

**As Reported by the Committee of Conference**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Am. Sub. S. B. No. 2**

**Senators Robert Gardner, Prentiss, Mumper, Goodman, Harris, Spada,  
Carnes, Blessing, Armbruster, Miller, Roberts, Stivers, Zurz, Dann, Hagan,**

**Brady**

**Representatives Setzer, C. Evans, Callender, Chandler, Carano, Barrett,  
Domenick, Flowers, Key, Price, Schlichter, Skindell, Strahorn**

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**A B I L L**

To amend sections 3301.079, 3301.0710, 3301.0711, 1  
3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 2  
3307.01, 3313.28, 3313.33, 3313.53, 3313.713, 3  
3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 4  
3319.225, 3319.227, 3319.23, 3319.26, 3319.283, 5  
3319.29, 3319.291, 3319.31, 3319.311, 3319.36, 6  
3319.39, 3319.51, 3333.38, and 5126.021; to enact 7  
sections 3314.034, 3319.074, 3319.075, 3319.112, 8  
3319.25, 3319.261, 3319.27, 3319.303, 3319.56, 9  
3319.57, 3319.60, 3319.61, 3319.62, 3319.65, 10  
3333.161, and 3333.36; to repeal sections 11  
3301.801, 3314.12, and 3319.28 of the Revised 12  
Code; to amend Section 12 of Sub. H.B. 364 of the 13  
124th General Assembly and to amend Section 12 of 14  
Sub. H.B. 364 of the 124th General Assembly for 15  
the purpose of changing its number to section 16  
3314.021 of the Revised Code; to amend Sections 17  
11, 12, 13, and 14 of Am. Sub. H.B. 3 of the 125th 18  
General Assembly; and to amend Sections 41.03, 19  
41.05, 41.10, 41.19, 41.33, 146, and 152 of Am. 20

Sub. H.B. 95 of the 125th General Assembly to 21  
implement recommendations of the Governor's 22  
Commission on Teaching Success, to revise the laws 23  
with respect to the teaching profession, academic 24  
standards, other education policies and programs, 25  
and employment by county boards of mental 26  
retardation and developmental disabilities, and to 27  
extend to November 26, 2004, the deadline for the 28  
Ohio Autism Task Force report. 29

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

**Section 1.** That sections 3301.079, 3301.0710, 3301.0711, 30  
3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 3307.01, 31  
3313.28, 3313.33, 3313.53, 3313.713, 3318.031, 3319.09, 3319.11, 32  
3319.111, 3319.22, 3319.225, 3319.227, 3319.23, 3319.26, 3319.283, 33  
3319.29, 3319.291, 3319.31, 3319.311, 3319.36, 3319.39, 3319.51, 34  
3333.38, and 5126.021 be amended; that Section 12 of Sub. H.B. 364 35  
of the 124th General Assembly be amended and renumbered as section 36  
3314.021; and that sections 3314.034, 3319.074, 3319.075, 37  
3319.112, 3319.25, 3319.261, 3319.27, 3319.303, 3319.56, 3319.57, 38  
3319.60, 3319.61, 3319.62, 3319.65, 3333.161, and 3333.36 of the 39  
Revised Code be enacted to read as follows: 40

**Sec. 3301.079.** (A)(1) Not later than December 31, 2001, the 41  
state board of education shall adopt statewide academic standards 42  
for each of grades kindergarten through twelve in reading, 43  
writing, and mathematics. Not later than December 31, 2002, the 44  
state board shall adopt statewide academic standards for each of 45  
grades kindergarten through twelve in science and social studies. 46  
The standards shall specify the academic content and skills that 47  
students are expected to know and be able to do at each grade 48  
level. 49

(2) When academic standards have been completed for any 50  
subject area required by this division, the state board shall 51  
inform all school districts of the content of those standards. 52

