submit such plans, 1115
materials, and other resources and other classroom teaching ideas 1116
to the clearinghouse. 1117

The department of education shall regularly identify 1118
research-based practices concerned with scheduling and allotting 1119
instructional time and submit such practices to the commission for 1120
inclusion in the clearinghouse. 1121

The commission shall periodically report to the speaker and 1122
minority leader of the house of representatives, the president and 1123
minority leader of the senate, and the chairpersons and ranking 1124
minority members of the education committees of the senate and the 1125
house of representatives regarding the clearinghouse and make 1126
recommendations for changes in state law or administrative rules 1127
that may facilitate the usefulness of the clearinghouse. 1128

~~(B) Not later than one year after the effective date of this 1129
amendment, the department of education shall identify research 1130
studies on academic intervention and prevention practices that 1131
have been successful in improving the academic performance of 1132
students from different ethnic and socioeconomic groups, develop 1133
an annotated bibliography of such studies, and provide that 1134
bibliography to the Ohio SchoolNet commission. The commission 1135
shall promptly make the bibliography available to school districts 1136
as a part of the clearinghouse established under this section. 1137~~

Sec. 3301.91. (A) The OhioReads council's responsibilities	1138
include, but are not limited to, the following:	1139
(1) Advising and consenting to the superintendent of public	1140
instruction's appointments to the position of executive director	1141
of the OhioReads office;	1142
(2) Evaluating the effectiveness of the OhioReads initiative	1143
established by this section and sections 3301.86 and 3301.87 of	1144
the Revised Code and conducting annual evaluations beginning in	1145
fiscal year 2002;	1146
(3) Developing a strategic plan for identifying, recruiting,	1147
training, qualifying, and placing volunteers for the OhioReads	1148
initiative;	1149
(4) Establishing standards for the awarding of classroom	1150
reading grants under section 3301.86 of the Revised Code and	1151
community reading grants under section 3301.87 of the Revised	1152
Code, including eligibility criteria, grant amounts, purposes for	1153
which grants may be used, and administrative, programmatic, and	1154
reporting requirements;	1155
(5) Awarding classroom reading grants and community reading	1156
grants to be paid by the OhioReads office under sections 3301.86	1157
and 3301.87 of the Revised Code;	1158
(6) Establishing guidelines for and overseeing the general	1159
responsibilities and mission of the executive director of the	1160
OhioReads office;	1161
(7) Adopting rules pursuant to Chapter 119. of the Revised	1162
Code to establish standards required under sections 3301.86 and	1163
3301.87 of the Revised Code.	1164
(B) In performing its duties, the council shall, to the	1165
extent practicable:	1166

(1) Give primary consideration to the safety and well-being of children participating in the OhioReads initiative;	1167 1168
(2) Maximize the use of resources to improve reading outcomes, especially the fourth grade reading proficiency test established under former division (A)(1) of section 3301.0710 of the Revised Code, <u>as it existed prior to September 11, 2001</u> , and the third grade reading achievement test established under division (A)(1)(a) of section 3301.0710 of the Revised Code;	1169 1170 1171 1172 1173 1174
(3) Identify and maximize relevant federal and state resources to leverage OhioReads resources and related programs;	1175 1176
(4) Focus on early reading intervention strategies, professional development, and parental involvement;	1177 1178
(5) Give priority to programs recognized as promising educational practices for accelerating student achievement, including, but not limited to, programs primarily using volunteers and programs that may have been reviewed by the education commission of the states.	1179 1180 1181 1182 1183
Sec. 3302.01. As used in this chapter:	1184
(A) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.	1185 1186 1187 1188 1189
(B) "Graduation rate" means a calculation of the percentage of ninth grade students who graduate by the end of the summer following their twelfth grade year. The graduation rate is the ratio of the students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout	1190 1191 1192 1193 1194 1195 1196

are subtracted from the calculation. ~~Students who do not graduate~~ 1197
~~within four years but who continue their high school education in~~ 1198
~~the following year in the same school district are removed from~~ 1199
~~the calculation for the year in which they would have graduated~~ 1200
~~and are added to the calculation for the following year's~~ 1201
~~graduating class as if the student had entered ninth grade four~~ 1202
~~years before the intended graduation date of that class. In each~~ 1203
~~subsequent year that such students do not graduate but continue~~ 1204
~~their high school education uninterrupted in the same school~~ 1205
~~district, such students shall be reassigned to the district's~~ 1206
~~graduation rate for that year by assuming that the students~~ 1207
~~entered ninth grade four years before the date of the intended~~ 1208
~~graduation. If a student who was a dropout in any previous year~~ 1209
~~returns to the same school district, that student shall be entered~~ 1210
~~into the calculation as if the student had entered ninth grade~~ 1211
~~four years before the graduation year of the graduating class that~~ 1212
~~the student joins.~~ 1213

(C) "Attendance rate" means the ratio of the number of 1214
students actually in attendance over the course of a school year 1215
to the number of students who were required to be in attendance 1216
that school year, as calculated pursuant to rules of the 1217
superintendent of public instruction. 1218

(D) "Three-year average" means the average of the most recent 1219
consecutive three school years of data. 1220

~~(E) "Required level of improvement" means at least one~~ 1221
~~standard unit of improvement on at least the percentage of~~ 1222
~~performance standards required to demonstrate overall improvement,~~ 1223
~~in accordance with the rule approved under division (A) of section~~ 1224
~~3302.04 of the Revised Code "Performance index score" means the~~ 1225
~~average of the totals derived from calculations for each subject~~ 1226
~~area of reading, writing, mathematics, science, and social studies~~ 1227
~~of the weighted proportion of untested students and students~~ 1228

scoring at each level of skill described in division (A)(2) of 1229
section 3301.0710 of the Revised Code on the tests prescribed by 1230
divisions (A) and (B) of that section. The department of education 1231
shall assign weights such that students who do not take a test 1232
receive a weight of zero and students who take a test receive 1233
progressively larger weights dependent upon the level of skill 1234
attained on the test. The department shall also determine the 1235
performance index score a school district or building needs to 1236
achieve for the purpose of the performance ratings assigned 1237
pursuant to section 3302.03 of the Revised Code. 1238

Students shall be included in the "performance index score" 1239
in accordance with division (D)(2) of section 3302.03 of the 1240
Revised Code. 1241

(F) "Subgroup" means a subset of the entire student 1242
population of the state, a school district, or a school building 1243
and includes each of the following: 1244

(1) Major racial and ethnic groups; 1245

(2) Students with disabilities; 1246

(3) Economically disadvantaged students; 1247

(4) Limited English proficient students. 1248

(G) "Other academic indicators" means measures of student 1249
academic performance other than scores on tests administered under 1250
section 3301.0710 of the Revised Code, which shall be the 1251
attendance rate for elementary and middle schools and the 1252
graduation rate for high schools. 1253

(H) "Annual measurable objective" means the yearly percentage 1254
of students, which shall be established by the state board, who 1255
must score at or above the proficient level on tests established 1256
under section 3301.0710 of the Revised Code in reading and 1257
mathematics administered to their grade level for a school 1258

district or a school building to be deemed to have made sufficient 1259
progress for that school year toward the goal of having all 1260
students scoring at or above the proficient level on such tests by 1261
June 30, 2014. For the school year that begins July 1, 2003, the 1262
state board shall establish an "annual measurable objective" in 1263
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1264
1425, 20 U.S.C. 6311. In the school year following the first 1265
administration of each test established under section 3301.0710 of 1266
the Revised Code, the state board shall use the results from such 1267
tests to make any necessary adjustments in the applicable annual 1268
measurable objective. 1269

(I) "Adequate yearly progress," as required by the "No Child 1270
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6311, means a 1271
measure of annual academic performance. "Adequate yearly progress" 1272
is made by a school district or a school building when, in 1273
accordance with division (D)(2) of section 3302.03 of the Revised 1274
Code, the district or building satisfies either divisions (I)(1) 1275
and (2) of this section or divisions (I)(1) and (3) of this 1276
section in the applicable school year: 1277

(1) At least ninety-five per cent of the total student 1278
population and of each subgroup enrolled in the district or 1279
building at the time of the test administration takes each test in 1280
reading and mathematics prescribed by section 3301.0710 of the 1281
Revised Code that is administered to their grade level, except 1282
that this requirement shall not apply to any subgroup in the 1283
district or building that contains less than forty students. Those 1284
students taking a test with accommodations or an alternate 1285
assessment pursuant to division (C) of section 3301.0711 of the 1286
Revised Code shall be counted as taking that test for the purposes 1287
of this division. 1288

(2) The total student population and each subgroup in the 1289
district or building, as defined in division (D)(2) of section 1290

3302.03 of the Revised Code, meets or exceeds the annual 1291
measurable objective for that school year in reading and 1292
mathematics based upon data from the current school year or a 1293
three-year average of data and the district or building meets or 1294
exceeds the minimum threshold or makes progress on the other 1295
academic indicators for that school year. In calculating whether a 1296
district or building satisfies this division, the department shall 1297
include any subgroup in the district or building that contains 1298
thirty or more students, except that the department shall not 1299
include the subgroup described in division (F)(2) of this section 1300
unless such subgroup contains forty-five or more students. The 1301
determination of students in the subgroup described in division 1302
(F)(2) of this section who are not required to score at or above 1303
the proficient level on tests established under section 3301.0710 1304
of the Revised Code for the purpose of determining whether a 1305
district or building satisfies this division shall comply with 1306
federal statutes, rules, and regulations. 1307

(3) If the performance of the total student population or any 1308
subgroup in the district or building results in the failure of the 1309
district or building to satisfy division (I)(2) of this section, 1310
the district or building shall fulfill both of the following 1311
requirements with respect to the total student population or any 1312
pertinent subgroup: 1313

(a) The percentage of students scoring below the proficient 1314
level on the applicable tests in the total student population or 1315
subgroup decreases by at least ten per cent from the percentage of 1316
such students in the total student population or subgroup in the 1317
preceding school year or from the average percentage of such 1318
students in the total student population or subgroup in the two 1319
preceding school years. 1320

(b) The total student population or subgroup meets or exceeds 1321
the minimum threshold on the other academic indicators for that 1322

school year or makes progress toward meeting the minimum threshold 1323
on one of the other academic indicators for that school year. 1324

(J) "Supplemental educational services" means additional 1325
academic assistance, such as tutoring, remediation, or other 1326
educational enrichment activities, that is conducted outside of 1327
the regular school day by a provider approved by the department in 1328
accordance with the "No Child Left Behind Act of 2001," 115 Stat. 1329
1425, 20 U.S.C. 6316. 1330

(K) "Value-added progress dimension" means a measure of 1331
academic gain for a student or group of students over a specific 1332
period of time that is calculated by applying a statistical 1333
methodology to individual student achievement data derived from 1334
the achievement tests prescribed by section 3301.0710 of the 1335
Revised Code. 1336

Sec. 3302.02. The state board of education annually through 1337
~~2006~~ 2007, and every six years thereafter, shall establish at 1338
least seventeen performance indicators for the report cards 1339
required by division ~~(D)~~(C) of section 3302.03 of the Revised 1340
Code. In establishing these indicators, the state board shall 1341
consider inclusion of student performance on any tests given under 1342
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1343
student improvement on such tests, student attendance, the breadth 1344
of coursework available within the district, and other indicators 1345
of student success. The state board shall ~~notify all school~~ 1346
~~districts of the selected performance indicators at least two~~ 1347
~~years before they are included in the report card~~ inform the Ohio 1348
accountability task force established under section 3302.021 of 1349
the Revised Code of the performance indicators it establishes 1350
under this section and the rationale for choosing each indicator 1351
and for determining how a school district or building meets that 1352
indicator. 1353

The state board shall not establish any performance indicator 1354
for passage of the third or fourth grade reading test that is 1355
solely based on the test given in the fall for the purpose of 1356
determining whether students have met the reading guarantee 1357
provisions of section 3313.608 of the Revised Code. 1358

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1359
later than July 1, 2007, the department of education shall 1360
implement a value-added progress dimension for school districts 1361
and buildings and shall incorporate the value-added progress 1362
dimension into the report cards and performance ratings issued for 1363
districts and buildings under section 3302.03 of the Revised Code. 1364

The state board of education shall adopt rules, pursuant to 1365
Chapter 119. of the Revised Code, for the implementation of the 1366
value-added progress dimension. In adopting rules, the state board 1367
shall consult with the Ohio accountability task force established 1368
under division (D) of this section. The rules adopted under this 1369
division shall specify both of the following: 1370

(1) A scale for describing the levels of academic progress in 1371
reading and mathematics relative to a standard year of academic 1372
growth in those subjects for each of grades three through eight; 1373

(2) That the department shall maintain the confidentiality of 1374
individual student test scores and individual student reports in 1375
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1376
Revised Code and federal law. The department may require school 1377
districts to use a unique identifier for each student for this 1378
purpose. Individual student test scores and individual student 1379
reports shall be made available only to a student's classroom 1380
teacher and other appropriate educational personnel and to the 1381
student's parent or guardian. 1382

(B) The department shall use a system designed for collecting 1383

necessary data, calculating the value-added progress dimension, 1384
analyzing data, and generating reports, which system has been used 1385
previously by a non-profit organization led by the Ohio business 1386
community for at least one year in the operation of a pilot 1387
program in cooperation with school districts to collect and report 1388
student achievement data via electronic means and to provide 1389
information to the districts regarding the academic performance of 1390
individual students, grade levels, school buildings, and the 1391
districts as a whole. 1392

(C) The department shall not pay more than two dollars per 1393
student for data analysis and reporting to implement the 1394
value-added progress dimension in the same manner and with the 1395
same services as under the pilot program described by division (B) 1396
of this section. However, nothing in this section shall preclude 1397
the department or any school district from entering into a 1398
contract for the provision of more services at a higher fee per 1399
student. 1400

(D)(1) There is hereby established the Ohio accountability 1401
task force. The task force shall consist of the following thirteen 1402
members: 1403

(a) The chairpersons and ranking minority members of the 1404
house of representatives and senate standing committees primarily 1405
responsible for education legislation, who shall be nonvoting 1406
members; 1407

(b) One representative of the governor's office, appointed by 1408
the governor; 1409

(c) The superintendent of public instruction, or the 1410
superintendent's designee; 1411

(d) One representative of teacher employee organizations 1412
formed pursuant to Chapter 4117. of the Revised Code, appointed by 1413
the speaker of the house of representatives; 1414

<u>(e) One representative of school district boards of education, appointed by the president of the senate;</u>	1415 1416
<u>(f) One school district superintendent, appointed by the speaker of the house of representatives;</u>	1417 1418
<u>(g) One representative of business, appointed by the president of the senate;</u>	1419 1420
<u>(h) One representative of a non-profit organization led by the Ohio business community, appointed by the governor;</u>	1421 1422
<u>(i) One school building principal, appointed by the president of the senate;</u>	1423 1424
<u>(j) A member of the state board of education, appointed by the speaker of the house.</u>	1425 1426
<u>Initial appointed members of the task force shall serve until January 1, 2005. Thereafter, terms of office for appointed members shall be for two years, each term ending on the same day of the same month as did the term that it succeeds. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.</u>	1427 1428 1429 1430 1431 1432 1433 1434 1435 1436 1437
<u>The task force shall select from among its members a chairperson. The task force shall meet at least six times each calendar year and at other times upon the call of the chairperson to conduct its business. Members of the task force shall serve without compensation.</u>	1438 1439 1440 1441 1442
<u>(2) The task force shall do all of the following:</u>	1443
<u>(a) Examine the implementation of the value-added progress</u>	1444

dimension by the department, including the system described in 1445
division (B) of this section, the reporting of performance data to 1446
school districts and buildings, and the provision of professional 1447
development on the interpretation of the data to classroom 1448
teachers and administrators; 1449

(b) Periodically review any fees for data analysis and 1450
reporting paid by the department pursuant to division (C) of this 1451
section and determine if the fees are appropriate based upon the 1452
level of services provided; 1453

(c) Periodically report to the department and the state board 1454
on all issues related to the school district and building 1455
accountability system established under this chapter; 1456

(d) Not later than seven years after its initial meeting, 1457
make recommendations to improve the school district and building 1458
accountability system established under this chapter. The task 1459
force shall adopt recommendations by a majority vote of its 1460
members. Copies of the recommendations shall be provided to the 1461
state board, the governor, the speaker of the house of 1462
representatives, and the president of the senate. 1463

(e) Determine starting dates for the implementation of the 1464
value-added progress dimension and its incorporation into school 1465
district and building report cards and performance ratings. 1466

Sec. 3302.03. (A) Annually the department of education shall 1467
report for each school district ~~the~~ and each school building in a 1468
district all of the following: 1469

(1) The extent to which ~~it~~ the school district or building 1470
meets each of the applicable performance indicators created by the 1471
state board of education under section 3302.02 of the Revised Code 1472
and ~~shall specify for each such district~~ the number of applicable 1473
performance indicators that have been achieved ~~and whether;~~ 1474

<u>(2) The performance index score of the school district or building;</u>	1475
	1476
<u>(3) Whether the school district or building has made adequate yearly progress;</u>	1477
	1478
<u>(4) Whether the school district or building is an excellent school district, an effective school district, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.</u>	1479
	1480
	1481
	1482
When possible, the department shall also determine for each school building in a district the extent to which it meets any of the performance indicators applicable to the grade levels of the students in that school building and whether the school building is an excellent school, an effective school, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.	1483
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	1489
(B) If the state board establishes seventeen performance indicators applicable to a school district or building under section 3302.02 of the Revised Code:	1490
	1491
	1492
(1) A school district or building shall be declared excellent if it <u>fulfills one of the following requirements:</u>	1493
	1494
<u>(a) It makes adequate yearly progress and either meets at least sixteen ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.</u>	1495
	1496
	1497
	1498
<u>(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.</u>	1499
	1500
	1501
	1502
	1503
(2) A school district or building shall be declared effective	1504

if it fulfills one of the following requirements: 1505

(a) It makes adequate yearly progress and either meets 1506
~~thirteen through fifteen~~ at least seventy-five per cent but less 1507
than ninety-four per cent of the applicable state performance 1508
indicators or has a performance index score established by the 1509
department. 1510

(b) It does not make adequate yearly progress and either 1511
meets at least seventy-five per cent of the applicable state 1512
performance indicators or has a performance index score 1513
established by the department, except that if it does not make 1514
adequate yearly progress for three consecutive years, it shall be 1515
declared in need of continuous improvement. 1516

(3) A school district or building shall be declared to be in 1517
need of continuous improvement if it fulfills one of the following 1518
requirements: 1519

(a) It makes adequate yearly progress, meets ~~more than eight~~ 1520
~~but less than thirteen~~ less than seventy-five per cent of the 1521
applicable state performance indicators, and has a performance 1522
index score established by the department. 1523

(b) It does not make adequate yearly progress and either 1524
meets at least fifty per cent but less than seventy-five per cent 1525
of the applicable state performance indicators or has a 1526
performance index score established by the department. 1527

(4) A school district or building shall be declared to be 1528
under an academic watch if it does not make adequate yearly 1529
progress and either ~~meets more than five but not more than eight~~ 1530
at least thirty-one per cent but less than fifty per cent of the 1531
applicable state performance indicators or has a performance index 1532
score established by the department. 1533

(5) A school district or building shall be declared to be in 1534
a state of academic emergency if it does not make adequate yearly 1535

progress, does not meet more than five at least thirty-one per 1536
cent of the applicable state performance indicators, and has a 1537
performance index score established by the department. 1538

~~(C) If the state board establishes more than seventeen~~ 1539
~~performance indicators under section 3302.02 of the Revised Code,~~ 1540
~~or if less than seventeen performance indicators are applicable to~~ 1541
~~a school building, the state board shall establish the number of~~ 1542
~~indicators that must be met in order for a district or building to~~ 1543
~~be designated as excellent, effective, needs continuous~~ 1544
~~improvement, is under an academic watch, or is in a state of~~ 1545
~~academic emergency. The number established for each such category~~ 1546
~~under this division shall bear a similar relationship to the total~~ 1547
~~number of indicators as the number of indicators required for the~~ 1548
~~respective categories stated in division (B) of this section bears~~ 1549
~~to seventeen.~~ 1550

~~(D)~~(1) The department shall issue annual report cards for 1551
each school district, each building within each district, and for 1552
the state as a whole reflecting performance on the indicators 1553
created by the state board under section 3302.02 of the Revised 1554
Code, the performance index score, and adequate yearly progress. 1555

(2) The department shall include on the report card for each 1556
district information pertaining to any change from the previous 1557
year made by the school district or school buildings within the 1558
district on any performance indicator. 1559

(3) When reporting data on student performance, the 1560
department shall disaggregate that data according to the following 1561
categories: 1562

(a) Performance of students by age group; 1563

(b) Performance of students by race and ethnic group; 1564

(c) Performance of students by gender; 1565

(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1566 1567
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	1568 1569 1570
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1571 1572
(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;	1573 1574 1575
(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;	1576 1577 1578 1579
(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;	1580 1581 1582
<u>(i) Performance of students grouped by those who are classified as limited English proficient;</u>	1583 1584
<u>(j) Performance of students grouped by those who have disabilities;</u>	1585 1586
<u>(k) Performance of students grouped by those who are classified as migrants;</u>	1587 1588
<u>(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.</u>	1589 1590 1591
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. <u>To the extent possible, the department shall disaggregate data on student performance according to any</u>	1592 1593 1594 1595

combinations of two or more of the categories listed in divisions 1596
(C)(3)(a) to (l) of this section that it deems relevant. 1597

In reporting data pursuant to division ~~(D)~~(C)(3) of this 1598
section, the department shall not include in the report cards any 1599
data statistical in nature that is statistically unreliable or 1600
that could result in the identification of individual students. 1601
For this purpose, the department shall not report student 1602
performance data for any group identified in division (C)(3) of 1603
this section that contains less than ten students. 1604

(4) The department may include with the report cards any 1605
additional education and fiscal performance data it deems 1606
valuable. 1607

(5) The department shall include on each report card a list 1608
of additional information collected by the department that is 1609
available regarding the district or building for which the report 1610
card is issued. When available, such additional information shall 1611
include student mobility data disaggregated by race and 1612
socioeconomic status, college enrollment data, and the reports 1613
prepared under section 3302.031 of the Revised Code. 1614

The department shall maintain a site on the world wide web. 1615
The report card shall include the address of the site and shall 1616
specify that such additional information is available to the 1617
public at that site. The department shall also provide a copy of 1618
each item on the list to the superintendent of each school 1619
district. The district superintendent shall provide a copy of any 1620
item on the list to anyone who requests it. 1621

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

performance of the district as a whole on the report card issued 1627
for the district. 1628

~~(E)(7) The department shall include on each report card the 1629
percentage of teachers in the district or building who are highly 1630
qualified, as defined by the "No Child Left Behind Act of 2001," 1631
115 Stat. 1425, 20 U.S.C. 7801, and a comparison of that 1632
percentage with the percentages of such teachers in similar 1633
districts and buildings. 1634~~

(D)(1) In calculating reading, writing, mathematics, social 1635
studies, or science proficiency or achievement test passage rates 1636
used to determine school district or building performance under 1637
this section, the department shall include all students taking a 1638
test with accommodation or to whom an alternate assessment is 1639
administered pursuant to division (C)(1) or (3) of section 1640
3301.0711 of the Revised Code, ~~but shall not include any student 1641
excused from taking a test pursuant to division (C)(3) of that 1642
section, whether or not the student chose to take the test 1643
voluntarily in spite of the exemption granted in that division. 1644~~

(2) In calculating performance index scores, rates of 1645
achievement on the performance indicators established by the state 1646
board under section 3302.02 of the Revised Code, and adequate 1647
yearly progress for school districts and buildings under this 1648
section, the department shall do both of the following: 1649

(a) Include for each district or building only those students 1650
who are included in the ADM certified for the first full school 1651
week of October and are continuously enrolled in the district or 1652
building through the time of the spring administration of any test 1653
prescribed by section 3301.0710 of the Revised Code that is 1654
administered to the student's grade level; 1655

(b) Include cumulative totals from both the fall and spring 1656
administrations of the third grade reading achievement test. 1657

Sec. 3302.031. In addition to the report cards required under 1658
section 3302.03 of the Revised Code, the department of education 1659
shall annually prepare the following reports for each school 1660
district and make a copy of each report available to the 1661
superintendent of each district: 1662

(A) A funding and expenditure accountability report which 1663
shall consist of the amount of state aid payments the school 1664
district will receive during the fiscal year under Chapter 3317. 1665
of the Revised Code and any other fiscal data the department 1666
determines is necessary to inform the public about the financial 1667
status of the district; 1668

(B) A school safety and discipline report which shall consist 1669
of statistical information regarding student safety and discipline 1670
in each school building, including the number of suspensions and 1671
expulsions disaggregated according to race and gender; 1672

(C) A student equity report which shall consist of at least a 1673
description of the status of teacher qualifications, library and 1674
media resources, textbooks, classroom materials and supplies, and 1675
technology resources for each district. To the extent possible, 1676
the information included in the report required under this 1677
division shall be disaggregated according to grade level, race, 1678
gender, disability, and scores attained on tests required under 1679
section 3301.0710 of the Revised Code. 1680

(D) A school enrollment report which shall consist of 1681
information about the composition of classes within each district 1682
by grade and subject disaggregated according to race, gender, and 1683
scores attained on tests required under section 3301.0710 of the 1684
Revised Code; 1685

(E) A student retention report which shall consist of the 1686
number of students retained in their respective grade levels in 1687

the district disaggregated by grade level, subject area, race, 1688
gender, and disability; 1689

(F) A school district performance report which shall describe 1690
for the district and each building within the district the extent 1691
to which the district or building meets each of the applicable 1692
performance indicators established under section 3302.02 of the 1693
Revised Code, the number of performance indicators that have been 1694
achieved, and the performance index score. In calculating the 1695
rates of achievement on the performance indicators and the 1696
performance index scores for each report, the department shall 1697
exclude all students with disabilities. 1698

~~Sec. 3302.04. (A) The state board of education shall adopt a 1699~~
~~rule establishing both of the following: 1700~~

~~(1) A standard unit of improvement that any building within a 1701~~
~~district or school district would be required to achieve on a 1702~~
~~specific performance indicator that it failed to meet in order to 1703~~
~~be deemed to have made satisfactory improvement toward meeting 1704~~
~~that indicator. 1705~~

~~(2) The percentage of those performance indicators that a 1706~~
~~building within a district or a district did not meet, on which a 1707~~
~~building or district would be required to achieve the standard 1708~~
~~unit of improvement in order to be deemed to be making overall 1709~~
~~progress toward becoming an excellent building or district. 1710~~

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

regional service providers, such as educational service centers, 1719
regional professional development centers, and special education 1720
regional resource centers. 1721

(B) When a school district has been notified by the 1722
department pursuant to division (A) of section 3302.03 of the 1723
Revised Code that the district or a building within the district 1724
~~needs continuous improvement, is under an academic watch, or is in~~ 1725
~~a state of academic emergency~~ has failed to make adequate yearly 1726
progress for two consecutive school years, the district shall 1727
develop a three-year continuous improvement plan for the district 1728
or building containing ~~an analysis of the reasons for the~~ 1729
~~district's failure as a whole, or the failure of any buildings, to~~ 1730
~~meet any of the indicators not met and specifying the strategies~~ 1731
~~the district will use and the resources it will allocate to~~ 1732
~~address the problem. Copies of the plan shall be made available to~~ 1733
~~the public~~ each of the following: 1734

(1) An analysis of the reasons for the failure of the 1735
district or building to meet any of the applicable performance 1736
indicators established under section 3302.02 of the Revised Code 1737
that it did not meet and an analysis of the reasons for its 1738
failure to make adequate yearly progress; 1739

(2) Specific strategies that the district or building will 1740
use to address the problems in academic achievement identified in 1741
division (B)(1) of this section; 1742

(3) Identification of the resources that the district will 1743
allocate toward improving the academic achievement of the district 1744
or building; 1745

(4) A description of any progress that the district or 1746
building made in the preceding year toward improving its academic 1747
achievement. 1748

No three-year continuous improvement plan shall be developed 1749

or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

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

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

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

buildings to determine whether the school district is in 1782
compliance with minimum standards established by law or rule. 1783

(3) Site evaluations conducted under divisions (D)(1) and (2) 1784
of this section shall include, but not be limited to, the 1785
following: 1786

(a) Determining whether teachers are assigned to subject 1787
areas for which they are licensed or certified; 1788

(b) Determining pupil-teacher ratios; 1789

(c) Examination of compliance with minimum instruction time 1790
requirements for each school day and for each school year; 1791

(d) Determining whether materials and equipment necessary to 1792
implement the curriculum approved by the school district board are 1793
available. 1794

~~(E)(1) If, after three years under a continuous improvement 1795
plan developed pursuant to division (B) of this section, any 1796
school district that is declared to be in a state of academic 1797
emergency under section 3302.03 of the Revised Code has any 1798
building within the district that is declared to be in a state of 1799
academic emergency under that section and that fails to improve on 1800
the performance indicators that the building did not meet under 1801
that section to make progress toward becoming an excellent 1802
building, the district shall implement at least one of the 1803
following options with respect to that building: 1804~~

~~(a) Replace the building principal; 1805~~

~~(b) Examine the factors impeding student success and redesign 1806
the building to address those factors, including transferring or 1807
reassigning personnel; 1808~~

~~(C) Institute a new schoolwide curriculum or educational 1809
model that is consistent with the statewide academic standards 1810
adopted pursuant to division (A) of section 3301.079 of the 1811~~

~~Revised Code and alter the structure of the school day or year;~~ 1812

~~(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;~~ 1813
1814
1815
1816

~~(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;~~ 1817
1818
1819
1820

~~(f) Close the building and reassign its students to other buildings within the district;~~ 1821
1822

~~(g) Develop and implement a comprehensive alternative plan, subject to approval by the department of education, to improve the overall performance of the building.~~ 1823
1824
1825

~~Any action taken under division (E)(1)(f) of this section may include the establishment of This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years.~~ 1826
1827
1828
1829

(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: 1830
1831
1832

(a) Provide written notification of the academic issues that resulted in the buildings failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year. 1833
1834
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(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1840
1841

6311 to 6339, from the district, in accordance with section 1842
3313.97 of the Revised Code, offer all students enrolled in the 1843
building the opportunity to enroll in an alternative building 1844
within the district that is not in school improvement status as 1845
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1846
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1847
the district shall spend twenty per cent of the funds it receives 1848
under Title I, Part A of the "Elementary and Secondary Education 1849
Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation 1850
for students who enroll in alternative buildings under this 1851
division, unless the district can satisfy all demand for 1852
transportation with a lesser amount. If twenty per cent of the 1853
funds the district receives under Title I, Part A of the 1854
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1855
to 6339, is insufficient to satisfy all demand for transportation, 1856
the district shall grant priority over all other students to the 1857
lowest achieving students among the subgroup described in division 1858
(F)(3) of section 3302.01 of the Revised Code in providing 1859
transportation. Any district that does not receive funds under 1860
Title I, Part A of the "Elementary and Secondary Education Act of 1861
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 1862
transportation to any student who enrolls in an alternative 1863
building under this division. 1864

(2) For any school building that fails to make adequate 1865
yearly progress for three consecutive school years, the district 1866
shall do both of the following: 1867

(a) If the building receives funds under Title 1, Part A of 1868
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1869
6311 to 6339, from the district, in accordance with section 1870
3313.97 of the Revised Code, provide all students enrolled in the 1871
building the opportunity to enroll in an alternative building 1872
within the district that is not in school improvement status as 1873

defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1874
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1875
the district shall provide transportation for students who enroll 1876
in alternative buildings under this division to the extent 1877
required under division (E)(2) of this section. 1878

(b) If the building receives funds under Title 1, Part A of 1879
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1880
6311 to 6339, from the district, offer supplemental educational 1881
services to students who are enrolled in the building and who are 1882
in the subgroup described in division (F)(3) of section 3302.01 of 1883
the Revised Code. 1884

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

with a lesser amount. If twenty per cent of 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, is insufficient to satisfy all demand for transportation under division (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (F)(3) of section 3302.01 of the Revised Code.

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

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

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

(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;

(b) Decrease the degree of authority the building has to

<u>manage its internal operations;</u>	1937
<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>	1938 1939 1940 1941
<u>(d) Extend the length of the school day or year;</u>	1942
<u>(e) Replace the building principal or other key personnel;</u>	1943
<u>(f) Reorganize the administrative structure of the building.</u>	1944
<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>	1945 1946 1947 1948 1949 1950
<u>(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;</u>	1951 1952
<u>(b) Replace personnel;</u>	1953
<u>(c) Contract with a nonprofit or for-profit entity to operate the building;</u>	1954 1955
<u>(d) Turn operation of the building over to the department;</u>	1956
<u>(e) Other significant restructuring of the building's governance.</u>	1957 1958
<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 shall implement the plan developed pursuant to division (E)(4) of this section.</u>	1959 1960 1961 1962 1963
<u>(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently</u>	1964 1965

<u>applicable, with respect to any building formerly subject to one</u>	1966
<u>of those divisions until the building makes adequate yearly</u>	1967
<u>progress for two consecutive school years.</u>	1968
<u>(F) This division applies only to school districts that fail</u>	1969
<u>to make adequate yearly progress for two or more consecutive</u>	1970
<u>school years.</u>	1971
<u>(1) If a school district fails to make adequate yearly</u>	1972
<u>progress for two consecutive school years, the district shall</u>	1973
<u>provide a written description of the continuous improvement plan</u>	1974
<u>developed by the district pursuant to division (B) of this section</u>	1975
<u>to the parent or guardian of each student enrolled in the</u>	1976
<u>district.</u>	1977
<u>(2) If a school district fails to make adequate yearly</u>	1978
<u>progress for three consecutive school years, the district shall</u>	1979
<u>continue to implement the continuous improvement plan developed by</u>	1980
<u>the district pursuant to division (B) of this section.</u>	1981
<u>(3) If a school district fails to make adequate yearly</u>	1982
<u>progress for four consecutive school years, the department shall</u>	1983
<u>take at least one of the following corrective actions with respect</u>	1984
<u>to the district:</u>	1985
<u>(a) Withhold a portion of the funds the district is entitled</u>	1986
<u>to receive under Title I, Part A of the "Elementary and Secondary</u>	1987
<u>Education Act of 1965," 20 U.S.C. 6311 to 6339;</u>	1988
<u>(b) Direct the district to replace key district personnel;</u>	1989
<u>(c) Institute a new curriculum that is consistent with the</u>	1990
<u>statewide academic standards adopted pursuant to division (A) of</u>	1991
<u>section 3301.079 of the Revised Code;</u>	1992
<u>(d) Establish alternative forms of governance for individual</u>	1993
<u>school buildings within the district;</u>	1994
<u>(e) Appoint a trustee to manage the district in place of the</u>	1995

<u>district superintendent and board of education.</u>	1996
<u>The department shall conduct individual audits of a sampling</u>	1997
<u>of districts subject to this division to determine compliance with</u>	1998
<u>the corrective actions taken by the department.</u>	1999
<u>(4) If a school district fails to make adequate yearly</u>	2000
<u>progress for five consecutive school years, the department shall</u>	2001
<u>continue to monitor implementation of the corrective action taken</u>	2002
<u>under division (F)(3) of this section with respect to the</u>	2003
<u>district.</u>	2004
<u>(5) If a school district fails to make adequate yearly</u>	2005
<u>progress for six consecutive school years, the department shall</u>	2006
<u>take at least one of the corrective actions identified in division</u>	2007
<u>(F)(3) of this section with respect to the district, provided that</u>	2008
<u>the corrective action the department takes is different from the</u>	2009
<u>corrective action previously taken under division (F)(3) of this</u>	2010
<u>section with respect to the district.</u>	2011
<u>(G) The department may establish a state intervention team to</u>	2012
<u>evaluate all aspects of the a school district or building,</u>	2013
<u>including management, curriculum, instructional methods, resource</u>	2014
<u>allocation, and scheduling. Any such intervention team shall be</u>	2015
<u>appointed by the department and shall include teachers and</u>	2016
<u>administrators recognized as outstanding in their fields. The</u>	2017
<u>intervention team shall make recommendations to the district</u>	2018
<u>regarding methods for improving the performance of the <u>district or</u></u>	2019
<u>building. The</u>	2020
<u>The department shall not approve a district's request for an</u>	2021
<u>intervention team <u>under division (E)(3) of this section</u> if the</u>	2022
<u>department cannot adequately fund the work of the team, unless the</u>	2023
<u>district agrees to pay for the expenses of the team.</u>	2024
<u>(2) If any building subject to this division fails to improve</u>	2025
<u>on the performance indicators that the building did not meet under</u>	2026

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

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 2057
person is handicapped, in accordance with rules adopted by the 2058
state board of education. If the evaluation indicates that the 2059
person is handicapped, the board shall determine whether to excuse 2060
the person from taking any of the tests required by division (B) 2061
of section 3301.0710 of the Revised Code as a requirement for 2062
receiving a diploma under section 3313.611 of the Revised Code. 2063
~~The determination of whether to excuse the person from any such~~ 2064
~~test shall be made in the same manner as it would be for students~~ 2065
~~enrolled in the district who are receiving special education under~~ 2066
~~Chapter 3323 of the Revised Code~~ The board may require the person 2067
to take an alternate assessment in place of any test from which 2068
the person is so excused. 2069

Sec. 3313.6010. ~~By July 1, 1998, the department~~ The state 2070
board of education shall ~~recommend~~ adopt rules ~~to the general~~ 2071
~~assembly~~ permitting school districts to contract with public and 2072
private providers of academic remediation and intervention in 2073
mathematics, science, reading, writing, and social studies for the 2074
purpose of assisting pupils in grades one through six outside of 2075
regular school hours. 2076

~~The rules recommended under this section shall take effect~~ 2077
~~upon approval of the general assembly through passage of a joint~~ 2078
~~resolution.~~ 2079

Sec. 3313.6012. (A) The board of education of each city, 2080
exempted village, and local school district shall adopt a policy 2081
governing the conduct of academic prevention/intervention services 2082
for all grades and all schools throughout the district. The board 2083
shall update the policy annually. The policy shall include, but 2084
not be limited to, all of the following: 2085

(1) Procedures for using diagnostic assessments to measure 2086

student progress toward the attainment of academic standards and 2087
to identify students who may not attain the academic standards in 2088
accordance with section 3301.0715 of the Revised Code; 2089

(2) A plan for the design of classroom-based intervention 2090
services to meet the instructional needs of individual students as 2091
determined by the results of diagnostic assessments; 2092

(3) Procedures for the regular collection of student 2093
performance data; 2094

(4) Procedures for using student performance data to evaluate 2095
the effectiveness of intervention services and, if necessary, to 2096
modify such services. 2097

The policy shall include any prevention/intervention services 2098
required under sections 3301.0711, 3301.0715, and 3313.608 of the 2099
Revised Code. 2100

(B) In accordance with the policy adopted under division (A) 2101
of this section, each school district shall provide 2102
prevention/intervention services in pertinent subject areas to 2103
students who score below the proficient level on a reading, 2104
writing, mathematics, social studies, or science proficiency or 2105
achievement test ~~administered in the fourth, sixth, or ninth grade~~ 2106
~~or below the basic level on any achievement test~~ or who do not 2107
demonstrate academic performance at their grade level based on the 2108
results of a diagnostic assessment. 2109

Sec. 3313.61. (A) A diploma shall be granted by the board of 2110
education of any city, exempted village, or local school district 2111
that operates a high school to any person to whom all of the 2112
following apply: 2113

(1) The person has successfully completed the curriculum in 2114
any high school or the individualized education program developed 2115
for the person by any high school pursuant to section 3323.08 of 2116

the Revised Code; 2117

(2) Subject to section 3313.614 of the Revised Code, the 2118
person either: 2119

(a) Has attained at least the applicable scores designated 2120
under division (B) of section 3301.0710 of the Revised Code on all 2121
the tests required by that division unless the person was excused 2122
from taking any such test pursuant to section 3313.532 of the 2123
Revised Code or unless division (H) or (L) of this section applies 2124
to the person; 2125

(b) Has satisfied the alternative conditions prescribed in 2126
section 3313.615 of the Revised Code. 2127

(3) The person is not eligible to receive an honors diploma 2128
granted pursuant to division (B) of this section. 2129

Except as provided in divisions (C), (E), (J), and (L) of 2130
this section, no diploma shall be granted under this division to 2131
anyone except as provided under this division. 2132

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

than one honors diploma shall be granted to any student under this 2148
division. 2149

The state board shall adopt rules prescribing the granting of 2150
honors diplomas under this division. These rules may prescribe the 2151
granting of honors diplomas that recognize a student's achievement 2152
as a whole or that recognize a student's achievement in one or 2153
more specific subjects or both. In any case, the rules shall 2154
designate two or more criteria for the granting of each type of 2155
honors diploma the board establishes under this division and the 2156
number of such criteria that must be met for the granting of that 2157
type of diploma. The number of such criteria for any type of 2158
honors diploma shall be at least one less than the total number of 2159
criteria designated for that type and no one or more particular 2160
criteria shall be required of all persons who are to be granted 2161
that type of diploma. 2162

(C) Any such district board administering any of the tests 2163
required by section 3301.0710 or 3301.0712 of the Revised Code to 2164
any person requesting to take such test pursuant to division 2165
(B)~~(6)~~(8)(b) of section 3301.0711 of the Revised Code shall award 2166
a diploma to such person if the person attains at least the 2167
applicable scores designated under division (B) of section 2168
3301.0710 of the Revised Code on all the tests administered and if 2169
the person has previously attained the applicable scores on all 2170
the other tests required by division (B) of that section or has 2171
been exempted or excused from attaining the applicable score on 2172
any such test pursuant to division (H) or (L) of this section or 2173
from taking any such test pursuant to section 3313.532 of the 2174
Revised Code. 2175

(D) Each diploma awarded under this section shall be signed 2176
by the president and treasurer of the issuing board, the 2177
superintendent of schools, and the principal of the high school. 2178
Each diploma shall bear the date of its issue, be in such form as 2179

the district board prescribes, and be paid for out of the 2180
district's general fund. 2181

(E) A person who is a resident of Ohio and is eligible under 2182
state board of education minimum standards to receive a high 2183
school diploma based in whole or in part on credits earned while 2184
an inmate of a correctional institution operated by the state or 2185
any political subdivision thereof, shall be granted such diploma 2186
by the correctional institution operating the programs in which 2187
such credits were earned, and by the board of education of the 2188
school district in which the inmate resided immediately prior to 2189
the inmate's placement in the institution. The diploma granted by 2190
the correctional institution shall be signed by the director of 2191
the institution, and by the person serving as principal of the 2192
institution's high school and shall bear the date of issue. 2193

(F) Persons who are not residents of Ohio but who are inmates 2194
of correctional institutions operated by the state or any 2195
political subdivision thereof, and who are eligible under state 2196
board of education minimum standards to receive a high school 2197
diploma based in whole or in part on credits earned while an 2198
inmate of the correctional institution, shall be granted a diploma 2199
by the correctional institution offering the program in which the 2200
credits were earned. The diploma granted by the correctional 2201
institution shall be signed by the director of the institution and 2202
by the person serving as principal of the institution's high 2203
school and shall bear the date of issue. 2204