(B) Not later than eighteen months after the completion of 53  
academic standards for any subject area required by division (A) 54  
of this section, the state board shall adopt a model curriculum 55  
for instruction in that subject area for each of grades 56  
kindergarten through twelve that is sufficient to meet the needs 57  
of students in every community. The model curriculum shall be 58  
aligned with the standards to ensure that the academic content and 59  
skills specified for each grade level are taught to students. When 60  
any model curriculum has been completed, the state board shall 61  
inform all school districts of the content of that model 62  
curriculum. 63

All school districts may utilize the state standards and the 64  
model curriculum established by the state board, together with 65  
other relevant resources, examples, or models to ensure that 66  
students have the opportunity to attain the academic standards. 67  
Upon request, the department of education shall provide technical 68  
assistance to any district in implementing the model curriculum. 69

Nothing in this section requires any school district to 70  
utilize all or any part of a model curriculum developed under this 71  
division. 72

(C) The state board shall develop achievement tests aligned 73  
with the academic standards and model curriculum for each of the 74  
subject areas and grade levels required by section 3301.0710 of 75  
the Revised Code. 76

When any achievement test has been completed, the state board 77  
shall inform all school districts of its completion, and the 78  
department of education shall make the achievement test available 79  
to the districts. School districts shall administer the 80

achievement test beginning in the school year indicated in section 81  
3301.0712 of the Revised Code. 82

(D)(1) Not later than July 1, ~~2007~~ 2008, and except as 83  
provided in division (D)(3) of this section, the state board shall 84  
adopt a diagnostic assessment aligned with the academic standards 85  
and model curriculum for each of grades kindergarten through two 86  
in reading, writing, and mathematics and for each of grades three 87  
through eight in reading, writing, mathematics, science, and 88  
social studies. The diagnostic assessment shall be designed to 89  
measure student comprehension of academic content and mastery of 90  
related skills for the relevant subject area and grade level. Any 91  
diagnostic assessment shall not include components to identify 92  
gifted students. Blank copies of diagnostic tests shall be public 93  
records. 94

(2) When each diagnostic assessment has been completed, the 95  
state board shall inform all school districts of its completion 96  
and the department of education shall make the diagnostic 97  
assessment available to the districts at no cost to the district. 98  
School districts shall administer the diagnostic assessment 99  
pursuant to section 3301.0715 of the Revised Code beginning the 100  
first school year following the development of the assessment. 101

(3) The state board shall not adopt a diagnostic assessment 102  
for any subject area and grade level for which the state board 103  
develops an achievement test under division (C) of this section. 104

(E) Whenever the state board or the department of education 105  
consults with persons for the purpose of drafting or reviewing any 106  
standards, diagnostic assessments, achievement tests, or model 107  
curriculum required under this section, the state board or the 108  
department shall first consult with parents of students in 109  
kindergarten through twelfth grade and with active Ohio classroom 110  
teachers, other school personnel, and administrators with 111  
expertise in the appropriate subject area. Whenever practicable, 112

the state board and department shall consult with teachers 113  
recognized as outstanding in their fields. 114

If the department contracts with more than one outside entity 115  
for the development of the achievement tests required by this 116  
section, the department shall ensure the interchangeability of 117  
those tests. 118

(F) The fairness sensitivity review committee, established by 119  
rule of the state board of education, shall not allow any question 120  
on any achievement test or diagnostic assessment developed under 121  
this section or any proficiency test prescribed by former section 122  
3301.0710 of the Revised Code, as it existed prior to September 123  
11, 2001, to include, be written to promote, or inquire as to 124  
individual moral or social values or beliefs. The decision of the 125  
committee shall be final. This section does not create a private 126  
cause of action. 127

**Sec. 3301.0710.** The state board of education shall adopt 128  
rules establishing a statewide program to test student 129  
achievement. The state board shall ensure that all tests 130  
administered under the testing program are aligned with the 131  
academic standards and model curricula adopted by the state board 132  
and are created with input from Ohio parents, Ohio classroom 133  
teachers, Ohio school administrators, and other Ohio school 134  
personnel pursuant to section 3301.079 of the Revised Code. 135