(G) The state board of education shall provide by rule for 2205
the administration of the tests required by section 3301.0710 of 2206
the Revised Code to inmates of correctional institutions. 2207

(H) Any person to whom all of the following apply shall be 2208
exempted from attaining the applicable score on the test in social 2209
studies designated under division (B) of section 3301.0710 of the 2210
Revised Code or the test in citizenship designated under former 2211

division (B) of section 3301.0710 of the Revised Code as it	2212
existed prior to the effective date of this amendment <u>September</u>	2213
<u>11, 2001</u> :	2214
(1) The person is not a citizen of the United States;	2215
(2) The person is not a permanent resident of the United	2216
States;	2217
(3) The person indicates no intention to reside in the United	2218
States after the completion of high school.	2219
(I) Notwithstanding division (D) of section 3311.19 and	2220
division (D) of section 3311.52 of the Revised Code, this section	2221
and section 3311.611 of the Revised Code do not apply to the board	2222
of education of any joint vocational school district or any	2223
cooperative education school district established pursuant to	2224
divisions (A) to (C) of section 3311.52 of the Revised Code.	2225
(J) Upon receipt of a notice under division (D) of section	2226
3325.08 of the Revised Code that a student has received a diploma	2227
under that section, the board of education receiving the notice	2228
may grant a high school diploma under this section to the student,	2229
except that such board shall grant the student a diploma if the	2230
student meets the graduation requirements that the student would	2231
otherwise have had to meet to receive a diploma from the district.	2232
The diploma granted under this section shall be of the same type	2233
the notice indicates the student received under section 3325.08 of	2234
the Revised Code.	2235
(K) As used in this division, " English-limited <u>limited</u>	2236
<u>English proficient</u> student" has the same meaning as in division	2237
(C)(3) of section 3301.0711 of the Revised Code.	2238
Notwithstanding the exemption for English-limited students	2239
provided in division (C)(3) of section 3301.0711 of the Revised	2240
Code, no English-limited <u>No limited English proficient</u> student who	2241
has not attained the applicable scores designated under division	2242

(B) of section 3301.0710 of the Revised Code on all the tests 2243
required by that division shall be awarded a diploma under this 2244
section. 2245

(L) Any student described by division (A)(1) of this section 2246
may be awarded a diploma without attaining the applicable scores 2247
designated on the tests prescribed under division (B) of section 2248
3301.0710 of the Revised Code provided an individualized education 2249
program specifically exempts the student from attaining such 2250
scores. This division does not negate the requirement for such a 2251
student to take all such tests or alternate assessments required 2252
by division (C)(1) of section 3301.0711 of the Revised Code for 2253
the purpose of assessing student progress as required by federal 2254
law. 2255

Sec. 3313.611. (A) The state board of education shall adopt, 2256
by rule, standards for awarding high school credit equivalent to 2257
credit for completion of high school academic and vocational 2258
education courses to applicants for diplomas under this section. 2259
The standards may permit high school credit to be granted to an 2260
applicant for any of the following: 2261

(1) Work experiences or experiences as a volunteer; 2262

(2) Completion of academic, vocational, or self-improvement 2263
courses offered to persons over the age of twenty-one by a 2264
chartered public or nonpublic school; 2265

(3) Completion of academic, vocational, or self-improvement 2266
courses offered by an organization, individual, or educational 2267
institution other than a chartered public or nonpublic school; 2268

(4) Other life experiences considered by the board to provide 2269
knowledge and learning experiences comparable to that gained in a 2270
classroom setting. 2271

(B) The board of education of any city, exempted village, or 2272

local school district that operates a high school shall grant a 2273
diploma of adult education to any applicant if all of the 2274
following apply: 2275

(1) The applicant is a resident of the district; 2276

(2) The applicant is over the age of twenty-one and has not 2277
been issued a diploma as provided in section 3313.61 of the 2278
Revised Code; 2279

(3) Subject to section 3313.614 of the Revised Code, the 2280
applicant either: 2281

(a) Has attained the applicable scores designated under 2282
division (B) of section 3301.0710 of the Revised Code on all of 2283
the tests required by that division or was excused or exempted 2284
from any such test pursuant to section 3313.532 or was exempted 2285
from attaining the applicable score on any such test pursuant to 2286
division (H) or (L) of section 3313.61 of the Revised Code; 2287

(b) Has satisfied the alternative conditions prescribed in 2288
section 3313.615 of the Revised Code. 2289

(4) The district board determines, in accordance with the 2290
standards adopted under division (A) of this section, that the 2291
applicant has attained sufficient high school credits, including 2292
equivalent credits awarded under such standards, to qualify as 2293
having successfully completed the curriculum required by the 2294
district for graduation. 2295

(C) If a district board determines that an applicant is not 2296
eligible for a diploma under division (B) of this section, it 2297
shall inform the applicant of the reason the applicant is 2298
ineligible and shall provide a list of any courses required for 2299
the diploma for which the applicant has not received credit. An 2300
applicant may reapply for a diploma under this section at any 2301
time. 2302

(D) If a district board awards an adult education diploma 2303
under this section, the president and treasurer of the board and 2304
the superintendent of schools shall sign it. Each diploma shall 2305
bear the date of its issuance, be in such form as the district 2306
board prescribes, and be paid for from the district's general 2307
fund, except that the state board may by rule prescribe standard 2308
language to be included on each diploma. 2309

(E) As used in this division, "~~English limited~~ limited 2310
English proficient student" has the same meaning as in division 2311
(C)(3) of section 3301.0711 of the Revised Code. 2312

~~Notwithstanding the exemption for English limited students~~ 2313
~~provided in division (C)(3) of section 3301.0711 of the Revised~~ 2314
~~Code, no English limited~~ No limited English proficient student who 2315
has not attained the applicable scores designated under division 2316
(B) of section 3301.0710 of the Revised Code on all the tests 2317
required by that division shall be awarded a diploma under this 2318
section. 2319

Sec. 3313.612. (A) No nonpublic school chartered by the state 2320
board of education shall grant any high school diploma to any 2321
person unless the person has attained, subject to section 3313.614 2322
of the Revised Code at least the applicable scores designated 2323
under division (B) of section 3301.0710 of the Revised Code on all 2324
the tests required by that division, or has satisfied the 2325
alternative conditions prescribed in section 3313.615 of the 2326
Revised Code. 2327

(B) This section does not apply to either of the following: 2328

(1) Any person with regard to any test from which the person 2329
was excused pursuant to division (C)(1)(c) of section 3301.0711 of 2330
the Revised Code; 2331

(2) Any person with regard to the social studies test or the 2332

citizenship test under former division (B) of section 3301.0710 of 2333
the Revised Code as it existed prior to ~~the effective date of this~~ 2334
~~amendment~~ September 11, 2001, if all of the following apply: 2335

(a) The person is not a citizen of the United States; 2336

(b) The person is not a permanent resident of the United 2337
States; 2338

(c) The person indicates no intention to reside in the United 2339
States after completion of high school. 2340

(C) As used in this division, "~~English-limited~~ limited 2341
English proficient student" has the same meaning as in division 2342
(C)(3) of section 3301.0711 of the Revised Code. 2343

~~Notwithstanding the exemption for English-limited students~~ 2344
~~provided in division (C)(3) of section 3301.0711 of the Revised~~ 2345
~~Code, no English-limited~~ No limited English proficient student who 2346
has not attained the applicable scores designated under division 2347
(B) of section 3301.0710 of the Revised Code on all the tests 2348
required by that division shall be awarded a diploma under this 2349
section. 2350

Sec. 3313.64. (A) As used in this section and in section 2351
3313.65 of the Revised Code: 2352

(1) "Parent" means either parent, unless the parents are 2353
separated or divorced or their marriage has been dissolved or 2354
annulled, in which case "parent" means the parent who is the 2355
residential parent and legal custodian of the child. When a child 2356
is in the legal custody of a government agency or a person other 2357
than the child's natural or adoptive parent, "parent" means the 2358
parent with residual parental rights, privileges, and 2359
responsibilities. When a child is in the permanent custody of a 2360
government agency or a person other than the child's natural or 2361
adoptive parent, "parent" means the parent who was divested of 2362

parental rights and responsibilities for the care of the child and 2363
the right to have the child live with the parent and be the legal 2364
custodian of the child and all residual parental rights, 2365
privileges, and responsibilities. 2366

(2) "Legal custody," "permanent custody," and "residual 2367
parental rights, privileges, and responsibilities" have the same 2368
meanings as in section 2151.011 of the Revised Code. 2369

(3) "School district" or "district" means a city, local, or 2370
exempted village school district and excludes any school operated 2371
in an institution maintained by the department of youth services. 2372

(4) Except as used in division (C)(2) of this section, "home" 2373
means a home, institution, foster home, group home, or other 2374
residential facility in this state that receives and cares for 2375
children, to which any of the following applies: 2376

(a) The home is licensed, certified, or approved for such 2377
purpose by the state or is maintained by the department of youth 2378
services. 2379

(b) The home is operated by a person who is licensed, 2380
certified, or approved by the state to operate the home for such 2381
purpose. 2382

(c) The home accepted the child through a placement by a 2383
person licensed, certified, or approved to place a child in such a 2384
home by the state. 2385

(d) The home is a children's home created under section 2386
5153.21 or 5153.36 of the Revised Code. 2387

(5) "Agency" means all of the following: 2388

(a) A public children services agency; 2389

(b) An organization that holds a certificate issued by the 2390
Ohio department of job and family services in accordance with the 2391
requirements of section 5103.03 of the Revised Code and assumes 2392

temporary or permanent custody of children through commitment, 2393
agreement, or surrender, and places children in family homes for 2394
the purpose of adoption; 2395

(c) Comparable agencies of other states or countries that 2396
have complied with applicable requirements of section 2151.39, or 2397
sections 5103.20 to 5103.28 of the Revised Code. 2398

(6) A child is placed for adoption if either of the following 2399
occurs: 2400

(a) An agency to which the child has been permanently 2401
committed or surrendered enters into an agreement with a person 2402
pursuant to section 5103.16 of the Revised Code for the care and 2403
adoption of the child. 2404

(b) The child's natural parent places the child pursuant to 2405
section 5103.16 of the Revised Code with a person who will care 2406
for and adopt the child. 2407

(7) "Handicapped preschool child" means a handicapped child, 2408
as defined by division (A) of section 3323.01 of the Revised Code, 2409
who is at least three years of age but is not of compulsory school 2410
age, as defined in section 3321.01 of the Revised Code, and who is 2411
not currently enrolled in kindergarten. 2412

(8) "Child," unless otherwise indicated, includes handicapped 2413
preschool children. 2414

(B) Except as otherwise provided in section 3321.01 of the 2415
Revised Code for admittance to kindergarten and first grade, a 2416
child who is at least five but under twenty-two years of age and 2417
any handicapped preschool child shall be admitted to school as 2418
provided in this division. 2419

(1) A child shall be admitted to the schools of the school 2420
district in which the child's parent resides. 2421

(2) A child who does not reside in the district where the 2422

child's parent resides shall be admitted to the schools of the 2423
district in which the child resides if any of the following 2424
applies: 2425

(a) The child is in the legal or permanent custody of a 2426
government agency or a person other than the child's natural or 2427
adoptive parent. 2428

(b) The child resides in a home. 2429

(c) The child requires special education. 2430

(3) A child who is not entitled under division (B)(2) of this 2431
section to be admitted to the schools of the district where the 2432
child resides and who is residing with a resident of this state 2433
with whom the child has been placed for adoption shall be admitted 2434
to the schools of the district where the child resides unless 2435
either of the following applies: 2436

(a) The placement for adoption has been terminated. 2437

(b) Another school district is required to admit the child 2438
under division (B)(1) of this section. 2439

Division (B) of this section does not prohibit the board of 2440
education of a school district from placing a handicapped child 2441
who resides in the district in a special education program outside 2442
of the district or its schools in compliance with Chapter 3323. of 2443
the Revised Code. 2444

(C) A district shall not charge tuition for children admitted 2445
under division (B)(1) or (3) of this section. If the district 2446
admits a child under division (B)(2) of this section, tuition 2447
shall be paid to the district that admits the child as follows: 2448

(1) If the child receives special education in accordance 2449
with Chapter 3323. of the Revised Code, tuition shall be paid in 2450
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 2451
the Revised Code regardless of who has custody of the child or 2452

whether the child resides in a home. 2453

(2) Except as otherwise provided in division (C)(2)(d) of 2454
this section, if the child is in the permanent or legal custody of 2455
a government agency or person other than the child's parent, 2456
tuition shall be paid by: 2457

(a) The district in which the child's parent resided at the 2458
time the court removed the child from home or at the time the 2459
court vested legal or permanent custody of the child in the person 2460
or government agency, whichever occurred first; 2461

(b) If the parent's residence at the time the court removed 2462
the child from home or placed the child in the legal or permanent 2463
custody of the person or government agency is unknown, tuition 2464
shall be paid by the district in which the child resided at the 2465
time the child was removed from home or placed in legal or 2466
permanent custody, whichever occurred first; 2467

(c) If a school district cannot be established under division 2468
(C)(2)(a) or (b) of this section, tuition shall be paid by the 2469
district determined as required by section 2151.357 of the Revised 2470
Code by the court at the time it vests custody of the child in the 2471
person or government agency; 2472

(d) If at the time the court removed the child from home or 2473
vested legal or permanent custody of the child in the person or 2474
government agency, whichever occurred first, one parent was in a 2475
residential or correctional facility or a juvenile residential 2476
placement and the other parent, if living and not in such a 2477
facility or placement, was not known to reside in this state, 2478
tuition shall be paid by the district determined under division 2479
(D) of section 3313.65 of the Revised Code as the district 2480
required to pay any tuition while the parent was in such facility 2481
or placement. 2482

(3) If the child is not in the permanent or legal custody of 2483

a government agency or person other than the child's parent and 2484
the child resides in a home, tuition shall be paid by one of the 2485
following: 2486

(a) The school district in which the child's parent resides; 2487

(b) If the child's parent is not a resident of this state, 2488
the home in which the child resides. 2489

(D) Tuition required to be paid under divisions (C)(2) and 2490
(3)(a) of this section shall be computed in accordance with 2491
section 3317.08 of the Revised Code. Tuition required to be paid 2492
under division (C)(3)(b) of this section shall be computed in 2493
accordance with section 3317.081 of the Revised Code. If a home 2494
fails to pay the tuition required by division (C)(3)(b) of this 2495
section, the board of education providing the education may 2496
recover in a civil action the tuition and the expenses incurred in 2497
prosecuting the action, including court costs and reasonable 2498
attorney's fees. If the prosecuting attorney or city director of 2499
law represents the board in such action, costs and reasonable 2500
attorney's fees awarded by the court, based upon the prosecuting 2501
attorney's, director's, or one of their designee's time spent 2502
preparing and presenting the case, shall be deposited in the 2503
county or city general fund. 2504

(E) A board of education may enroll a child free of any 2505
tuition obligation for a period not to exceed sixty days, on the 2506
sworn statement of an adult resident of the district that the 2507
resident has initiated legal proceedings for custody of the child. 2508

(F) In the case of any individual entitled to attend school 2509
under this division, no tuition shall be charged by the school 2510
district of attendance and no other school district shall be 2511
required to pay tuition for the individual's attendance. 2512
Notwithstanding division (B), (C), or (E) of this section: 2513

(1) All persons at least eighteen but under twenty-two years 2514

of age who live apart from their parents, support themselves by 2515
their own labor, and have not successfully completed the high 2516
school curriculum or the individualized education program 2517
developed for the person by the high school pursuant to section 2518
3323.08 of the Revised Code, are entitled to attend school in the 2519
district in which they reside. 2520

(2) Any child under eighteen years of age who is married is 2521
entitled to attend school in the child's district of residence. 2522

(3) A child is entitled to attend school in the district in 2523
which either of the child's parents is employed if the child has a 2524
medical condition that may require emergency medical attention. 2525
The parent of a child entitled to attend school under division 2526
(F)(3) of this section shall submit to the board of education of 2527
the district in which the parent is employed a statement from the 2528
child's physician certifying that the child's medical condition 2529
may require emergency medical attention. The statement shall be 2530
supported by such other evidence as the board may require. 2531

(4) Any child residing with a person other than the child's 2532
parent is entitled, for a period not to exceed twelve months, to 2533
attend school in the district in which that person resides if the 2534
child's parent files an affidavit with the superintendent of the 2535
district in which the person with whom the child is living resides 2536
stating all of the following: 2537

(a) That the parent is serving outside of the state in the 2538
armed services of the United States; 2539

(b) That the parent intends to reside in the district upon 2540
returning to this state; 2541

(c) The name and address of the person with whom the child is 2542
living while the parent is outside the state. 2543

(5) Any child under the age of twenty-two years who, after 2544
the death of a parent, resides in a school district other than the 2545

district in which the child attended school at the time of the 2546
parent's death is entitled to continue to attend school in the 2547
district in which the child attended school at the time of the 2548
parent's death for the remainder of the school year, subject to 2549
approval of that district board. 2550

(6) A child under the age of twenty-two years who resides 2551
with a parent who is having a new house built in a school district 2552
outside the district where the parent is residing is entitled to 2553
attend school for a period of time in the district where the new 2554
house is being built. In order to be entitled to such attendance, 2555
the parent shall provide the district superintendent with the 2556
following: 2557

(a) A sworn statement explaining the situation, revealing the 2558
location of the house being built, and stating the parent's 2559
intention to reside there upon its completion; 2560

(b) A statement from the builder confirming that a new house 2561
is being built for the parent and that the house is at the 2562
location indicated in the parent's statement. 2563

(7) A child under the age of twenty-two years residing with a 2564
parent who has a contract to purchase a house in a school district 2565
outside the district where the parent is residing and who is 2566
waiting upon the date of closing of the mortgage loan for the 2567
purchase of such house is entitled to attend school for a period 2568
of time in the district where the house is being purchased. In 2569
order to be entitled to such attendance, the parent shall provide 2570
the district superintendent with the following: 2571

(a) A sworn statement explaining the situation, revealing the 2572
location of the house being purchased, and stating the parent's 2573
intent to reside there; 2574

(b) A statement from a real estate broker or bank officer 2575
confirming that the parent has a contract to purchase the house, 2576

that the parent is waiting upon the date of closing of the 2577
mortgage loan, and that the house is at the location indicated in 2578
the parent's statement. 2579

The district superintendent shall establish a period of time 2580
not to exceed ninety days during which the child entitled to 2581
attend school under division (F)(6) or (7) of this section may 2582
attend without tuition obligation. A student attending a school 2583
under division (F)(6) or (7) of this section shall be eligible to 2584
participate in interscholastic athletics under the auspices of 2585
that school, provided the board of education of the school 2586
district where the student's parent resides, by a formal action, 2587
releases the student to participate in interscholastic athletics 2588
at the school where the student is attending, and provided the 2589
student receives any authorization required by a public agency or 2590
private organization of which the school district is a member 2591
exercising authority over interscholastic sports. 2592

(8) A child whose parent is a full-time employee of a city, 2593
local, or exempted village school district, or of an educational 2594
service center, may be admitted to the schools of the district 2595
where the child's parent is employed, or in the case of a child 2596
whose parent is employed by an educational service center, in the 2597
district that serves the location where the parent's job is 2598
primarily located, provided the district board of education 2599
establishes such an admission policy by resolution adopted by a 2600
majority of its members. Any such policy shall take effect on the 2601
first day of the school year and the effective date of any 2602
amendment or repeal may not be prior to the first day of the 2603
subsequent school year. The policy shall be uniformly applied to 2604
all such children and shall provide for the admission of any such 2605
child upon request of the parent. No child may be admitted under 2606
this policy after the first day of classes of any school year. 2607

(9) A child who is with the child's parent under the care of 2608

a shelter for victims of domestic violence, as defined in section 2609
3113.33 of the Revised Code, is entitled to attend school free in 2610
the district in which the child is with the child's parent, and no 2611
other school district shall be required to pay tuition for the 2612
child's attendance in that school district. 2613

The enrollment of a child in a school district under this 2614
division shall not be denied due to a delay in the school 2615
district's receipt of any records required under section 3313.672 2616
of the Revised Code or any other records required for enrollment. 2617
Any days of attendance and any credits earned by a child while 2618
enrolled in a school district under this division shall be 2619
transferred to and accepted by any school district in which the 2620
child subsequently enrolls. The state board of education shall 2621
adopt rules to ensure compliance with this division. 2622

(10) Any child under the age of twenty-two years whose parent 2623
has moved out of the school district after the commencement of 2624
classes in the child's senior year of high school is entitled, 2625
subject to the approval of that district board, to attend school 2626
in the district in which the child attended school at the time of 2627
the parental move for the remainder of the school year and for one 2628
additional semester or equivalent term. A district board may also 2629
adopt a policy specifying extenuating circumstances under which a 2630
student may continue to attend school under division (F)(10) of 2631
this section for an additional period of time in order to 2632
successfully complete the high school curriculum for the 2633
individualized education program developed for the student by the 2634
high school pursuant to section 3323.08 of the Revised Code. 2635

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

grandparent resides, provided that, prior to such attendance in 2641
any school year, the board of education of the school district in 2642
which the child's grandparent resides and the board of education 2643
of the school district in which the child's parent resides enter 2644
into a written agreement specifying that good cause exists for 2645
such attendance, describing the nature of this good cause, and 2646
consenting to such attendance. 2647

In lieu of a consent form signed by a parent, a board of 2648
education may request the grandparent of a child attending school 2649
in the district in which the grandparent resides pursuant to 2650
division (F)(11) of this section to complete any consent form 2651
required by the district, including any authorization required by 2652
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 2653
Upon request, the grandparent shall complete any consent form 2654
required by the district. A school district shall not incur any 2655
liability solely because of its receipt of a consent form from a 2656
grandparent in lieu of a parent. 2657

Division (F)(11) of this section does not create, and shall 2658
not be construed as creating, a new cause of action or substantive 2659
legal right against a school district, a member of a board of 2660
education, or an employee of a school district. This section does 2661
not affect, and shall not be construed as affecting, any 2662
immunities from defenses to tort liability created or recognized 2663
by Chapter 2744. of the Revised Code for a school district, 2664
member, or employee. 2665

(12) A child under the age of twenty-two years is entitled to 2666
attend school in a school district other than the district in 2667
which the child is entitled to attend school under division (B), 2668
(C), or (E) of this section provided that, prior to such 2669
attendance in any school year, both of the following occur: 2670

(a) The superintendent of the district in which the child is 2671
entitled to attend school under division (B), (C), or (E) of this 2672

section contacts the superintendent of another district for 2673
purposes of this division; 2674

(b) The superintendents of both districts enter into a 2675
written agreement that consents to the attendance and specifies 2676
that the purpose of such attendance is to protect the student's 2677
physical or mental well-being or to deal with other extenuating 2678
circumstances deemed appropriate by the superintendents. 2679

While an agreement is in effect under this division for a 2680
student who is not receiving special education under Chapter 3323. 2681
of the Revised Code and notwithstanding Chapter 3327. of the 2682
Revised Code, the board of education of neither school district 2683
involved in the agreement is required to provide transportation 2684
for the student to and from the school where the student attends. 2685

A student attending a school of a district pursuant to this 2686
division shall be allowed to participate in all student 2687
activities, including interscholastic athletics, at the school 2688
where the student is attending on the same basis as any student 2689
who has always attended the schools of that district while of 2690
compulsory school age. 2691

(13) All school districts shall comply with the 2692
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 2693
seq., for the education of homeless children. Each city, local, 2694
and exempted village school district shall comply with the 2695
requirements of that act governing the provision of a free, 2696
appropriate public education, including public preschool, to each 2697
homeless child. 2698

When a child loses permanent housing and becomes a homeless 2699
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 2700
such a homeless person changes temporary living arrangements, the 2701
child's parent or guardian shall have the option of enrolling the 2702
child in either of the following: 2703

(a) The child's school of origin, as defined in 42 U.S.C.A.	2704
11432(g)(3)(C);	2705
(b) The school that is operated by the school district in	2706
which the shelter where the child currently resides is located and	2707
that serves the geographic area in which the shelter is located.	2708
(G) A board of education, after approving admission, may	2709
waive tuition for students who will temporarily reside in the	2710
district and who are either of the following:	2711
(1) Residents or domiciliaries of a foreign nation who	2712
request admission as foreign exchange students;	2713
(2) Residents or domiciliaries of the United States but not	2714
of Ohio who request admission as participants in an exchange	2715
program operated by a student exchange organization.	2716
(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,	2717
3327.04, and 3327.06 of the Revised Code, a child may attend	2718
school or participate in a special education program in a school	2719
district other than in the district where the child is entitled to	2720
attend school under division (B) of this section.	2721
(I)(1) <u>Notwithstanding anything to the contrary in this</u>	2722
<u>section or section 3313.65 of the Revised Code, a child under</u>	2723
<u>twenty-two years of age may attend school in the school district</u>	2724
<u>in which the child, at the end of the first full week of October</u>	2725
<u>of the school year, was entitled to attend school as otherwise</u>	2726
<u>provided under this section or section 3313.65 of the Revised</u>	2727
<u>Code, if at that time the child was enrolled in the schools of the</u>	2728
<u>district but since that time the child or the child's parent has</u>	2729
<u>relocated to a new address located outside of that school district</u>	2730
<u>and within the same county as the child's or parent's address</u>	2731
<u>immediately prior to the relocation. The child may continue to</u>	2732
<u>attend school in the district, and at the school to which the</u>	2733
<u>child was assigned at the end of the first full week of October of</u>	2734

the current school year, for the balance of the school year. 2735

Division (I)(1) of this section applies only if both of the 2736

following conditions are satisfied: 2737

(a) The board of education of the school district in which 2738

the child was entitled to attend school at the end of the first 2739

week in October and of the district to which the child or child's 2740

parent has relocated each has adopted a policy to enroll children 2741

described in division (I)(1) of this section. 2742

(b) The child's parent provides written notification of the 2743

relocation outside of the school district to the superintendent of 2744

each of the two school districts. 2745

(2) At the beginning of the school year following the school 2746

year in which the child or the child's parent relocated outside of 2747

the school district as described in division (I)(1) of this 2748

section, the child is not entitled to attend school in the school 2749

district under that division. 2750

(3) Any person or entity owing tuition to the school district 2751

on behalf of the child at the end of the first full week in 2752

October, as provided in division (C) of this section, shall 2753

continue to owe such tuition to the district for the child's 2754

attendance under division (I)(1) of this section for the lesser of 2755

the balance of the school year or the balance of the time that the 2756

child attends school in the district under division (I)(1) of this 2757

section. 2758

(4) A pupil who may attend school in the district under 2759

division (I)(1) of this section shall be entitled to 2760

transportation services pursuant to an agreement between the 2761

district and the district in which the child or child's parent has 2762

relocated unless the districts have not entered into such 2763

agreement, in which case the child shall be entitled to 2764

transportation services in the same manner as a pupil attending 2765

school in the district under interdistrict open enrollment as 2766
described in division (H) of section 3313.981 of the Revised Code, 2767
regardless of whether the district has adopted an open enrollment 2768
policy as described in division (B)(1)(b) or (c) of section 2769
3313.98 of the Revised Code. 2770

(J) This division does not apply to a child receiving special 2771
education. 2772

A school district required to pay tuition pursuant to 2773
division (C)(2) or (3) of this section or section 3313.65 of the 2774
Revised Code shall have an amount deducted under division (F) of 2775
section 3317.023 of the Revised Code equal to its own tuition rate 2776
for the same period of attendance. A school district entitled to 2777
receive tuition pursuant to division (C)(2) or (3) of this section 2778
or section 3313.65 of the Revised Code shall have an amount 2779
credited under division (F) of section 3317.023 of the Revised 2780
Code equal to its own tuition rate for the same period of 2781
attendance. If the tuition rate credited to the district of 2782
attendance exceeds the rate deducted from the district required to 2783
pay tuition, the department of education shall pay the district of 2784
attendance the difference from amounts deducted from all 2785
districts' payments under division (F) of section 3317.023 of the 2786
Revised Code but not credited to other school districts under such 2787
division and from appropriations made for such purpose. The 2788
treasurer of each school district shall, by the fifteenth day of 2789
January and July, furnish the superintendent of public instruction 2790
a report of the names of each child who attended the district's 2791
schools under divisions (C)(2) and (3) of this section or section 2792
3313.65 of the Revised Code during the preceding six calendar 2793
months, the duration of the attendance of those children, the 2794
school district responsible for tuition on behalf of the child, 2795
and any other information that the superintendent requires. 2796

Upon receipt of the report the superintendent, pursuant to 2797

division (F) of section 3317.023 of the Revised Code, shall deduct 2798
each district's tuition obligations under divisions (C)(2) and (3) 2799
of this section or section 3313.65 of the Revised Code and pay to 2800
the district of attendance that amount plus any amount required to 2801
be paid by the state. 2802

~~(J)~~(K) In the event of a disagreement, the superintendent of 2803
public instruction shall determine the school district in which 2804
the parent resides. 2805

~~(K)~~(L) Nothing in this section requires or authorizes, or 2806
shall be construed to require or authorize, the admission to a 2807
public school in this state of a pupil who has been permanently 2808
excluded from public school attendance by the superintendent of 2809
public instruction pursuant to sections 3301.121 and 3313.662 of 2810
the Revised Code. 2811

Sec. 3313.65. (A) As used in this section and section 3313.64 2812
of the Revised Code: 2813

(1) A person is "in a residential facility" if the person is 2814
a resident or a resident patient of an institution, home, or other 2815
residential facility that is: 2816

(a) Licensed as a nursing home, residential care facility, or 2817
home for the aging by the director of health under section 3721.02 2818
of the Revised Code or licensed as a community alternative home by 2819
the director of health under section 3724.03 of the Revised Code; 2820

(b) Licensed as an adult care facility by the director of 2821
health under Chapter 3722. of the Revised Code; 2822

(c) Maintained as a county home or district home by the board 2823
of county commissioners or a joint board of county commissioners 2824
under Chapter 5155. of the Revised Code; 2825

(d) Operated or administered by a board of alcohol, drug 2826
addiction, and mental health services under section 340.03 or 2827

340.06 of the Revised Code, or provides residential care pursuant	2828
to contracts made under section 340.03 or 340.033 of the Revised	2829
Code;	2830
(e) Maintained as a state institution for the mentally ill	2831
under Chapter 5119. of the Revised Code;	2832
(f) Licensed by the department of mental health under section	2833
5119.20 or 5119.22 of the Revised Code;	2834
(g) Licensed as a residential facility by the department of	2835
mental retardation and developmental disabilities under section	2836
5123.19 of the Revised Code;	2837
(h) Operated by the veteran's administration or another	2838
agency of the United States government;	2839
(i) The Ohio soldiers' and sailors' home.	2840
(2) A person is "in a correctional facility" if any of the	2841
following apply:	2842
(a) The person is an Ohio resident and is:	2843
(i) Imprisoned, as defined in section 1.05 of the Revised	2844
Code;	2845
(ii) Serving a term in a community-based correctional	2846
facility or a district community-based correctional facility;	2847
(iii) Required, as a condition of parole, probation,	2848
transitional control, or early release from imprisonment, as a	2849
condition of shock parole or shock probation granted under the law	2850
in effect prior to July 1, 1996, or as a condition of a furlough	2851
granted under the version of section 2967.26 of the Revised Code	2852
in effect prior to the effective date of this amendment <u>March 17,</u>	2853
<u>1998,</u> to reside in a halfway house or other community residential	2854
center licensed under section 2967.14 of the Revised Code or a	2855
similar facility designated by the common pleas court that	2856
established the condition or by the adult parole authority.	2857

(b) The person is imprisoned in a state correctional 2858
institution of another state or a federal correctional institution 2859
but was an Ohio resident at the time the sentence was imposed for 2860
the crime for which the person is imprisoned. 2861

(3) A person is "in a juvenile residential placement" if the 2862
person is an Ohio resident who is under twenty-one years of age 2863
and has been removed, by the order of a juvenile court, from the 2864
place the person resided at the time the person became subject to 2865
the court's jurisdiction in the matter that resulted in the 2866
person's removal. 2867

(B) If the circumstances described in division (C) of this 2868
section apply, the determination of what school district must 2869
admit a child to its schools and what district, if any, is liable 2870
for tuition shall be made in accordance with this section, rather 2871
than section 3313.64 of the Revised Code. 2872

(C) A child who does not reside in the school district in 2873
which the child's parent resides and for whom a tuition obligation 2874
previously has not been established under division (C)(2) of 2875
section 3313.64 of the Revised Code shall be admitted to the 2876
schools of the district in which the child resides if at least one 2877
of the child's parents is in a residential or correctional 2878
facility or a juvenile residential placement and the other parent, 2879
if living and not in such a facility or placement, is not known to 2880
reside in this state. 2881

(D) Regardless of who has custody or care of the child, 2882
whether the child resides in a home, or whether the child receives 2883
special education, if a district admits a child under division (C) 2884
of this section, tuition shall be paid to that district as 2885
follows: 2886

(1) If the child's parent is in a juvenile residential 2887
placement, by the district in which the child's parent resided at 2888

the time the parent became subject to the jurisdiction of the juvenile court;

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

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

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

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

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

(A) As used in this section:

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

(2) "Alternative school" means a school building other than

the one to which a student is assigned by the district 2919
superintendent. 2920

(3) "IEP" means an individualized education program defined 2921
by division (E) of section 3323.01 of the Revised Code. 2922

(B) The board of education of each city, local, and exempted 2923
village school district shall adopt an open enrollment policy 2924
allowing students entitled to attend school in the district 2925
pursuant to section 3313.64 or 3313.65 of the Revised Code, 2926
~~effective with the school year that begins July 1, 1993,~~ to enroll 2927
in an alternative school. Each policy shall provide for the 2928
following: 2929

(1) Application procedures, including deadlines for 2930
application and for notification of students and principals of 2931
alternative schools whenever a student's application is accepted. 2932
The policy shall require a student to apply only if ~~he~~ the student 2933
wishes to attend an alternative school. 2934

~~(2) Procedures for admitting applicants to alternative 2935
schools, including but not limited to:~~ 2936

~~(a)~~ The establishment of district capacity limits by grade 2937
level, school building, and education program; 2938

~~(b)~~ (3) A requirement that students enrolled in a school 2939
building or living in any attendance area of the school building 2940
established by the superintendent or board be given preference 2941
over applicants; 2942

~~(c)~~ (4) Procedures to ensure that an appropriate racial 2943
balance is maintained in the district schools. 2944

(C) Except as provided in section 3313.982 of the Revised 2945
Code, the procedures for admitting applicants to alternative 2946
schools shall not include: 2947

(1) Any requirement of academic ability, or any level of 2948

athletic, artistic, or other extracurricular skills;	2949
(2) Limitations on admitting applicants because of handicapping conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;	2950 2951 2952 2953 2954
(3) A requirement that the student be proficient in the English language;	2955 2956
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.	2957 2958 2959 2960 2961 2962 2963
(D)(1) Notwithstanding Chapter 3327. of the Revised Code, <u>and except as provided in division (D)(2) of this section,</u> a district board is not required to provide transportation to a nonhandicapped student enrolled in an alternative school unless such student can be picked up and dropped off at a regular school bus stop designated in accordance with the board's transportation policy or unless the board is required to provide additional transportation to the student in accordance with a court-approved desegregation plan.	2964 2965 2966 2967 2968 2969 2970 2971 2972
<u>(2) A district board shall provide transportation to any student enrolled in an alternative school pursuant to division (E) of section 3302.04 of the Revised Code to the extent required by that division, except that no district board shall be required to provide transportation to any student enrolled in an alternative school pursuant to division (E) of section 3302.04 of the Revised Code after the date the school in which the student was enrolled</u>	2973 2974 2975 2976 2977 2978 2979

immediately prior to enrolling in the alternative school ceases to 2980
be subject to that division. 2981

(E) Each school board shall provide information about the 2982
policy adopted under this section and the application procedures 2983
and deadlines to the parent of each student in the district and to 2984
the general public. 2985

(F) The state board of education shall monitor school 2986
districts to ensure compliance with this section and the 2987
districts' policies. 2988

Sec. 3314.012. (A) Within ninety days of ~~the effective date~~ 2989
~~of this section~~ September 28, 1999, the superintendent of public 2990
instruction shall appoint representatives of the department of 2991
education, including employees who work with the education 2992
management information system and employees of the office of 2993
~~school options~~ community schools established by section 3314.11 of 2994
the Revised Code, to a committee to develop report card models for 2995
community schools. The director of the legislative office of 2996
education oversight shall also appoint representatives to the 2997
committee. The committee shall design model report cards 2998
appropriate for the various types of community schools approved to 2999
operate in the state. Sufficient models shall be developed to 3000
reflect the variety of grade levels served and the missions of the 3001
state's community schools. All models shall include both financial 3002
and academic data. The initial models shall be developed by March 3003
31, 2000. 3004

(B) The department of education shall issue an annual report 3005
card for each community school. The report card shall report the 3006
academic and financial performance of the school utilizing one of 3007
the models developed under division (A) of this section. The 3008
report card shall include all information applicable to school 3009
buildings under division (A) of section 3302.03 of the Revised 3010

<u>Code.</u>	3011
(C) Upon receipt of a copy of a contract between a sponsor and a community school entered into under this chapter, the department of education shall notify the community school of the specific model report card that will be used for that school.	3012 3013 3014 3015
(D) Report cards shall be distributed to the parents of all students in the community school, to the members of the board of education of the school district in which the community school is located, and to any person who requests one from the department.	3016 3017 3018 3019
(E) No report card shall be issued for any community school under this section until the school has been open for instruction for two full school years.	3020 3021 3022
Sec. 3314.02. (A) As used in this chapter:	3023
(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.	3024 3025 3026 3027 3028
(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.	3029 3030 3031 3032
(3) "Challenged school district" means any of the following:	3033
(a) A school district that is part of the pilot project area;	3034
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	3035 3036 3037
(c) A big eight school district;	3038
(d) An urban school district.	3039

(4) "Big eight school district" means a school district that 3040
for fiscal year 1997 had both of the following: 3041

(a) A percentage of children residing in the district and 3042
participating in the predecessor of Ohio works first greater than 3043
thirty per cent, as reported pursuant to section 3317.10 of the 3044
Revised Code; 3045

(b) An average daily membership greater than twelve thousand, 3046
as reported pursuant to former division (A) of section 3317.03 of 3047
the Revised Code. 3048

(5) "New start-up school" means a community school other than 3049
one created by converting all or part of an existing public 3050
school, as designated in the school's contract pursuant to 3051
division (A)(17) of section 3314.03 of the Revised Code. 3052

(6) "Urban school district" means one of the state's 3053
twenty-one urban school districts as defined in division (O) of 3054
section 3317.02 of the Revised Code as that section existed prior 3055
to July 1, 1998. 3056

(7) "Internet- or computer-based community school" means a 3057
community school established under this chapter in which the 3058
enrolled students work primarily from their residences on 3059
assignments in nonclassroom-based learning opportunities provided 3060
via an internet- or other computer-based instructional method that 3061
does not rely on regular classroom instruction or via 3062
comprehensive instructional methods that include internet-based, 3063
other computer-based, and noncomputer-based learning 3064
opportunities. 3065

(B) Any person or group of individuals may initially propose 3066
under this division the conversion of all or a portion of a public 3067
school to a community school. The proposal shall be made to the 3068
board of education of the city, local, or exempted village school 3069
district in which the public school is proposed to be converted. 3070

Upon receipt of a proposal, a board may enter into a preliminary 3071
agreement with the person or group proposing the conversion of the 3072
public school, indicating the intention of the board of education 3073
to support the conversion to a community school. A proposing 3074
person or group that has a preliminary agreement under this 3075
division may proceed to finalize plans for the school, establish a 3076
governing authority for the school, and negotiate a contract with 3077
the board of education. Provided the proposing person or group 3078
adheres to the preliminary agreement and all provisions of this 3079
chapter, the board of education shall negotiate in good faith to 3080
enter into a contract in accordance with section 3314.03 of the 3081
Revised Code and division (C) of this section. 3082

(C)(1) Any person or group of individuals may propose under 3083
this division the establishment of a new start-up school to be 3084
located in a challenged school district. The proposal may be made 3085
to any of the following entities: 3086

(a) The board of education of the district in which the 3087
school is proposed to be located; 3088

(b) The board of education of any joint vocational school 3089
district with territory in the county in which is located the 3090
majority of the territory of the district in which the school is 3091
proposed to be located; 3092

(c) The board of education of any other city, local, or 3093
exempted village school district having territory in the same 3094
county where the district in which the school is proposed to be 3095
located has the major portion of its territory; 3096

(d) The governing board of any educational service center ~~as~~ 3097
~~long as the proposed school will be located in a county within the~~ 3098
~~territory of the service center or in a county contiguous to such~~ 3099
~~county;~~ 3100

(e) A sponsoring authority designated by the board of 3101

trustees of any of the thirteen state universities listed in 3102
section 3345.011 of the Revised Code or the board of trustees 3103
itself as long as a mission of the proposed school to be specified 3104
in the contract under division (A)(2) of section 3314.03 of the 3105
Revised Code and as approved by the department of education under 3106
division (B)(2) of section 3314.015 of the Revised Code will be 3107
the practical demonstration of teaching methods, educational 3108
technology, or other teaching practices that are included in the 3109
curriculum of the university's teacher preparation program 3110
approved by the state board of education; 3111

(f) Any qualified tax-exempt entity under section 501(c)(3) 3112
of the Internal Revenue Code as long as all of the following 3113
conditions are satisfied: 3114

(i) The entity has been in operation for at least five years 3115
prior to applying to be a community school sponsor. 3116

(ii) The entity has assets of at least five hundred thousand 3117
dollars. 3118

(iii) The department of education has determined that the 3119
entity is an education-oriented entity under division (B)(3) of 3120
section 3314.015 of the Revised Code. 3121

Until July 1, 2005, any entity described in division 3122
(C)(1)(f) of this section may sponsor only schools that formerly 3123
were sponsored by the state board of education under division 3124
(C)(1)(d) of this section, as it existed prior to April 8, 2003. 3125
After July 1, 2005, such entity may sponsor any new or existing 3126
school. 3127

Any entity described in division (C)(1) of this section may 3128
enter into a preliminary agreement pursuant to division (C)(2) of 3129
this section with the proposing person or group. 3130

(2) A preliminary agreement indicates the intention of an 3131
entity described in division (C)(1) of this section to sponsor the 3132

community school. A proposing person or group that has such a 3133
preliminary agreement may proceed to finalize plans for the 3134
school, establish a governing authority as described in division 3135
(E) of this section for the school, and negotiate a contract with 3136
the entity. Provided the proposing person or group adheres to the 3137
preliminary agreement and all provisions of this chapter, the 3138
entity shall negotiate in good faith to enter into a contract in 3139
accordance with section 3314.03 of the Revised Code. 3140

(3) A new start-up school that is established in a school 3141
district while that district is either in a state of academic 3142
emergency or in a state of academic watch under section 3302.03 of 3143
the Revised Code may continue in existence once the school 3144
district is no longer in a state of academic emergency or academic 3145
watch, provided there is a valid contract between the school and a 3146
sponsor. 3147