The testing program shall be designed to ensure that students 136  
who receive a high school diploma demonstrate at least high school 137  
levels of achievement in reading, writing, mathematics, science, 138  
and social studies. 139

(A)(1) The state board shall prescribe all of the following: 140

(a) Two statewide achievement tests, one each designed to 141  
measure the level of reading and mathematics skill expected at the 142

end of third grade;	143
(b) Three statewide achievement tests, one each designed to measure the level of reading, writing, and mathematics skill expected at the end of fourth grade;	144 145 146
(c) Four statewide achievement tests, one each designed to measure the level of reading, mathematics, science, and social studies skill expected at the end of fifth grade;	147 148 149
(d) Two statewide achievement tests, one each designed to measure the level of reading and mathematics skill expected at the end of sixth grade;	150 151 152
(e) Three statewide achievement tests, one each designed to measure the level of reading, writing, and mathematics skill expected at the end of seventh grade;	153 154 155
(f) Four statewide achievement tests, one each designed to measure the level of reading, mathematics, science, and social studies skill expected at the end of eighth grade.	156 157 158
(2) The state board shall determine and designate at least five ranges of scores on each of the achievement tests described in divisions (A)(1) and (B) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	159 160 161 162 163 164
(a) An advanced level of skill;	165
(b) An accelerated level of skill;	166
(c) A proficient level of skill;	167
(d) A basic level of skill;	168
(e) A limited level of skill.	169
(B) The tests prescribed under this division shall collectively be known as the Ohio graduation tests. The state	170 171

board shall prescribe five statewide high school achievement 172  
tests, one each designed to measure the level of reading, writing, 173  
mathematics, science, and social studies skill expected at the end 174  
of tenth grade. The state board shall designate a score in at 175  
least the range designated under division (A)(2)(c) of this 176  
section on each such test that shall be deemed to be a passing 177  
score on the test as a condition toward granting high school 178  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 179  
of the Revised Code. 180

The state board may enter into a reciprocal agreement with 181  
the appropriate body or agency of any other state that has similar 182  
statewide achievement testing requirements for receiving high 183  
school diplomas, under which any student who has met an 184  
achievement testing requirement of one state is recognized as 185  
having met the similar achievement testing requirement of the 186  
other state for purposes of receiving a high school diploma. For 187  
purposes of this section and sections 3301.0711 and 3313.61 of the 188  
Revised Code, any student enrolled in any public high school in 189  
this state who has met an achievement testing requirement 190  
specified in a reciprocal agreement entered into under this 191  
division shall be deemed to have attained at least the applicable 192  
score designated under this division on each test required by this 193  
division that is specified in the agreement. 194

(C) The state board shall annually designate as follows the 195  
dates on which the tests prescribed under this section shall be 196  
administered: 197

(1) For the reading test prescribed under division (A)(1)(a) 198  
of this section, as follows: 199

(a) One date prior to the thirty-first day of December each 200  
school year; 201