(4) A copy of every preliminary agreement entered into under 3148
this division shall be filed with the superintendent of public 3149
instruction. 3150

(D) A majority vote of the board of a sponsoring entity and a 3151
majority vote of the members of the governing authority of a 3152
community school shall be required to adopt a contract and convert 3153
the public school to a community school or establish the new 3154
start-up school. Up to the statewide limit prescribed in section 3155
3314.013 of the Revised Code, an unlimited number of community 3156
schools may be established in any school district provided that a 3157
contract is entered into for each community school pursuant to 3158
this chapter. 3159

(E) As used in this division, "immediate relatives" are 3160
limited to spouses, children, parents, grandparents, siblings, and 3161
in-laws. 3162

Each new start-up community school established under this 3163

chapter shall be under the direction of a governing authority 3164
which shall consist of a board of not less than five individuals 3165
who are not owners or employees, or immediate relatives of owners 3166
or employees, of any for-profit firm that operates or manages a 3167
school for the governing authority. 3168

No person shall serve on the governing authority or operate 3169
the community school under contract with the governing authority 3170
so long as the person owes the state any money or is in a dispute 3171
over whether the person owes the state any money concerning the 3172
operation of a community school that has closed. 3173

(F) Nothing in this chapter shall be construed to permit the 3174
establishment of a community school in more than one school 3175
district under the same contract. 3176

(G) A new start-up school that is established prior to the 3177
effective date of this amendment in an urban school district that 3178
is not also a big-eight school district may continue to operate 3179
after the effective date of this amendment and the contract 3180
between the school's governing authority and the school's sponsor 3181
may be renewed, as provided under this chapter, after the 3182
effective date of this amendment, but no additional new start-up 3183
schools may be established in such a district unless the district 3184
is a challenged school district as defined in this section as it 3185
exists on and after the effective date of this amendment. 3186

Sec. 3314.03. A copy of every contract entered into under 3187
this section shall be filed with the superintendent of public 3188
instruction. 3189

(A) Each contract entered into between a sponsor and the 3190
governing authority of a community school shall specify the 3191
following: 3192

(1) That the school shall be established as either of the 3193

following:	3194
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to the effective date of this amendment <u>April 8, 2003</u> ;	3195 3196 3197
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after the effective date of this amendment <u>April 8, 2003</u> ;	3198 3199 3200
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	3201 3202 3203 3204
(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;	3205 3206 3207
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	3208 3209
(5) The admission standards of section 3314.06 of the Revised Code;	3210 3211
(6)(a) Dismissal procedures;	3212
(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.	3213 3214 3215 3216 3217 3218 3219 3220
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	3221 3222
(8) Requirements for financial audits by the auditor of	3223

state. The contract shall require financial records of the school 3224
to be maintained in the same manner as are financial records of 3225
school districts, pursuant to rules of the auditor of state, and 3226
the audits shall be conducted in accordance with section 117.10 of 3227
the Revised Code. 3228

(9) The facilities to be used and their locations; 3229

(10) Qualifications of teachers, including a requirement that 3230
the school's classroom teachers be licensed in accordance with 3231
sections 3319.22 to 3319.31 of the Revised Code, except that a 3232
community school may engage noncertificated persons to teach up to 3233
twelve hours per week pursuant to section 3319.301 of the Revised 3234
Code; 3235

(11) That the school will comply with the following 3236
requirements: 3237

(a) The school will provide learning opportunities to a 3238
minimum of twenty-five students for a minimum of nine hundred 3239
twenty hours per school year; 3240

(b) The governing authority will purchase liability 3241
insurance, or otherwise provide for the potential liability of the 3242
school; 3243

(c) The school will be nonsectarian in its programs, 3244
admission policies, employment practices, and all other 3245
operations, and will not be operated by a sectarian school or 3246
religious institution; 3247

(d) The school will comply with sections 9.90, 9.91, 109.65, 3248
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3249
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 3250
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 3251
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3252
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3253
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 3254

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 3255
4123., 4141., and 4167. of the Revised Code as if it were a school 3256
district and will comply with section 3301.0714 of the Revised 3257
Code in the manner specified in section 3314.17 of the Revised 3258
Code; 3259

(e) The school shall comply with Chapter 102. of the Revised 3260
Code except that nothing in that chapter shall prohibit a member 3261
of the school's governing board from also being an employee of the 3262
school and nothing in that chapter or section 2921.42 of the 3263
Revised Code shall prohibit a member of the school's governing 3264
board from having an interest in a contract into which the 3265
governing board enters that is not a contract with a for-profit 3266
firm for the operation or management of a school under the 3267
auspices of the governing authority; 3268

(f) The school will comply with sections 3313.61, 3313.611, 3269
and 3313.614 of the Revised Code, except that the requirement in 3270
sections 3313.61 and 3313.611 of the Revised Code that a person 3271
must successfully complete the curriculum in any high school prior 3272
to receiving a high school diploma may be met by completing the 3273
curriculum adopted by the governing authority of the community 3274
school rather than the curriculum specified in Title XXXIII of the 3275
Revised Code or any rules of the state board of education; 3276

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

Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of	3287
Am. Sub. H.B. 215 of the 122nd general assembly, as amended.	3288
(12) Arrangements for providing health and other benefits to	3289
employees;	3290
(13) The length of the contract, which shall begin at the	3291
beginning of an academic year. No contract shall exceed five years	3292
unless such contract has been renewed pursuant to division (E) of	3293
this section.	3294
(14) The governing authority of the school, which shall be	3295
responsible for carrying out the provisions of the contract;	3296
(15) A financial plan detailing an estimated school budget	3297
for each year of the period of the contract and specifying the	3298
total estimated per pupil expenditure amount for each such year.	3299
The plan shall specify for each year the base formula amount that	3300
will be used for purposes of funding calculations under section	3301
3314.08 of the Revised Code. This base formula amount for any year	3302
shall not exceed the formula amount defined under section 3317.02	3303
of the Revised Code. The plan may also specify for any year a	3304
percentage figure to be used for reducing the per pupil amount of	3305
disadvantaged pupil impact aid calculated pursuant to section	3306
3317.029 of the Revised Code the school is to receive that year	3307
under section 3314.08 of the Revised Code.	3308
(16) Requirements and procedures regarding the disposition of	3309
employees of the school in the event the contract is terminated or	3310
not renewed pursuant to section 3314.07 of the Revised Code;	3311
(17) Whether the school is to be created by converting all or	3312
part of an existing public school or is to be a new start-up	3313
school, and if it is a converted public school, specification of	3314
any duties or responsibilities of an employer that the board of	3315
education that operated the school before conversion is delegating	3316
to the governing board of the community school with respect to all	3317

or any specified group of employees provided the delegation is not 3318
prohibited by a collective bargaining agreement applicable to such 3319
employees; 3320

(18) Provisions establishing procedures for resolving 3321
disputes or differences of opinion between the sponsor and the 3322
governing authority of the community school; 3323

(19) A provision requiring the governing authority to adopt a 3324
policy regarding the admission of students who reside outside the 3325
district in which the school is located. That policy shall comply 3326
with the admissions procedures specified in section 3314.06 of the 3327
Revised Code and, at the sole discretion of the authority, shall 3328
do one of the following: 3329

(a) Prohibit the enrollment of students who reside outside 3330
the district in which the school is located; 3331

(b) Permit the enrollment of students who reside in districts 3332
adjacent to the district in which the school is located; 3333

(c) Permit the enrollment of students who reside in any other 3334
district in the state. 3335

(20) A provision recognizing the authority of the department 3336
of education to take over the sponsorship of the school in 3337
accordance with the provisions of division (C) of section 3314.015 3338
of the Revised Code; 3339

(21) A provision recognizing the sponsor's authority to 3340
assume the operation of a school under the conditions specified in 3341
division (B) of section 3314.073 of the Revised Code; 3342

(22) A provision recognizing both of the following: 3343

(a) The authority of public health and safety officials to 3344
inspect the facilities of the school and to order the facilities 3345
closed if those officials find that the facilities are not in 3346
compliance with health and safety laws and regulations; 3347

(b) The authority of the department of education as the 3348
community school oversight body to suspend the operation of the 3349
school under section 3314.072 of the Revised Code if the 3350
department has evidence of conditions or violations of law at the 3351
school that pose an imminent danger to the health and safety of 3352
the school's students and employees and the sponsor refuses to 3353
take such action; 3354

(23) A description of the learning opportunities that will be 3355
offered to students including both classroom-based and 3356
non-classroom-based learning opportunities that is in compliance 3357
with criteria for student participation established by the 3358
department under division (L)(2) of section 3314.08 of the Revised 3359
Code; 3360

(24) The school will comply with section 3302.04 of the 3361
Revised Code, including division (E) of that section to the extent 3362
possible, except that any action required to be taken by a school 3363
district pursuant to that section shall be taken by the sponsor of 3364
the school. However, the sponsor shall not be required to take any 3365
action described in division (F) of that section. 3366

(B) The community school shall also submit to the sponsor a 3367
comprehensive plan for the school. The plan shall specify the 3368
following: 3369

(1) The process by which the governing authority of the 3370
school will be selected in the future; 3371

(2) The management and administration of the school; 3372

(3) If the community school is a currently existing public 3373
school, alternative arrangements for current public school 3374
students who choose not to attend the school and teachers who 3375
choose not to teach in the school after conversion; 3376

(4) The instructional program and educational philosophy of 3377

the school;	3378
(5) Internal financial controls.	3379
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	3380 3381 3382 3383 3384 3385 3386 3387 3388
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	3389 3390 3391 3392 3393
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	3394 3395
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	3396 3397 3398
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	3399 3400 3401 3402
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	3403 3404 3405
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the	3406 3407

school to be on probationary status pursuant to section 3314.073 3408
of the Revised Code, suspend the operation of the school pursuant 3409
to section 3314.072 of the Revised Code, or terminate the contract 3410
of the school pursuant to section 3314.07 of the Revised Code as 3411
determined necessary by the sponsor; 3412

(6) Have in place a plan of action to be undertaken in the 3413
event the community school experiences financial difficulties or 3414
closes prior to the end of a school year. 3415

(E) Upon the expiration of a contract entered into under this 3416
section, the sponsor of a community school may, with the approval 3417
of the governing authority of the school, renew that contract for 3418
a period of time determined by the sponsor, but not ending earlier 3419
than the end of any school year, if the sponsor finds that the 3420
school's compliance with applicable laws and terms of the contract 3421
and the school's progress in meeting the academic goals prescribed 3422
in the contract have been satisfactory. Any contract that is 3423
renewed under this division remains subject to the provisions of 3424
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 3425

Sec. 3314.033. Not later than September 30, 2003, the state 3426
board of education shall recommend to the general assembly 3427
standards governing the operation of internet- or computer-based 3428
community schools, as defined in section 3314.02 of the Revised 3429
Code, and other educational courses delivered primarily via 3430
electronic media. 3431

Sec. 3314.20. This section does not apply to any school 3432
district declared to be excellent or effective pursuant to 3433
division (B)(1) or (2) of section 3302.03 of the Revised Code. 3434

(A) The ~~department~~ state board of education shall ~~recommend~~ 3435
adopt rules ~~to the general assembly~~ requiring school districts 3436
with a total student count of over five thousand, as determined 3437

pursuant to section 3317.03 of the Revised Code, to designate one 3438
school building to be operated by a site-based management council. 3439
The rules shall specify the composition of the council and the 3440
manner in which members of the council are to be selected and 3441
removed. 3442

(B) The rules adopted under division (A) of this section 3443
shall specify those powers, duties, functions, and 3444
responsibilities that shall be vested in the management council 3445
and that would otherwise be exercised by the district board of 3446
education. The rules shall also establish a mechanism for 3447
resolving any differences between the council and the district 3448
board if there is disagreement as to their respective powers, 3449
duties, functions, and responsibilities. 3450

(C) The board of education of any school district described 3451
by division (A) of this section may, in lieu of complying with the 3452
rules adopted under this section, file with the department of 3453
education an alternative structure for a district site-based 3454
management program in at least one of its school buildings. The 3455
proposal shall specify the composition of the council, which shall 3456
include an equal number of parents and teachers and the building 3457
principal, and the method of selection and removal of the council 3458
members. The proposal shall also clearly delineate the respective 3459
powers, duties, functions, and responsibilities of the district 3460
board and the council. The district's proposal shall comply 3461
substantially with the rules ~~approved by the general assembly.~~ 3462

~~(D) The rules recommended under this section shall take 3463
effect upon approval of the general assembly through the passage 3464
of a joint resolution adopted under division (A) of this section. 3465~~

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

cooperative education school district and any educational service center. 3469
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This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board. 3471
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The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter. 3478
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Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its handicapped students, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code. 3481
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Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate. 3491
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Moneys distributed pursuant to this chapter shall be 3499

calculated and paid on a fiscal year basis, beginning with the 3500
first day of July and extending through the thirtieth day of June. 3501
The moneys appropriated for each fiscal year shall be distributed 3502
at least monthly to each school district unless otherwise provided 3503
for. The state board shall submit a yearly distribution plan to 3504
the controlling board at its first meeting in July. The state 3505
board shall submit any proposed midyear revision of the plan to 3506
the controlling board in January. Any year-end revision of the 3507
plan shall be submitted to the controlling board in June. If 3508
moneys appropriated for each fiscal year are distributed other 3509
than monthly, such distribution shall be on the same basis for 3510
each school district. 3511

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

ADM, special education ADM, and vocational education ADM certified 3533
in October of the current fiscal year, and payments for April 3534
through June shall be based on formula ADM, special education ADM, 3535
and vocational education ADM certified in March of the current 3536
fiscal year. 3537

Except as otherwise provided, payments under this chapter 3538
shall be made only to those school districts in which: 3539

(A) The school district, except for any educational service 3540
center and any joint vocational or cooperative education school 3541
district, levies for current operating expenses at least twenty 3542
mills. Levies for joint vocational or cooperative education school 3543
districts or county school financing districts, limited to or to 3544
the extent apportioned to current expenses, shall be included in 3545
this qualification requirement. School district income tax levies 3546
under Chapter 5748. of the Revised Code, limited to or to the 3547
extent apportioned to current operating expenses, shall be 3548
included in this qualification requirement to the extent 3549
determined by the tax commissioner under division (D) of section 3550
3317.021 of the Revised Code. 3551

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

provided that for those school districts operating pursuant to 3565
section 3313.48 of the Revised Code the number of days the school 3566
was actually open for instruction with pupils in attendance and 3567
for individualized parent-teacher conference and reporting periods 3568
is not less than one hundred seventy-five, or for those school 3569
districts operating on a trimester plan the number of days the 3570
school was actually open for instruction with pupils in attendance 3571
not less than seventy-nine days in any trimester, for those school 3572
districts operating on a quarterly plan the number of days the 3573
school was actually open for instruction with pupils in attendance 3574
not less than fifty-nine days in any quarter, or for those school 3575
districts operating on a pentamester plan the number of days the 3576
school was actually open for instruction with pupils in attendance 3577
not less than forty-four days in any pentamester. 3578

A school district shall not be considered to have failed to 3579
comply with this division or section 3313.481 of the Revised Code 3580
because schools were open for instruction but either twelfth grade 3581
students were excused from attendance for up to three days or only 3582
a portion of the kindergarten students were in attendance for up 3583
to three days in order to allow for the gradual orientation to 3584
school of such students. 3585

The superintendent of public instruction shall waive the 3586
requirements of this section with reference to the minimum number 3587
of days or hours school must be in session with pupils in 3588
attendance for the school year succeeding the school year in which 3589
a board of education initiates a plan of operation pursuant to 3590
section 3313.481 of the Revised Code. The minimum requirements of 3591
this section shall again be applicable to such a district 3592
beginning with the school year commencing the second July 3593
succeeding the initiation of one such plan, and for each school 3594
year thereafter. 3595

A school district shall not be considered to have failed to 3596

comply with this division or section 3313.48 or 3313.481 of the Revised Code because schools were open for instruction but the length of the regularly scheduled school day, for any number of days during the school year, was reduced by not more than two hours due to hazardous weather conditions.

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

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

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

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

As used in this section:

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

(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education

students and classes and may only include those persons employed 3627
in the eight specialist areas in a pattern approved by the 3628
department of education under guidelines established by the state 3629
board of education. 3630

(3) "Annual salary" means the annual base salary stated in 3631
the state minimum salary schedule for the performance of the 3632
teacher's regular teaching duties that the teacher earns for 3633
services rendered for the first full week of October of the fiscal 3634
year for which the adjustment is made under division (C) of this 3635
section. It shall not include any salary payments for supplemental 3636
teachers contracts. 3637

(4) "Regular student population" means the formula ADM plus 3638
the number of students reported as enrolled in the district 3639
pursuant to division (A)(1) of section 3313.981 of the Revised 3640
Code; minus the number of students reported under division (A)(2) 3641
of section 3317.03 of the Revised Code; minus the FTE of students 3642
reported under division (B)(5), (6), (7), (8), (9), (10), (11), or 3643
(12) of that section who are enrolled in a vocational education 3644
class or receiving special education; and minus one-fourth of the 3645
students enrolled concurrently in a joint vocational school 3646
district. 3647

(5) "State share percentage" has the same meaning as in 3648
section 3317.022 of the Revised Code. 3649

(6) "VEPD" means a school district or group of school 3650
districts designated by the department of education as being 3651
responsible for the planning for and provision of vocational 3652
education services to students within the district or group. 3653

(7) "Lead district" means a school district, including a 3654
joint vocational school district, designated by the department as 3655
a VEPD, or designated to provide primary vocational education 3656
leadership within a VEPD composed of a group of districts. 3657

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

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

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

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

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

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

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

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's regular student population. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective training levels, teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order.

(D) This division does not apply to a school district that

has entered into an agreement under division (A) of section 3688
3313.42 of the Revised Code. Deduct the amount obtained from the 3689
following computations if the district employs fewer than five 3690
full-time equivalent educational service personnel, including 3691
elementary school art, music, and physical education teachers, 3692
counselors, librarians, visiting teachers, school social workers, 3693
and school nurses for each one thousand pupils in the regular 3694
student population: 3695

(1) Divide the number of full-time equivalent educational 3696
service personnel employed by the district by five 3697
one-thousandths; 3698

(2) Subtract the quotient in (1) from the district's regular 3699
student population; 3700

(3) Multiply the difference in (2) by ninety-four dollars. 3701

(E) If a local school district, or a city or exempted village 3702
school district to which a governing board of an educational 3703
service center provides services pursuant to section 3313.843 of 3704
the Revised Code, deduct the amount of the payment required for 3705
the reimbursement of the governing board under section 3317.11 of 3706
the Revised Code. 3707

(F)(1) If the district is required to pay to or entitled to 3708
receive tuition from another school district under division (C)(2) 3709
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 3710
or if the superintendent of public instruction is required to 3711
determine the correct amount of tuition and make a deduction or 3712
credit under section 3317.08 of the Revised Code, deduct and 3713
credit such amounts as provided in division ~~(I)~~(J) of section 3714
3313.64 or section 3317.08 of the Revised Code. 3715

(2) For each child for whom the district is responsible for 3716
tuition or payment under division (A)(1) of section 3317.082 or 3717
section 3323.091 of the Revised Code, deduct the amount of tuition 3718

or payment for which the district is responsible. 3719

(G) If the district has been certified by the superintendent 3720
of public instruction under section 3313.90 of the Revised Code as 3721
not in compliance with the requirements of that section, deduct an 3722
amount equal to ten per cent of the amount computed for the 3723
district under section 3317.022 of the Revised Code. 3724

(H) If the district has received a loan from a commercial 3725
lending institution for which payments are made by the 3726
superintendent of public instruction pursuant to division (E)(3) 3727
of section 3313.483 of the Revised Code, deduct an amount equal to 3728
such payments. 3729

(I)(1) If the district is a party to an agreement entered 3730
into under division (D), (E), or (F) of section 3311.06 or 3731
division (B) of section 3311.24 of the Revised Code and is 3732
obligated to make payments to another district under such an 3733
agreement, deduct an amount equal to such payments if the district 3734
school board notifies the department in writing that it wishes to 3735
have such payments deducted. 3736

(2) If the district is entitled to receive payments from 3737
another district that has notified the department to deduct such 3738
payments under division (I)(1) of this section, add the amount of 3739
such payments. 3740

(J) If the district is required to pay an amount of funds to 3741
a cooperative education district pursuant to a provision described 3742
by division (B)(4) of section 3311.52 or division (B)(8) of 3743
section 3311.521 of the Revised Code, deduct such amounts as 3744
provided under that provision and credit those amounts to the 3745
cooperative education district for payment to the district under 3746
division (B)(1) of section 3317.19 of the Revised Code. 3747

(K)(1) If a district is educating a student entitled to 3748
attend school in another district pursuant to a shared education 3749

contract, compact, or cooperative education agreement other than 3750
an agreement entered into pursuant to section 3313.842 of the 3751
Revised Code, credit to that educating district on an FTE basis 3752
both of the following: 3753

(a) An amount equal to the formula amount times the cost of 3754
doing business factor of the school district where the student is 3755
entitled to attend school pursuant to section 3313.64 or 3313.65 3756
of the Revised Code; 3757

(b) An amount equal to the formula amount times the state 3758
share percentage times any multiple applicable to the student 3759
pursuant to section 3317.013 or 3317.014 of the Revised Code. 3760

(2) Deduct any amount credited pursuant to division (K)(1) of 3761
this section from amounts paid to the school district in which the 3762
student is entitled to attend school pursuant to section 3313.64 3763
or 3313.65 of the Revised Code. 3764

(3) If the district is required by a shared education 3765
contract, compact, or cooperative education agreement to make 3766
payments to an educational service center, deduct the amounts from 3767
payments to the district and add them to the amounts paid to the 3768
service center pursuant to section 3317.11 of the Revised Code. 3769

(L)(1) If a district, including a joint vocational school 3770
district, is a lead district of a VEPD, credit to that district 3771
the amounts calculated for all the school districts within that 3772
VEPD pursuant to division (E)(2) of section 3317.022 of the 3773
Revised Code. 3774

(2) Deduct from each appropriate district that is not a lead 3775
district, the amount attributable to that district that is 3776
credited to a lead district under division (L)(1) of this section. 3777

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 3778
(C) of this section, any student enrolled in kindergarten more 3779

than half time shall be reported as one-half student under this 3780
section. 3781

(A) The superintendent of each city and exempted village 3782
school district and of each educational service center shall, for 3783
the schools under the superintendent's supervision, certify to the 3784
state board of education on or before the fifteenth day of October 3785
in each year for the first full school week in October the formula 3786
ADM, which. Beginning in fiscal year 2005, each superintendent 3787
also shall certify to the state board, for the schools under the 3788
superintendent's supervision, on or before the twentieth day of 3789
March of each year, the formula ADM for the week containing the 3790
eighth day of March. The formula ADM shall consist of the average 3791
daily membership during such week of the sum of the following: 3792

(1) On an FTE basis, the number of students in grades 3793
kindergarten through twelve receiving any educational services 3794
from the district, except that the following categories of 3795
students shall not be included in the determination: 3796

(a) Students enrolled in adult education classes; 3797

(b) Adjacent or other district students enrolled in the 3798
district under an open enrollment policy pursuant to section 3799
3313.98 of the Revised Code; 3800

(c) Students receiving services in the district pursuant to a 3801
compact, cooperative education agreement, or a contract, but who 3802
are entitled to attend school in another district pursuant to 3803
section 3313.64 or 3313.65 of the Revised Code; 3804

(d) Students for whom tuition is payable pursuant to sections 3805
3317.081 and 3323.141 of the Revised Code. 3806

(2) On an FTE basis, the number of students entitled to 3807
attend school in the district pursuant to section 3313.64 or 3808
3313.65 of the Revised Code, but receiving educational services in 3809

grades kindergarten through twelve from one or more of the 3810
following entities: 3811

(a) A community school pursuant to Chapter 3314. of the 3812
Revised Code, including any participation in a college pursuant to 3813
Chapter 3365. of the Revised Code while enrolled in such community 3814
school; 3815

(b) An alternative school pursuant to sections 3313.974 to 3816
3313.979 of the Revised Code as described in division (I)(2)(a) or 3817
(b) of this section; 3818

(c) A college pursuant to Chapter 3365. of the Revised Code, 3819
except when the student is enrolled in the college while also 3820
enrolled in a community school pursuant to Chapter 3314. of the 3821
Revised Code; 3822

(d) An adjacent or other school district under an open 3823
enrollment policy adopted pursuant to section 3313.98 of the 3824
Revised Code; 3825

(e) An educational service center or cooperative education 3826
district; 3827

(f) Another school district under a cooperative education 3828
agreement, compact, or contract. 3829

(3) One-fourth of the number of students enrolled in a joint 3830
vocational school district or under a vocational education 3831
compact, excluding any students entitled to attend school in the 3832
district under section 3313.64 or 3313.65 of the Revised Code who 3833
are enrolled in another school district through an open enrollment 3834
policy as reported under division (A)(2)(d) of this section and 3835
then enroll in a joint vocational school district or under a 3836
vocational education compact; 3837

(4) The number of handicapped children, other than 3838
handicapped preschool children, entitled to attend school in the 3839

district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

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

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

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

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a community school established under Chapter 3314. of the Revised

Code, including any participation in a college pursuant to Chapter	3872
3365. of the Revised Code while enrolled in such community school,	3873
or are participating in a program operated by a county MR/DD board	3874
or a state institution;	3875
(4) The number of pupils enrolled in joint vocational	3876
schools;	3877
(5) The average daily membership of handicapped children	3878
reported under division (A)(1) or (2) of this section receiving	3879
special education services for the category one handicap described	3880
in division (A) of section 3317.013 of the Revised Code;	3881
(6) The average daily membership of handicapped children	3882
reported under division (A)(1) or (2) of this section receiving	3883
special education services for category two handicaps described in	3884
division (B) of section 3317.013 of the Revised Code;	3885
(7) The average daily membership of handicapped children	3886
reported under division (A)(1) or (2) of this section receiving	3887
special education services for category three handicaps described	3888
in division (C) of section 3317.013 of the Revised Code;	3889
(8) The average daily membership of handicapped children	3890
reported under division (A)(1) or (2) of this section receiving	3891
special education services for category four handicaps described	3892
in division (D) of section 3317.013 of the Revised Code;	3893
(9) The average daily membership of handicapped children	3894
reported under division (A)(1) or (2) of this section receiving	3895
special education services for the category five handicap	3896
described in division (E) of section 3317.013 of the Revised Code;	3897
(10) The average daily membership of handicapped children	3898
reported under division (A)(1) or (2) of this section receiving	3899
special education services for category six handicaps described in	3900
division (F) of section 3317.013 of the Revised Code;	3901

(11) The average daily membership of pupils reported under 3902
division (A)(1) or (2) of this section enrolled in category one 3903
vocational education programs or classes, described in division 3904
(A) of section 3317.014 of the Revised Code, operated by the 3905
school district or by another district, other than a joint 3906
vocational school district, or by an educational service center; 3907

(12) The average daily membership of pupils reported under 3908
division (A)(1) or (2) of this section enrolled in category two 3909
vocational education programs or services, described in division 3910
(B) of section 3317.014 of the Revised Code, operated by the 3911
school district or another school district, other than a joint 3912
vocational school district, or by an educational service center; 3913

(13) The average number of children transported by the school 3914
district on board-owned or contractor-owned and -operated buses, 3915
reported in accordance with rules adopted by the department of 3916
education; 3917

(14)(a) The number of children, other than handicapped 3918
preschool children, the district placed with a county MR/DD board 3919
in fiscal year 1998; 3920

(b) The number of handicapped children, other than 3921
handicapped preschool children, placed with a county MR/DD board 3922
in the current fiscal year to receive special education services 3923
for the category one handicap described in division (A) of section 3924
3317.013 of the Revised Code; 3925

(c) The number of handicapped children, other than 3926
handicapped preschool children, placed with a county MR/DD board 3927
in the current fiscal year to receive special education services 3928
for category two handicaps described in division (B) of section 3929
3317.013 of the Revised Code; 3930

(d) The number of handicapped children, other than 3931
handicapped preschool children, placed with a county MR/DD board 3932

in the current fiscal year to receive special education services 3933
for category three handicaps described in division (C) of section 3934
3317.013 of the Revised Code; 3935

(e) The number of handicapped children, other than 3936
handicapped preschool children, placed with a county MR/DD board 3937
in the current fiscal year to receive special education services 3938
for category four handicaps described in division (D) of section 3939
3317.013 of the Revised Code; 3940

(f) The number of handicapped children, other than 3941
handicapped preschool children, placed with a county MR/DD board 3942
in the current fiscal year to receive special education services 3943
for the category five handicap described in division (E) of 3944
section 3317.013 of the Revised Code; 3945

(g) The number of handicapped children, other than 3946
handicapped preschool children, placed with a county MR/DD board 3947
in the current fiscal year to receive special education services 3948
for category six handicaps described in division (F) of section 3949
3317.013 of the Revised Code. 3950

(C)(1) Except as otherwise provided in this section for 3951
kindergarten students, the average daily membership in divisions 3952
(B)(1) to (12) of this section shall be based upon the number of 3953
full-time equivalent students. The state board of education shall 3954
adopt rules defining full-time equivalent students and for 3955
determining the average daily membership therefrom for the 3956
purposes of divisions (A), (B), and (D) of this section. 3957

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

the school year that the student is counted in the enrollment of 3964
the community school for purposes of section 3314.08 of the 3965
Revised Code. 3966

(3) No child shall be counted as more than a total of one 3967
child in the sum of the average daily memberships of a school 3968
district under division (A), divisions (B)(1) to (12), or division 3969
(D) of this section, except as follows: 3970

(a) A child with a handicap described in section 3317.013 of 3971
the Revised Code may be counted both in formula ADM and in 3972
category one, two, three, four, five, or six special education ADM 3973
and, if applicable, in category one or two vocational education 3974
ADM. As provided in division (C) of section 3317.02 of the Revised 3975
Code, such a child shall be counted in category one, two, three, 3976
four, five, or six special education ADM in the same proportion 3977
that the child is counted in formula ADM. 3978

(b) A child enrolled in vocational education programs or 3979
classes described in section 3317.014 of the Revised Code may be 3980
counted both in formula ADM and category one or two vocational 3981
education ADM and, if applicable, in category one, two, three, 3982
four, five, or six special education ADM. Such a child shall be 3983
counted in category one or two vocational education ADM in the 3984
same proportion as the percentage of time that the child spends in 3985
the vocational education programs or classes. 3986

(4) Based on the information reported under this section, the 3987
department of education shall determine the total student count, 3988
as defined in section 3301.011 of the Revised Code, for each 3989
school district. 3990

(D)(1) The superintendent of each joint vocational school 3991
district shall certify to the superintendent of public instruction 3992
on or before the fifteenth day of October in each year for the 3993
first full school week in October the formula ADM, ~~which~~. 3994

Beginning in fiscal year 2005, each superintendent also shall 3995
certify to the state superintendent, on or before the twentieth 3996
day of March of each year, the formula ADM for the week containing 3997
the eighth day of March. The formula ADM, except as otherwise 3998
provided in this division, shall consist of the average daily 3999
membership during such week, on an FTE basis, of the number of 4000
students receiving any educational services from the district, 4001
including students enrolled in a community school established 4002
under Chapter 3314. of the Revised Code who are attending the 4003
joint vocational district under an agreement between the district 4004
board of education and the governing authority of the community 4005
school and are entitled to attend school in a city, local, or 4006
exempted village school district whose territory is part of the 4007
territory of the joint vocational district. 4008

The following categories of students shall not be included in 4009
the determination made under division (D)(1) of this section: 4010

(a) Students enrolled in adult education classes; 4011

(b) Adjacent or other district joint vocational students 4012
enrolled in the district under an open enrollment policy pursuant 4013
to section 3313.98 of the Revised Code; 4014

(c) Students receiving services in the district pursuant to a 4015
compact, cooperative education agreement, or a contract, but who 4016
are entitled to attend school in a city, local, or exempted 4017
village school district whose territory is not part of the 4018
territory of the joint vocational district; 4019

(d) Students for whom tuition is payable pursuant to sections 4020
3317.081 and 3323.141 of the Revised Code. 4021

(2) To enable the department of education to obtain the data 4022
needed to complete the calculation of payments pursuant to this 4023
chapter, in addition to the formula ADM, each superintendent shall 4024
report separately the average daily membership included in the 4025

report under division (D)(1) of this section for each of the	4026
following categories of students <u>for the same week for which</u>	4027
<u>formula ADM is certified:</u>	4028
(a) Students enrolled in each grade included in the joint	4029
vocational district schools;	4030
(b) Handicapped children receiving special education services	4031
for the category one handicap described in division (A) of section	4032
3317.013 of the Revised Code;	4033
(c) Handicapped children receiving special education services	4034
for the category two handicaps described in division (B) of	4035
section 3317.013 of the Revised Code;	4036
(d) Handicapped children receiving special education services	4037
for category three handicaps described in division (C) of section	4038
3317.013 of the Revised Code;	4039
(e) Handicapped children receiving special education services	4040
for category four handicaps described in division (D) of section	4041
3317.013 of the Revised Code;	4042
(f) Handicapped children receiving special education services	4043
for the category five handicap described in division (E) of	4044
section 3317.013 of the Revised Code;	4045
(g) Handicapped children receiving special education services	4046
for category six handicaps described in division (F) of section	4047
3317.013 of the Revised Code;	4048
(h) Students receiving category one vocational education	4049
services, described in division (A) of section 3317.014 of the	4050
Revised Code;	4051
(i) Students receiving category two vocational education	4052
services, described in division (B) of section 3317.014 of the	4053
Revised Code.	4054
The superintendent of each joint vocational school district	4055

shall also indicate the city, local, or exempted village school 4056
district in which each joint vocational district pupil is entitled 4057
to attend school pursuant to section 3313.64 or 3313.65 of the 4058
Revised Code. 4059

(E) In each school of each city, local, exempted village, 4060
joint vocational, and cooperative education school district there 4061
shall be maintained a record of school membership, which record 4062
shall accurately show, for each day the school is in session, the 4063
actual membership enrolled in regular day classes. For the purpose 4064
of determining average daily membership, the membership figure of 4065
any school shall not include any pupils except those pupils 4066
described by division (A) of this section. The record of 4067
membership for each school shall be maintained in such manner that 4068
no pupil shall be counted as in membership prior to the actual 4069
date of entry in the school and also in such manner that where for 4070
any cause a pupil permanently withdraws from the school that pupil 4071
shall not be counted as in membership from and after the date of 4072
such withdrawal. There shall not be included in the membership of 4073
any school any of the following: 4074

(1) Any pupil who has graduated from the twelfth grade of a 4075
public high school; 4076

(2) Any pupil who is not a resident of the state; 4077

(3) Any pupil who was enrolled in the schools of the district 4078
during the previous school year when tests were administered under 4079
section 3301.0711 of the Revised Code but did not take one or more 4080
of the tests required by that section and was not excused pursuant 4081
to division (C)(1) of that section; 4082

(4) Any pupil who has attained the age of twenty-two years, 4083
except for veterans of the armed services whose attendance was 4084
interrupted before completing the recognized twelve-year course of 4085
the public schools by reason of induction or enlistment in the 4086

armed forces and who apply for reenrollment in the public school 4087
system of their residence not later than four years after 4088
termination of war or their honorable discharge. 4089

If, however, any veteran described by division (E)(4) of this 4090
section elects to enroll in special courses organized for veterans 4091
for whom tuition is paid under the provisions of federal laws, or 4092
otherwise, that veteran shall not be included in average daily 4093
membership. 4094

Notwithstanding division (E)(3) of this section, the 4095
membership of any school may include a pupil who did not take a 4096
test required by section 3301.0711 of the Revised Code if the 4097
superintendent of public instruction grants a waiver from the 4098
requirement to take the test to the specific pupil. The 4099
superintendent may grant such a waiver only for good cause in 4100
accordance with rules adopted by the state board of education. 4101

Except as provided in divisions (B)(2) and (F) of this 4102
section, the average daily membership figure of any local, city, 4103
exempted village, or joint vocational school district shall be 4104
determined by dividing the figure representing the sum of the 4105
number of pupils enrolled during each day the school of attendance 4106
is actually open for instruction during the ~~first full school~~ week 4107
~~in October~~ for which the formula ADM is being certified by the 4108
total number of days the school was actually open for instruction 4109
during that week. For purposes of state funding, "enrolled" 4110
persons are only those pupils who are attending school, those who 4111
have attended school during the current school year and are absent 4112
for authorized reasons, and those handicapped children currently 4113
receiving home instruction. 4114

The average daily membership figure of any cooperative 4115
education school district shall be determined in accordance with 4116
rules adopted by the state board of education. 4117

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February. Division (F)(1) of this section does not apply after fiscal year 2004.

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

(3) If a student attending a community school under Chapter

3314. of the Revised Code is not included in the formula ADM 4150
certified ~~for the first full school week of October~~ for the school 4151
district in which the student is entitled to attend school under 4152
section 3313.64 or 3313.65 of the Revised Code, the department of 4153
education shall adjust the formula ADM of that school district to 4154
include the community school student in accordance with division 4155
(C)(2) of this section, and shall recalculate the school 4156
district's payments under this chapter for the entire fiscal year 4157
on the basis of that adjusted formula ADM. This requirement 4158
applies regardless of whether the student was enrolled, as defined 4159
in division (E) of this section, in the community school during 4160
the first full school week in October. 4161

(G)(1)(a) The superintendent of an institution operating a 4162
special education program pursuant to section 3323.091 of the 4163
Revised Code shall, for the programs under such superintendent's 4164
supervision, certify to the state board of education the average 4165
daily membership of all handicapped children in classes or 4166
programs approved annually by the state board of education, in the 4167
manner prescribed by the superintendent of public instruction. 4168

(b) The superintendent of an institution with vocational 4169
education units approved under division (A) of section 3317.05 of 4170
the Revised Code shall, for the units under the superintendent's 4171
supervision, certify to the state board of education the average 4172
daily membership in those units, in the manner prescribed by the 4173
superintendent of public instruction. 4174

(2) The superintendent of each county MR/DD board that 4175
maintains special education classes under section 3317.20 of the 4176
Revised Code or units approved by the state board of education 4177
pursuant to section 3317.05 of the Revised Code shall do both of 4178
the following: 4179

(a) Certify to the state board, in the manner prescribed by 4180
the board, the average daily membership in classes under section 4181

3317.20 of the Revised Code for each school district that has 4182
placed children in the classes; 4183

(b) Certify to the state board, in the manner prescribed by 4184
the board, the number of all handicapped preschool children 4185
enrolled as of the first day of December in classes eligible for 4186
approval under division (B) of section 3317.05 of the Revised 4187
Code, and the number of those classes. 4188

(3)(a) If on the first school day of April the number of 4189
classes or units maintained for handicapped preschool children by 4190
the county MR/DD board that are eligible for approval under 4191
division (B) of section 3317.05 of the Revised Code is greater 4192
than the number of units approved for the year under that 4193
division, the superintendent shall make the certification required 4194
by this section for that day. 4195

(b) If the state board determines that additional classes or 4196
units can be approved for the fiscal year within any limitations 4197
set forth in the acts appropriating moneys for the funding of the 4198
classes and units described in division (G)(3)(a) of this section, 4199
the board shall approve and fund additional units for the fiscal 4200
year on the basis of such average daily membership. For each unit 4201
so approved, the department of education shall pay an amount 4202
computed in the manner prescribed in sections 3317.052 and 4203
3317.053 of the Revised Code. 4204

(H) Except as provided in division (I) of this section, when 4205
any city, local, or exempted village school district provides 4206
instruction for a nonresident pupil whose attendance is 4207
unauthorized attendance as defined in section 3327.06 of the 4208
Revised Code, that pupil's membership shall not be included in 4209
that district's membership figure used in the calculation of that 4210
district's formula ADM or included in the determination of any 4211
unit approved for the district under section 3317.05 of the 4212
Revised Code. The reporting official shall report separately the 4213

average daily membership of all pupils whose attendance in the 4214
district is unauthorized attendance, and the membership of each 4215
such pupil shall be credited to the school district in which the 4216
pupil is entitled to attend school under division (B) of section 4217
3313.64 or section 3313.65 of the Revised Code as determined by 4218
the department of education. 4219

(I)(1) A city, local, exempted village, or joint vocational 4220
school district admitting a scholarship student of a pilot project 4221
district pursuant to division (C) of section 3313.976 of the 4222
Revised Code may count such student in its average daily 4223
membership. 4224

(2) In any year for which funds are appropriated for pilot 4225
project scholarship programs, a school district implementing a 4226
state-sponsored pilot project scholarship program that year 4227
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 4228
count in average daily membership: 4229

(a) All children residing in the district and utilizing a 4230
scholarship to attend kindergarten in any alternative school, as 4231
defined in section 3313.974 of the Revised Code; 4232

(b) All children who were enrolled in the district in the 4233
preceding year who are utilizing a scholarship to attend any such 4234
alternative school. 4235

(J) The superintendent of each cooperative education school 4236
district shall certify to the superintendent of public 4237
instruction, in a manner prescribed by the state board of 4238
education, the applicable average daily memberships for all 4239
students in the cooperative education district, also indicating 4240
the city, local, or exempted village district where each pupil is 4241
entitled to attend school under section 3313.64 or 3313.65 of the 4242
Revised Code. 4243

Sec. 3317.04. The amount paid to school districts in each 4244
fiscal year under Chapter 3317. of the Revised Code shall not be 4245
less than the following: 4246

(A) In the case of a district created under section 3311.26 4247
or 3311.37 of the Revised Code, the amount paid shall not be less, 4248
in any of the three succeeding fiscal years following the 4249
creation, than the sum of the amounts allocated under Chapter 4250
3317. of the Revised Code to the districts separately in the year 4251
of the creation. 4252

(B) In the case of a school district which is transferred to 4253
another school district or districts, pursuant to section 3311.22, 4254
3311.231, or 3311.38 of the Revised Code, the amount paid to the 4255
district accepting the transferred territory shall not be less, in 4256
any of the three succeeding fiscal years following the transfer, 4257
than the sum of the amounts allocated under Chapter 3317. of the 4258
Revised Code to the districts separately in the year of the 4259
consummation of the transfer. 4260

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

3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, this minimum guarantee is applicable only during the fiscal year immediately following the reassessment or application.