(b) At least one date of each school year that is not earlier 202

than Monday of the week containing the eighth day of March;	203
(c) One date during the summer <u>that is not earlier than the</u>	204
<u>tenth day of June nor later than the fifteenth day of July</u> for	205
students receiving summer remediation services under section	206
3313.608 of the Revised Code.	207
(2) For the mathematics test prescribed under division	208
(A)(1)(a) of this section and the tests prescribed under divisions	209
(A)(1)(b), (c), (d), (e), and (f) of this section, at least one	210
date of each school year that is not earlier than Monday of the	211
week containing the eighth day of March;	212
(3) For the tests prescribed under division (B) of this	213
section, at least one date in each school year that is not earlier	214
than Monday of the week containing the fifteenth day of March for	215
all tenth grade students and at least one date prior to the	216
thirty-first day of December and at least one date subsequent to	217
that date but prior to the thirty-first day of March of each	218
school year for eleventh and twelfth grade students.	219
(D) In prescribing test dates pursuant to division (C)(3) of	220
this section, the state board shall, to the greatest extent	221
practicable, provide options to school districts in the case of	222
tests administered under that division to eleventh and twelfth	223
grade students and in the case of tests administered to students	224
pursuant to division (C)(2) of section 3301.0711 of the Revised	225
Code. Such options shall include at least an opportunity for	226
school districts to give such tests outside of regular school	227
hours.	228
(E) In prescribing test dates pursuant to this section, the	229
state board of education shall designate the dates in such a way	230
as to allow a reasonable length of time between the administration	231
of tests prescribed under this section and any administration of	232
the National Assessment of Education Progress Test given to	233



students in the same grade level pursuant to section 3301.27 of 234  
the Revised Code or federal law. 235

(F) The state board shall prescribe a practice version of 236  
each Ohio graduation test described in division (B) of this 237  
section that is of comparable length to the actual test. 238

~~(F)~~(G) Any committee established by the department of 239  
education for the purpose of making recommendations to the state 240  
board regarding the state board's designation of scores on the 241  
tests described by this section shall inform the state board of 242  
the probable percentage of students who would score in each of the 243  
ranges established under division (A)(2) of this section on the 244  
tests if the committee's recommendations are adopted by the state 245  
board. To the extent possible, these percentages shall be 246  
disaggregated by gender, major racial and ethnic groups, limited 247  
English proficient students, economically disadvantaged students, 248  
students with disabilities, and migrant students. 249

If the state board intends to make any change to the 250  
committee's recommendations, the state board shall explain the 251  
intended change to the Ohio accountability task force established 252  
by section 3302.021 of the Revised Code. The task force shall 253  
recommend whether the state board should proceed to adopt the 254  
intended change. Nothing in this division shall require the state 255  
board to designate test scores based upon the recommendations of 256  
the task force. 257

**Sec. 3301.0711.** (A) The department of education shall: 258

(1) Annually furnish to, grade, and score all tests required 259  
by section 3301.0710 of the Revised Code to be administered by 260  
city, local, exempted village, and joint vocational school 261  
districts, except that each district shall score any test 262  
administered pursuant to division (B)~~(8)~~(10) of this section. In 263  
furnishing the practice versions of Ohio graduation tests 264

prescribed by division (F) of section 3301.0710 of the Revised Code, the department shall make the tests available on its website web site for reproduction by districts. In awarding contracts for grading tests, the department shall give preference to Ohio-based entities employing Ohio residents.

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

(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)(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.

(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.

(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)(e) 296  
of section 3301.0710 of the Revised Code at least once annually to 297  
all students in the seventh grade. 298

(7) Administer the tests prescribed under division (A)(1)(f) 299  
of section 3301.0710 of the Revised Code at least once annually to 300  
all students in the eighth grade. 301

(8) Except as provided in division (B)(9) of this section, 302  
administer any test prescribed under division (B) of section 303  
3301.0710 of the Revised Code as follows: 304

(a) At least once annually to all tenth grade students and at 305  
least twice annually to all students in eleventh or twelfth grade 306  
who have not yet attained the score on that test designated under 307  
that division; 308

(b) To any person who has successfully completed the 309  
curriculum in any high school or the individualized education 310  
program developed for the person by any high school pursuant to 311  
section 3323.08 of the Revised Code but has not received a high 312  
school diploma and who requests to take such test, at any time 313  
such test is administered in the district. 314

(9) In lieu of the board of education of any city, local, or 315  
exempted village school district in which the student is also 316  
enrolled, the board of a joint vocational school district shall 317  
administer any test prescribed under division (B) of section 318  
3301.0710 of the Revised Code at least twice annually to any 319  
student enrolled in the joint vocational school district who has 320  
not yet attained the score on that test designated under that 321  
division. A board of a joint vocational school district may also 322  
administer such a test to any student described in division 323  
(B)(8)(b) of this section. 324