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

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

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

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a

school year shall be one of the following: 4306

(A) For any child, except a handicapped preschool child 4307
described in division (B) of this section, the quotient obtained 4308
by dividing the sum of the amounts described in divisions (A)(1) 4309
and (2) of this section by the district's formula ADM. 4310

(1) The district's total taxes charged and payable for 4311
current expenses for the tax year preceding the tax year in which 4312
the school year begins as certified under division (A)(3) of 4313
section 3317.021 of the Revised Code. 4314

(2) The district's total taxes collected for current expenses 4315
under a school district income tax adopted pursuant to section 4316
5748.03 or 5748.08 of the Revised Code that are disbursed to the 4317
district during the fiscal year. On or before the first day of 4318
June of each year, the tax commissioner shall certify the amount 4319
to be used in the calculation under this division for the next 4320
fiscal year to the department of education for each city, local, 4321
and exempted village school district that levies a school district 4322
income tax. 4323

(B) For any handicapped preschool child not included in a 4324
unit approved under division (B) of section 3317.05 of the Revised 4325
Code, an amount computed for the school year as follows: 4326

(1) For each type of special education service provided to 4327
the child for whom tuition is being calculated, determine the 4328
amount of the district's operating expenses in providing that type 4329
of service to all handicapped preschool children not included in 4330
units approved under division (B) of section 3317.05 of the 4331
Revised Code; 4332

(2) For each type of special education service for which 4333
operating expenses are determined under division (B)(1) of this 4334
section, determine the amount of such operating expenses that was 4335
paid from any state funds received under this chapter; 4336

(3) For each type of special education service for which 4337
operating expenses are determined under division (B)(1) of this 4338
section, divide the difference between the amount determined under 4339
division (B)(1) of this section and the amount determined under 4340
division (B)(2) of this section by the total number of handicapped 4341
preschool children not included in units approved under division 4342
(B) of section 3317.05 of the Revised Code who received that type 4343
of service; 4344

(4) Determine the sum of the quotients obtained under 4345
division (B)(3) of this section for all types of special education 4346
services provided to the child for whom tuition is being 4347
calculated. 4348

The state board of education shall adopt rules defining the 4349
types of special education services and specifying the operating 4350
expenses to be used in the computation under this section. 4351

If any child for whom a tuition charge is computed under this 4352
section for any school year is enrolled in a district for only 4353
part of that school year, the amount of the district's tuition 4354
charge for the child for the school year shall be computed in 4355
proportion to the number of school days the child is enrolled in 4356
the district during the school year. 4357

Except as otherwise provided in division ~~(I)~~(J) of section 4358
3313.64 of the Revised Code, whenever a district admits a child to 4359
its schools for whom tuition computed in accordance with this 4360
section is an obligation of another school district, the amount of 4361
the tuition shall be certified by the treasurer of the board of 4362
education of the district of attendance, to the board of education 4363
of the district required to pay tuition for its approval and 4364
payment. If agreement as to the amount payable or the district 4365
required to pay the tuition cannot be reached, or the board of 4366
education of the district required to pay the tuition refuses to 4367

pay that amount, the board of education of the district of 4368
attendance shall notify the superintendent of public instruction. 4369
The superintendent shall determine the correct amount and the 4370
district required to pay the tuition and shall deduct that amount, 4371
if any, under division (G) of section 3317.023 of the Revised 4372
Code, from the district required to pay the tuition and add that 4373
amount to the amount allocated to the district attended under such 4374
division. The superintendent of public instruction shall send to 4375
the district required to pay the tuition an itemized statement 4376
showing such deductions at the time of such deduction. 4377

When a political subdivision owns and operates an airport, 4378
welfare, or correctional institution or other project or facility 4379
outside its corporate limits, the territory within which the 4380
facility is located is exempt from taxation by the school district 4381
within which such territory is located, and there are school age 4382
children residing within such territory, the political subdivision 4383
owning such tax exempt territory shall pay tuition to the district 4384
in which such children attend school. The tuition for these 4385
children shall be computed as provided for in this section. 4386

Sec. 3334.01. As used in this chapter: 4387

(A) "Aggregate original principal amount" means the aggregate 4388
of the initial offering prices to the public of college savings 4389
bonds, exclusive of accrued interest, if any. "Aggregate original 4390
principal amount" does not mean the aggregate accreted amount 4391
payable at maturity or redemption of such bonds. 4392

(B) "Beneficiary" means: 4393

(1) An individual designated by the purchaser under a tuition 4394
payment contract or through a scholarship program as the 4395
individual on whose behalf tuition credits purchased under the 4396
contract or awarded through the scholarship program will be 4397
applied toward the payment of undergraduate, graduate, or 4398

professional tuition; or 4399

(2) An individual designated by the contributor under a 4400
variable college savings program contract as the individual whose 4401
tuition and other higher education expenses will be paid from a 4402
variable college savings program account. 4403

(C) "Capital appreciation bond" means a bond for which the 4404
following is true: 4405

(1) The principal amount is less than the amount payable at 4406
maturity or early redemption; and 4407

(2) No interest is payable on a current basis. 4408

(D) "Tuition credit" means a credit of the Ohio tuition trust 4409
authority purchased under section 3334.09 of the Revised Code. 4410

(E) "College savings bonds" means revenue and other 4411
obligations issued on behalf of the state or any agency or issuing 4412
authority thereof as a zero-coupon or capital appreciation bond, 4413
and designated as college savings bonds as provided in this 4414
chapter. "College savings bond issue" means any issue of bonds of 4415
which any part has been designated as college savings bonds. 4416

(F) "Institution of higher education" means a state 4417
institution of higher education, a private college, university, or 4418
other postsecondary institution located in this state that 4419
possesses a certificate of authorization issued by the Ohio board 4420
of regents pursuant to Chapter 1713. of the Revised Code or a 4421
certificate of registration issued by the state board of career 4422
colleges and schools under Chapter 3332. of the Revised Code, or 4423
an accredited college, university, or other postsecondary 4424
institution located outside this state that is accredited by an 4425
accrediting organization or professional association recognized by 4426
the authority. To be considered an institution of higher 4427
education, an institution shall meet the definition of an eligible 4428
educational institution under section 529 of the Internal Revenue 4429

Code. 4430

(G) "Issuing authority" means any authority, commission, 4431
body, agency, or individual empowered by the Ohio Constitution or 4432
the Revised Code to issue bonds or any other debt obligation of 4433
the state or any agency or department thereof. "Issuer" means the 4434
issuing authority or, if so designated under division (B) of 4435
section 3334.04 of the Revised Code, the treasurer of state. 4436

(H) "Tuition" means the charges imposed to attend an 4437
institution of higher education as an undergraduate, graduate, or 4438
professional student and all fees required as a condition of 4439
enrollment, as determined by the Ohio tuition trust authority. 4440
"Tuition" does not include laboratory fees, room and board, or 4441
other similar fees and charges. 4442

(I) "Weighted average tuition" means the tuition cost 4443
resulting from the following calculation: 4444

(1) Add the products of the annual undergraduate tuition 4445
charged to Ohio residents at each four-year state university 4446
multiplied by that institution's total number of undergraduate 4447
fiscal year equated students; and 4448

(2) Divide the gross total of the products from division 4449
(I)(1) of this section by the total number of undergraduate fiscal 4450
year equated students attending four-year state universities. 4451

(J) "Zero-coupon bond" means a bond which has a stated 4452
interest rate of zero per cent and on which no interest is payable 4453
until the maturity or early redemption of the bond, and is offered 4454
at a substantial discount from its original stated principal 4455
amount. 4456

(K) "State institution of higher education" includes the 4457
state universities listed in section 3345.011 of the Revised Code, 4458
community colleges created pursuant to Chapter 3354. of the 4459
Revised Code, university branches created pursuant to Chapter 4460

3355. of the Revised Code, technical colleges created pursuant to 4461
Chapter 3357. of the Revised Code, state community colleges 4462
created pursuant to Chapter 3358. of the Revised Code, the medical 4463
college of Ohio at Toledo, and the northeastern Ohio universities 4464
college of medicine. 4465

(L) "Four-year state university" means those state 4466
universities listed in section 3345.011 of the Revised Code. 4467

(M) "Principal amount" refers to the initial offering price 4468
to the public of an obligation, exclusive of the accrued interest, 4469
if any. "Principal amount" does not refer to the aggregate 4470
accrued amount payable at maturity or redemption of an 4471
obligation. 4472

(N) "Scholarship program" means a program registered with the 4473
Ohio tuition trust authority pursuant to section 3334.17 of the 4474
Revised Code. 4475

(O) "Internal Revenue Code" means the "Internal Revenue Code 4476
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 4477

(P) "Other higher education expenses" means room and board 4478
and books, supplies, equipment, and nontuition-related fees 4479
associated with the cost of attendance of a beneficiary at an 4480
institution of higher education, but only to the extent that such 4481
expenses meet the definition of "qualified higher education 4482
expenses" under section 529 of the Internal Revenue Code. "Other 4483
higher education expenses" does not include tuition as defined in 4484
division (H) of this section. 4485

(Q) "Purchaser" means the person signing the tuition payment 4486
contract, who controls the account and acquires tuition credits 4487
for an account under the terms and conditions of the contract. 4488

(R) "Contributor" means a person who signs a variable college 4489
savings program contract with the Ohio tuition trust authority and 4490
contributes to and owns the account created under the contract. 4491

(S) "Contribution" means any payment directly allocated to an 4492
account for the benefit of the designated beneficiary of the 4493
account. 4494

Sec. 3334.12. Notwithstanding anything to the contrary in 4495
sections 3334.07 and 3334.09 of the Revised Code: 4496

(A) Annually, the Ohio tuition trust authority shall have the 4497
actuarial soundness of the Ohio tuition trust fund evaluated by a 4498
nationally recognized actuary and shall determine whether 4499
additional assets are necessary to defray the obligations of the 4500
authority. If, after the authority sets the price for tuition 4501
credits, circumstances arise that the executive director 4502
determines necessitate an additional evaluation of the actuarial 4503
soundness of the fund, the executive director shall have a 4504
nationally recognized actuary conduct the necessary evaluation. If 4505
the assets of the fund are insufficient to ensure the actuarial 4506
soundness of the fund, the authority shall adjust the price of 4507
subsequent purchases of tuition credits to the extent necessary to 4508
help restore the actuarial soundness of the fund. If, at any time, 4509
the adjustment is likely, in the opinion of the authority, to 4510
diminish the marketability of tuition credits to an extent that 4511
the continued sale of the credits likely would not restore the 4512
actuarial soundness of the fund and external economic factors 4513
continue to negatively impact the soundness of the program, the 4514
authority may suspend sales, either permanently or temporarily, of 4515
tuition credits. During any suspension, the authority shall 4516
continue to service existing college savings program accounts. 4517

(B) Upon termination of the program or liquidation of the 4518
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 4519
the Ohio tuition trust operating fund, any remaining assets of the 4520
funds after all obligations of the funds have been satisfied 4521
pursuant to division (B) of section 3334.11 of the Revised Code 4522

shall be transferred to the general revenue fund of the state. 4523

(C) The authority shall prepare and cause to have audited an 4524
annual financial report on all financial activity of the Ohio 4525
tuition trust authority within ninety days of the end of the 4526
fiscal year. The authority shall transmit a copy of the audited 4527
financial report to the governor, the president of the senate, the 4528
speaker of the house of representatives, and the minority leaders 4529
of the senate and the house of representatives. Copies of the 4530
audited financial report also shall be made available, upon 4531
request, to the persons entering into contracts with the authority 4532
and to prospective purchasers of tuition credits and prospective 4533
contributors to variable college savings program accounts. 4534

Sec. 3334.17. (A) The state, any political subdivision of the 4535
state, and any organization that is exempt from federal income 4536
taxation under section 501 (a) and described in section 501 (c)(3) 4537
of the Internal Revenue Code, including the Ohio tuition trust 4538
authority if this is authorized under federal tax law, may 4539
establish a scholarship program to award scholarships consisting 4540
of ~~tuition credits~~ contributions made to any college savings 4541
program for students. Any scholarship program established under 4542
this section shall be registered with the ~~Ohio tuition trust~~ 4543
authority. The authority shall be notified of the name and address 4544
of each scholarship beneficiary under the program, the ~~number of~~ 4545
~~credits~~ amounts awarded, and the institution of higher education 4546
in which the beneficiary is enrolled. Scholarship beneficiaries 4547
shall be selected by the entity establishing the scholarship 4548
program, in accordance with criteria established by the entity. 4549

(B) Any person or governmental entity may purchase tuition 4550
credits on behalf of a scholarship program that is or is to be 4551
established in accordance with division (A) of this section at the 4552
same price as is established for the purchase of credits for named 4553

beneficiaries pursuant to this chapter. Tuition credits shall have 4554
the same value to the beneficiary of a scholarship awarded 4555
pursuant to this section as they would have to any other 4556
beneficiary pursuant to division (B) of section 3334.09 of the 4557
Revised Code. 4558

(C) The entity establishing and maintaining a scholarship 4559
program shall specify whether a scholarship beneficiary may 4560
receive a refund or payment for the ~~tuition credits~~ amount awarded 4561
under the scholarship program directly from the ~~tuition trust~~ 4562
authority, or whether the amount ~~of such credits~~ awarded shall be 4563
paid by the authority only to the institution of higher education 4564
in which the student is enrolled. 4565

(D) If a scholarship beneficiary does not use ~~tuition credits~~ 4566
the amount awarded within a length of time specified under the 4567
scholarship program, the ~~credits~~ amount may be awarded to another 4568
beneficiary. 4569

Sec. 3334.19. (A) The Ohio tuition trust authority shall 4570
adopt an investment plan that sets forth investment policies and 4571
guidelines to be utilized in administering the variable college 4572
savings program. Except as provided in section 3334.20 of the 4573
Revised Code, the authority shall contract with one or more 4574
insurance companies, banks, or other financial institutions to act 4575
as its investment agents and to provide such services as the 4576
authority considers appropriate to the investment plan, including: 4577

(1) Purchase, control, and safekeeping of assets; 4578

(2) Record keeping and accounting for individual accounts and 4579
for the program as a whole; 4580

(3) Provision of consolidated statements of account. 4581

(B) The authority or its investment agents shall maintain a 4582
separate account for the beneficiary of each contract entered into 4583

under the variable college savings program. If a beneficiary has 4584
more than one such account, the authority or its agents shall 4585
track total contributions and earnings and provide a consolidated 4586
system of account distributions to institutions of higher 4587
education. 4588

(C) The authority or its investment agents may place assets 4589
of the program in savings accounts and may purchase fixed or 4590
variable life insurance or annuity contracts, securities, evidence 4591
of indebtedness, or other investment products pursuant to the 4592
investment plan. 4593

(D) Contributors shall not direct the investment of their 4594
contributions under the investment plan. The authority shall 4595
impose other limits on contributors' investment discretion ~~as to~~ to 4596
the extent required under section 529 of the Internal Revenue 4597
Code. 4598

(E) The investment agents with which the authority contracts 4599
shall discharge their duties with respect to program funds with 4600
the care and diligence that a prudent person familiar with such 4601
matters and with the character and aims of the program would use. 4602

(F) The assets of the program shall be preserved, invested, 4603
and expended solely for the purposes of this chapter and shall not 4604
be loaned or otherwise transferred or used by the state for any 4605
other purpose. This section shall not be construed to prohibit the 4606
investment agents of the authority from investing, by purchase or 4607
otherwise, in bonds, notes, or other obligations of the state or 4608
any agency or instrumentality of the state. Unless otherwise 4609
specified by the authority, assets of the program shall be 4610
expended in the following order of priority: 4611

(1) To make payments on behalf of beneficiaries; 4612

(2) To make refunds upon termination of variable college 4613
savings program contracts; 4614

(3) To pay the authority's costs of administering the program 4615
administration and operations; 4616

(4) To pay or cover any other expenditure or disbursement the 4617
authority determines necessary or appropriate. 4618

(G) Fees, charges, and other costs imposed or collected by 4619
the authority in connection with the variable college savings 4620
program, including any fees or other payments that the authority 4621
requires an investment agent to pay to the authority, shall be 4622
credited to the variable operating fund. The fund shall be in the 4623
custody of the treasurer of state, but shall not be part of the 4624
state treasury. Expenses incurred in the administration of the 4625
variable college savings program, as well as other expenses, 4626
disbursements, or payments the authority considers appropriate for 4627
the benefit of any college savings programs administered by the 4628
authority, the state of Ohio and its citizens, shall be paid from 4629
the variable operating fund. 4630

(H) No records of the authority indicating the identity of 4631
purchasers, contributors, and beneficiaries under the program or 4632
amounts contributed to, earned by, or distributed from program 4633
accounts are public records within the meaning of section 149.43 4634
of the Revised Code. 4635

Sec. 5705.412. (A) As used in this section, "qualifying 4636
contract" means any agreement for the expenditure of money under 4637
which aggregate payments from the funds included in the school 4638
district's five-year forecast under section 5705.391 of the 4639
Revised Code will exceed the lesser of the following amounts: 4640

(1) Five hundred thousand dollars; 4641

(2) One per cent of the total revenue to be credited in the 4642
current fiscal year to the district's general fund, as specified 4643
in the district's most recent certificate of estimated resources 4644

certified under section 5705.36 of the Revised Code. 4645

(B) Notwithstanding section 5705.41 of the Revised Code, no 4646
school district shall adopt any appropriation measure, make any 4647
qualifying contract, or increase during any school year any wage 4648
or salary schedule unless there is attached thereto a certificate, 4649
signed as required by this section, that the school district has 4650
in effect the authorization to levy taxes including the renewal or 4651
replacement of existing levies which, when combined with the 4652
estimated revenue from all other sources available to the district 4653
at the time of certification, are sufficient to provide the 4654
operating revenues necessary to enable the district to maintain 4655
all personnel and programs for all the days set forth in its 4656
adopted school calendars for the current fiscal year and for a 4657
number of days in succeeding fiscal years equal to the number of 4658
days instruction was held or is scheduled for the current fiscal 4659
year, as follows: 4660

(1) A certificate attached to an appropriation measure under 4661
this section shall cover only the fiscal year in which the 4662
appropriation measure is effective and shall not consider the 4663
renewal or replacement of an existing levy as the authority to 4664
levy taxes that are subject to appropriation in the current fiscal 4665
year unless the renewal or replacement levy has been approved by 4666
the electors and is subject to appropriation in the current fiscal 4667
year. 4668

(2) A certificate attached, in accordance with this section, 4669
to any qualifying contract shall cover the term of the contract. 4670

(3) A certificate attached under this section to a wage or 4671
salary schedule shall cover the term of the schedule. 4672

If the board of education has not adopted a school calendar 4673
for the school year beginning on the first day of the fiscal year 4674
in which a certificate is required, the certificate attached to an 4675

appropriation measure shall include the number of days on which 4676
instruction was held in the preceding fiscal year and other 4677
certificates required under this section shall include that number 4678
of days for the fiscal year in which the certificate is required 4679
and any succeeding fiscal years that the certificate must cover. 4680

The certificate shall be signed by the treasurer and 4681
president of the board of education and the superintendent of the 4682
school district, unless the district is in a state of fiscal 4683
emergency declared under Chapter 3316. of the Revised Code. In 4684
that case, the certificate shall be signed by a member of the 4685
district's financial planning and supervision commission who is 4686
designated by the commission for this purpose. 4687

(C) Every qualifying contract made or wage or salary schedule 4688
adopted or put into effect without such a certificate shall be 4689
void, and no payment of any amount due thereon shall be made. 4690

(D) The department of education and the auditor of state 4691
jointly shall adopt rules governing the methods by which 4692
treasurers, presidents of boards of education, superintendents, 4693
and members of financial planning and supervision commissions 4694
shall estimate revenue and determine whether such revenue is 4695
sufficient to provide necessary operating revenue for the purpose 4696
of making certifications required by this section. 4697

(E) The auditor of state shall be responsible for determining 4698
whether school districts are in compliance with this section. At 4699
the time a school district is audited pursuant to section 117.11 4700
of the Revised Code, the auditor of state shall review each 4701
certificate issued under this section since the district's last 4702
audit, and the appropriation measure, contract, or wage and salary 4703
schedule to which such certificate was attached. If the auditor of 4704
state determines that a school district has not complied with this 4705
section with respect to any qualifying contract or wage or salary 4706
schedule, the auditor of state shall notify the prosecuting 4707

attorney for the county, the city director of law, or other chief 4708
law officer of the school district. That officer may file a civil 4709
action in any court of appropriate jurisdiction to seek a 4710
declaration that the contract or wage or salary schedule is void, 4711
to recover for the school district from the payee the amount of 4712
payments already made under it, or both, except that the officer 4713
shall not seek to recover payments made under any collective 4714
bargaining agreement entered into under Chapter 4117. of the 4715
Revised Code. If the officer does not file such an action within 4716
one hundred twenty days after receiving notice of noncompliance 4717
from the auditor of state, any taxpayer may institute the action 4718
in the taxpayer's own name on behalf of the school district. 4719

(F) This section does not apply to any contract or increase 4720
in any wage or salary schedule that is necessary in order to 4721
enable a board of education to comply with division (B) of section 4722
3317.13 of the Revised Code, provided the contract or increase 4723
does not exceed the amount required to be paid to be in compliance 4724
with such division. 4725

(G) Any officer, employee, or other person who expends or 4726
authorizes the expenditure of any public funds or authorizes or 4727
executes any contract or schedule contrary to this section, 4728
expends or authorizes the expenditure of any public funds on the 4729
void contract or schedule, or issues a certificate under this 4730
section which contains any false statements is liable to the 4731
school district for the full amount paid from the district's funds 4732
on the contract or schedule. The officer, employee, or other 4733
person is jointly and severally liable in person and upon any 4734
official bond that the officer, employee, or other person has 4735
given to the school district to the extent of any payments on the 4736
void claim, not to exceed ten thousand dollars. However, no 4737
officer, employee, or other person shall be liable for a mistaken 4738
estimate of available resources made in good faith and based upon 4739

reasonable grounds. If an officer, employee, or other person is 4740
found to have complied with rules jointly adopted by the 4741
department of education and the auditor of state under this 4742
section governing methods by which revenue shall be estimated and 4743
determined sufficient to provide necessary operating revenue for 4744
the purpose of making certifications required by this section, the 4745
officer, employee, or other person shall not be liable under this 4746
section if the estimates and determinations made according to 4747
those rules do not, in fact, conform with actual revenue. The 4748
prosecuting attorney of the county, the city director of law, or 4749
other chief law officer of the district shall enforce this 4750
liability by civil action brought in any court of appropriate 4751
jurisdiction in the name of and on behalf of the school district. 4752
If the prosecuting attorney, city director of law, or other chief 4753
law officer of the district fails, upon the written request of any 4754
taxpayer, to institute action for the enforcement of the 4755
liability, the attorney general, or the taxpayer in the taxpayer's 4756
own name, may institute the action on behalf of the subdivision. 4757

(H) This section does not require the attachment of an 4758
additional certificate beyond that required by section 5705.41 of 4759
the Revised Code for current payrolls of, or contracts of 4760
employment with, ~~regular~~ any employees or officers of the school 4761
district. 4762

This section does not require the attachment of a certificate 4763
to a temporary appropriation measure if all of the following 4764
apply: 4765

(1) The amount appropriated does not exceed twenty-five per 4766
cent of the total amount from all sources available for 4767
expenditure from any fund during the preceding fiscal year; 4768

(2) The measure will not be in effect on or after the 4769
thirtieth day following the earliest date on which the district 4770
may pass an annual appropriation measure; 4771

(3) An amended official certificate of estimated resources 4772
for the current year, if required, has not been certified to the 4773
board of education under division (B) of section 5705.36 of the 4774
Revised Code. 4775

Section 2. That existing sections 3301.079, 3301.0710, 4776
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.801, 3301.91, 4777
3302.01, 3302.02, 3302.03, 3302.031, 3302.04, 3302.05, 3313.532, 4778
3313.6010, 3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 4779
3313.65, 3313.97, 3314.012, 3314.02, 3314.03, 3314.20, 3317.01, 4780
3317.023, 3317.03, 3317.04, 3317.08, 3334.01, 3334.12, 3334.17, 4781
3334.19, and 5705.412 and sections 3301.0713 and 3365.15 of the 4782
Revised Code are hereby repealed. 4783

Section 3. (A) In each school year prior to July 1, 2005, the 4784
performance index score, as defined in section 3302.01 of the 4785
Revised Code, as amended by this act, calculated for school 4786
districts and school buildings shall include data from any 4787
proficiency tests required to be administered under section 4788
3301.0712 in the applicable year, except that weights shall only 4789
be assigned for the four ranges of scores established by division 4790
(B) of this section. 4791

(B) For each proficiency test required to be administered 4792
pursuant to section 3301.0712 of the Revised Code, as amended by 4793
this act, the four ranges of scores used to denote different 4794
levels of achievement on each test shall be the same as the levels 4795
of achievement described in division (A)(2) of section 3301.0710 4796
of the Revised Code, as it existed prior to the effective date of 4797
this act. 4798

Section 4. That the version of section 3313.608 of the 4799
Revised Code that is scheduled to take effect July 1, 2003, be 4800
amended to read as follows: 4801

Sec. 3313.608. (A) Beginning with students who enter third 4802
grade in the school year that starts July 1, 2003, for any student 4803
who attains a score in the range designated under division 4804
(A)(2)~~(d)~~(e) of section 3301.0710 of the Revised Code on the test 4805
prescribed under that section to measure skill in reading expected 4806
at the end of third grade, each school district, in accordance 4807
with the policy adopted under section 3313.609 of the Revised 4808
Code, shall do one of the following: 4809

(1) Promote the student to fourth grade if the student's 4810
principal and reading teacher agree that other evaluations of the 4811
student's skill in reading demonstrate that the student is 4812
academically prepared to be promoted to fourth grade; 4813

(2) Promote the student to fourth grade but provide the 4814
student with intensive intervention services in fourth grade; 4815

(3) Retain the student in third grade. 4816

~~This section does not apply to any student excused from 4817
taking such test under division (C)(1) of section 3301.0711 of the 4818
Revised Code. 4819~~

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

students. The policies and procedures shall require the students' 4832
classroom teachers to be involved in the assessment and the 4833
identification of students reading below grade level. The district 4834
shall notify the parent or guardian of each student whose reading 4835
skills are below grade level and, in accordance with division (C) 4836
of this section, provide intervention services to each student 4837
reading below grade level. Such intervention services shall 4838
include instruction in intensive, systematic phonetics pursuant to 4839
rules adopted by the state board of education. 4840

(2) For each student entering third grade after July 1, 2003, 4841
who does not attain by the end of the third grade at least a score 4842
in the range designated under division (A)(2)~~(b)~~(c) of section 4843
3301.0710 of the Revised Code on the test prescribed under that 4844
section to measure skill in reading expected at the end of third 4845
grade, the district also shall offer intense remediation services, 4846
and another opportunity to take that test, during the summer 4847
following third grade. 4848

(C) For each student required to be offered intervention 4849
services under this section, the district shall involve the 4850
student's parent or guardian and classroom teacher in developing 4851
the intervention strategy, and shall offer to the parent or 4852
guardian the opportunity to be involved in the intervention 4853
services. 4854

(D) Any summer remediation services funded in whole or in 4855
part by the state and offered by school districts to students 4856
under this section shall meet the following conditions: 4857

(1) The remediation methods are based on reliable educational 4858
research. 4859

(2) The school districts conduct testing before and after 4860
students participate in the program to facilitate monitoring 4861
results of the remediation services. 4862

(3) The parents of participating students are involved in programming decisions. 4863
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(4) The services are conducted in a school building or community center and not on an at-home basis. 4865
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~~(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:~~ 4867
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~~(1) One date prior to the thirty first day of December each school year for fourth grade students;~~ 4876
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~~(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;~~ 4878
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~~(3) One date during the summer for fourth grade students.~~ 4881

~~(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:~~ 4882
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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;~~ 4888
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~~(2) Promote the student to fifth grade but provide the~~ 4892

student with intensive intervention services in fifth grade;	4893
(3) Retain the student in fourth grade.	4894
(G) This section does not create a new cause of action or a substantive legal right for any person.	4895 4896
Section 5. That the existing version of section 3313.608 of the Revised Code that is scheduled to take effect July 1, 2003, is hereby repealed.	4897 4898 4899
Section 6. Sections 4 and 5 of this act take effect July 1, 2003.	4900 4901
Section 7. That the version of section 3313.65 of the Revised Code that is scheduled to take effect on January 1, 2004, be amended to read as follows:	4902 4903 4904
Sec. 3313.65. (A) As used in this section and section 3313.64 of the Revised Code:	4905 4906
(1) A person is "in a residential facility" if the person is a resident or a resident patient of an institution, home, or other residential facility that is:	4907 4908 4909
(a) Licensed as a nursing home, residential care facility, or home for the aging by the director of health under section 3721.02 of the Revised Code or licensed as a community alternative home by the director of health under section 3724.03 of the Revised Code;	4910 4911 4912 4913
(b) Licensed as an adult care facility by the director of health under Chapter 3722. of the Revised Code;	4914 4915
(c) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;	4916 4917 4918
(d) Operated or administered by a board of alcohol, drug	4919

addiction, and mental health services under section 340.03 or 4920
340.06 of the Revised Code, or provides residential care pursuant 4921
to contracts made under section 340.03 or 340.033 of the Revised 4922
Code; 4923

(e) Maintained as a state institution for the mentally ill 4924
under Chapter 5119. of the Revised Code; 4925

(f) Licensed by the department of mental health under section 4926
5119.20 or 5119.22 of the Revised Code; 4927

(g) Licensed as a residential facility by the department of 4928
mental retardation and developmental disabilities under section 4929
5123.19 of the Revised Code; 4930

(h) Operated by the veteran's administration or another 4931
agency of the United States government; 4932

(i) The Ohio soldiers' and sailors' home. 4933

(2) A person is "in a correctional facility" if any of the 4934
following apply: 4935

(a) The person is an Ohio resident and is: 4936

(i) Imprisoned, as defined in section 1.05 of the Revised 4937
Code; 4938

(ii) Serving a term in a community-based correctional 4939
facility or a district community-based correctional facility; 4940

(iii) Required, as a condition of parole, a post-release 4941
control sanction, a community control sanction, transitional 4942
control, or early release from imprisonment, as a condition of 4943
shock parole or shock probation granted under the law in effect 4944
prior to July 1, 1996, or as a condition of a furlough granted 4945
under the version of section 2967.26 of the Revised Code in effect 4946
prior to March 17, 1998, to reside in a halfway house or other 4947
community residential center licensed under section 2967.14 of the 4948
Revised Code or a similar facility designated by the court of 4949

common pleas that established the condition or by the adult parole authority. 4950
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(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned. 4952
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(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal. 4956
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 4962
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(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 4964
4965

(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this section, rather than section 3313.64 of the Revised Code. 4966
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(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C)(2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, is not known to reside in this state. 4971
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(D) Regardless of who has custody or care of the child, 4980

whether the child resides in a home, or whether the child receives 4981
special education, if a district admits a child under division (C) 4982
of this section, tuition shall be paid to that district as 4983
follows: 4984

(1) If the child's parent is in a juvenile residential 4985
placement, by the district in which the child's parent resided at 4986
the time the parent became subject to the jurisdiction of the 4987
juvenile court; 4988

(2) If the child's parent is in a correctional facility, by 4989
the district in which the child's parent resided at the time the 4990
sentence was imposed; 4991

(3) If the child's parent is in a residential facility, by 4992
the district in which the parent resided at the time the parent 4993
was admitted to the residential facility, except that if the 4994
parent was transferred from another residential facility, tuition 4995
shall be paid by the district in which the parent resided at the 4996
time the parent was admitted to the facility from which the parent 4997
first was transferred; 4998

(4) In the event of a disagreement as to which school 4999
district is liable for tuition under division (C)(1), (2), or (3) 5000
of this section, the superintendent of public instruction shall 5001
determine which district shall pay tuition. 5002

(E) If a child covered by division (D) of this section 5003
receives special education in accordance with Chapter 3323. of the 5004
Revised Code, the tuition shall be paid in accordance with section 5005
3323.13 or 3323.14 of the Revised Code. Tuition for children who 5006
do not receive special education shall be paid in accordance with 5007
division ~~(I)~~(J) of section 3313.64 of the Revised Code. 5008

Section 8. That the existing version of section 3313.65 of 5009
the Revised Code that is scheduled to take effect on January 1, 5010

2004, is hereby repealed. 5011

Section 9. Sections 7 and 8 of this act take effect on 5012
January 1, 2004. 5013

Section 10. Within thirty days after the effective date of 5014
this act, the Governor, the President of the Senate, and the 5015
Speaker of the House of Representatives shall appoint members to 5016
the Ohio Accountability Task Force pursuant to section 3302.021 of 5017
the Revised Code, as enacted by this act. Within sixty days after 5018
the effective date of this act, the Ohio Accountability Task Force 5019
shall convene for its initial meeting. 5020

Section 11. Not later than ninety days after the effective 5021
date of this section, the Superintendent of Public Instruction 5022
shall submit to the General Assembly a detailed financial analysis 5023
of the projected costs for the state and for each school district 5024
of compliance with the "No Child Left Behind Act of 2001," Pub. L. 5025
107-110, 20 U.S.C. 6301 et seq.; the amount of new federal funds 5026
the state can reasonably expect to receive per year under that 5027
act; and the financial consequences to the state and each school 5028
district for noncompliance with that act. The financial analysis 5029
shall examine the costs involved in building the capacity of 5030
school districts and buildings to assist students in achieving at 5031
levels that satisfy federal and state requirements. These costs 5032
shall include, but not be limited to, the following: 5033

(A) The costs for all school districts and buildings to make 5034
adequate yearly progress each year through the 2013-2014 school 5035
year and to have all students performing at the proficient level 5036
on achievement tests by June 30, 2014; 5037

(B) The costs of providing intervention services to students 5038
who are not achieving at expected levels; 5039

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

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

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

Section 12. The Legislative Office of Education Oversight shall conduct a study that evaluates the correlation between students' race and class and academic achievement, particularly comparing the academic achievement of low-income, African-American and Hispanic students with that of middle-class, white students. In conducting the study, the Office shall use at least five years of data collected and maintained by the Ohio Department of Education. The study shall focus on the academic achievement of students in the fourth, sixth, and ninth grades. The Office shall submit the final results of the study to the General Assembly not later than September 30, 2004.

Section 13. The Legislative Office of Education Oversight shall conduct a study of the intervention services required to be provided by school districts under sections 3301.0711, 3313.608, and 3313.6012 of the Revised Code. If any diagnostic assessment is administered by school districts in accordance with section 3301.0715 of the Revised Code in the school year beginning July 1, 2003, the Office also shall include the intervention services required by that section in the study. In conducting the study, the Office shall examine each of the following issues:

(A) The types of intervention services that districts are

currently providing to students; 5070

(B) The manner in which the Department of Education informs 5071
districts of their obligation to provide intervention services and 5072
assists the districts in developing appropriate intervention 5073
strategies; 5074

(C) The manner in which the Department tracks compliance by 5075
school districts with requirements to provide intervention 5076
services; 5077

(D) The cost to districts of providing intervention services; 5078

(E) Whether there are any intervention services that 5079
districts are not providing due to insufficient funding. 5080

The Office shall issue a written report of its findings to 5081
the General Assembly not later than December 31, 2004. 5082

Section 14. The Legislative Office of Education Oversight 5083
shall conduct a study of the performance of students in the Class 5084
of 2007 on the Ohio Graduation Tests prescribed by division (B) of 5085
section 3301.0710 of the Revised Code to determine how well 5086
students meet the statewide academic standards developed pursuant 5087
to section 3301.079 of the Revised Code. The study shall include 5088
all students who enter the ninth grade in the school year 5089
beginning July 1, 2003; the Office shall not exclude from any 5090
analysis students who leave school prior to graduation. In 5091
conducting the study, the Office shall determine the number of 5092
such students who attain a score at the proficient level on all 5093
five of the Ohio Graduation Tests by June 30, 2007. To the extent 5094
possible, the Office also shall determine the number of such 5095
students who satisfy the alternative conditions described in 5096
section 3313.615 of the Revised Code for meeting the testing 5097
requirement to be eligible for a diploma. The Office shall issue 5098
annual written reports to the General Assembly, and shall issue a 5099

final, comprehensive written report of its findings to the General Assembly not later than December 31, 2007.

Section 15. The Legislative Office of Education Oversight shall conduct a study that reviews the progress of school districts and the Department of Education in hiring highly qualified teachers in the core subject areas of English, reading, language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography, as required by Title I of the "No Child Left Behind Act," Pub. L. No. 107-110. The study shall evaluate, over a five-year period, all of the following:

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

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

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

The Office shall submit three interim reports of its findings to the General Assembly. The first interim report shall evaluate compliance with the highly qualified teacher requirement in the 2002-2003 and 2003-2004 school years, the second interim report shall evaluate compliance with the requirement in the 2004-2005 school year, and the third interim report shall evaluate compliance with the requirement in the 2005-2006 school year. A final report shall be submitted to the General Assembly that evaluates compliance in the 2006-2007 school year and the prior

four school years. 5130

Section 16. Until the Department of Education incorporates a 5131
value-added progress dimension into the performance ratings in 5132
accordance with section 3302.021 of the Revised Code, as enacted 5133
by this act, the Department shall include a growth factor based 5134
upon the performance index score, as defined in section 3302.01 of 5135
the Revised Code, as amended by this act, in the determination of 5136
performance ratings for school districts and buildings. 5137

Section 17. The amendment of rule 3301-35-10 of the 5138
Administrative Code, as proposed by the State Board of Education 5139
on January 14, 2003, is not subject to the requirement of former 5140
section 3314.20 of the Revised Code that the rule be approved by 5141
the General Assembly through the passage of a joint resolution 5142
before the rule may take effect. Notwithstanding any provision of 5143
Chapter 119. of the Revised Code to the contrary, the State Board 5144
may file the amendment in final form under section 119.04 of the 5145
Revised Code on or after the effective date of this act. The 5146
amendment takes effect on the tenth day after being filed in final 5147
form under section 119.04 of the Revised Code, unless the State 5148
Board designates a later date. 5149

Section 18. The amendment of rule 3301-101-01 of the 5150
Administrative Code, as proposed by the State Board of Education 5151
on January 14, 2003, is not subject to the requirement of former 5152
section 3302.05 of the Revised Code that the rule be approved by 5153
the General Assembly through the passage of a joint resolution 5154
before the rule may take effect. Notwithstanding any provision of 5155
Chapter 119. of the Revised Code to the contrary, the State Board 5156
may file the amendment in final form under section 119.04 of the 5157
Revised Code on or after the effective date of this act. The 5158
amendment takes effect on the tenth day after being filed in final 5159

form under section 119.04 of the Revised Code, unless the State Board designates a later date.

Section 19. The amendment of section 3301.91 of the Revised Code by this act is not intended to supersede its earlier repeal, effective July 1, 2004, by Am. Sub. H.B. 1 of the 123rd General Assembly.

Section 20. Of the amounts appropriated for fiscal year 2004 and fiscal year 2005 in appropriation item 200-455, Community Schools, Section 41 of Am. Sub. H.B. 95 of the 125th General Assembly, up to \$250,000 in each fiscal year shall be used by the Department of Education to contract with the Ohio Foundation for School Choice to develop and conduct training sessions for sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. The contract shall require that in developing such training sessions, the Ohio Foundation for School Choice shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states.

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

Section 21. Not later than one year after the effective date of this section, the Department of Education shall make recommendations to the State Board of Education for assigning performance ratings pursuant to section 3302.03 of the Revised Code to school districts and buildings that make adequate yearly progress but show statistically significant differences in performance among white, middle-class students and any of the

subgroups defined in section 3302.01 of the Revised Code. The 5189
recommendations shall provide for lowering the performance ratings 5190
assigned to such districts and buildings. The recommendations 5191
shall also specify the degree of difference between the 5192
performance of white, middle-class students and subgroups that 5193
should be deemed unacceptable and the appropriate length of time 5194
that districts and buildings should be granted to close the 5195
performance differences before having their performance ratings 5196
lowered. Copies of the recommendations shall be provided to the 5197
Governor, the President and Minority Leader of the Senate, the 5198
Speaker and Minority Leader of the House of Representatives, and 5199
the chairpersons and ranking minority members of the education 5200
committees. 5201

Section 22. Section 3314.03 of the Revised Code, as presented 5202
by this act, supersedes that section as amended in Am. Sub. H.B. 5203
95 of the 125th General Assembly. 5204

Section 23. For purposes of calculating the instructional and 5205
general fees charged in the prior academic year in implementing 5206
any instructional and general fee increase limitations imposed by 5207
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5208
the instructional and general fees during an academic year for any 5209
state-assisted institution of higher education on the quarter 5210
system that does not increase its instructional and general fees 5211
during the summer term shall be defined as the sum of the 5212
instructional and general fees charged to a full-time student in 5213
the fall, winter, and spring quarters. 5214

For purposes of calculating the instructional and general 5215
fees charged in the prior academic year in implementing any 5216
instructional and general fee increase limitations imposed by 5217
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5218

the instructional and general fees during an academic year for any 5219
state-assisted institution of higher education on the quarter 5220
system that does increase its instructional and general fees 5221
during the summer term shall be defined as three-fourths of the 5222
sum of the instructional and general fees charged to a full-time 5223
student in the fall, winter, spring, and summer quarters. 5224

For purposes of calculating the instructional and general 5225
fees charged in the prior academic year in implementing any 5226
instructional and general fee increase limitations imposed by 5227
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5228
the instructional and general fees during an academic year for any 5229
state-assisted institution of higher education on the semester 5230
system that does not increase its instructional and general fees 5231
during the summer term shall be defined as the sum of the 5232
instructional and general fees charged to a full-time student in 5233
the fall and spring semesters. 5234

For purposes of calculating the instructional and general 5235
fees charged in the prior academic year in implementing any 5236
instructional and general fee increase limitations imposed by 5237
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly, 5238
the instructional and general fees during an academic year for any 5239
state-assisted institution of higher education on the semester 5240
system that does increase its instructional and general fees 5241
during the summer term shall be defined as two-thirds of the sum 5242
of the instructional and general fees charged to a full-time 5243
student in the fall, spring, and summer semesters. 5244

This section shall not apply to Miami University in 5245
implementing the pilot tuition restructuring plan recognized by 5246
Am. Sub. H.B. 95 of the 125th General Assembly. 5247

Section 24. When calculating the reappraisal guarantee under 5248
division (C) or (D) of section 3317.04 of the Revised Code in 5249

fiscal year 2005, the Department of Education shall include in a 5250
school district's fiscal year 2004 payments any transitional aid 5251
paid to the district under Section 41.37 of Am. Sub. H.B. 95 of 5252
the 125th General Assembly. 5253

Section 25. Section 3314.03 of the Revised Code is presented 5254
in this act as a composite of the section as amended by both Sub. 5255
H.B. 248 and Sub. H.B. 364 of the 124th General Assembly. Section 5256
3317.012 of the Revised Code is presented in this act as a 5257
composite of the section as amended by both Am. Sub. H.B. 94 and 5258
Am. Sub. S.B. 1 of the 124th General Assembly. The General 5259
Assembly, applying the principle stated in division (B) of section 5260
1.52 of the Revised Code that amendments are to be harmonized if 5261
reasonably capable of simultaneous operation, finds that the 5262
composites are the resulting versions of the sections in effect 5263
prior to the effective date of the sections as presented in this 5264
act. 5265

Section 26. This act is hereby declared to be an emergency 5266
measure necessary for the immediate preservation of the public 5267
peace, health, and safety. The reason for such necessity is that 5268
Ohio needs to comply with the federal requirements contained in 5269
the "No Child Left Behind Act of 2001" and public schools need to 5270
know the accountability standards to which they will be held in 5271
future school years. Therefore, this act shall go into immediate 5272
effect. 5273