~~(8)~~(10) If the district has been declared to be under an 325  
academic watch or in a state of academic emergency pursuant to 326

section 3302.03 of the Revised Code or has a three-year average 327  
graduation rate of not more than seventy-five per cent, administer 328  
each test prescribed by division (F) of section 3301.0710 of the 329  
Revised Code in September to all ninth grade students, beginning 330  
in the school year that starts July 1, ~~2004~~ 2005. 331

(C)(1)(a) Any student receiving special education services 332  
under Chapter 3323. of the Revised Code may be excused from taking 333  
any particular test required to be administered under this section 334  
if the individualized education program developed for the student 335  
pursuant to section 3323.08 of the Revised Code excuses the 336  
student from taking that test and instead specifies an alternate 337  
assessment method approved by the department of education as 338  
conforming to requirements of federal law for receipt of federal 339  
funds for disadvantaged pupils. To the extent possible, the 340  
individualized education program shall not excuse the student from 341  
taking a test unless no reasonable accommodation can be made to 342  
enable the student to take the test. 343

(b) Any alternate assessment approved by the department for a 344  
student under this division shall produce measurable results 345  
comparable to those produced by the tests which the alternate 346  
assessments are replacing in order to allow for the student's 347  
assessment results to be included in the data compiled for a 348  
school district or building under section 3302.03 of the Revised 349  
Code. 350

(c) Any student enrolled in a chartered nonpublic school who 351  
has been identified, based on an evaluation conducted in 352  
accordance with section 3323.03 of the Revised Code or section 504 353  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 354  
794, as amended, as a child with a disability shall be excused 355  
from taking any particular test required to be administered under 356  
this section if a plan developed for the student pursuant to rules 357  
adopted by the state board excuses the student from taking that 358

test. In the case of any student so excused from taking a test, 359  
the chartered nonpublic school shall not prohibit the student from 360  
taking the test. 361

(2) A district board may, for medical reasons or other good 362  
cause, excuse a student from taking a test administered under this 363  
section on the date scheduled, but any such test shall be 364  
administered to such excused student not later than nine days 365  
following the scheduled date. The board shall annually report the 366  
number of students who have not taken one or more of the tests 367  
required by this section to the state board of education not later 368  
than the thirtieth day of June. 369

(3) As used in this division, "limited English proficient 370  
student" has the same meaning as in 20 U.S.C. 7801. 371

No school district board shall excuse any limited English 372  
proficient student from taking any particular test required to be 373  
administered under this section, but a board may permit any 374  
limited English proficient student to take the test with 375  
appropriate accommodations, as determined by the department. For 376  
each limited English proficient student, each school district 377  
shall annually assess that student's progress in learning English, 378  
in accordance with procedures approved by the department. 379

The governing authority of a chartered nonpublic school may 380  
excuse a limited English proficient student from taking any test 381  
administered under this section. However, no governing authority 382  
shall prohibit a limited English proficient student from taking 383  
the test. 384

(D)(1) In the school year next succeeding the school year in 385  
which the tests prescribed by division (A)(1) or (B) of section 386  
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 387  
or (B) of section 3301.0710 of the Revised Code as it existed 388  
prior to September 11, 2001, are administered to any student, the 389

board of education of any school district in which the student is 390  
enrolled in that year shall provide to the student intervention 391  
services commensurate with the student's test performance, 392  
including any intensive intervention required under section 393  
3313.608 of the Revised Code, in any skill in which the student 394  
failed to demonstrate at least a score at the proficient level on 395  
the test. 396

(2) Following any administration of the tests prescribed by 397  
division (F) of section 3301.0710 of the Revised Code to ninth 398  
grade students, each school district that has ~~been declared to be~~ 399  
~~in a state of academic emergency pursuant to section 3302.03 of~~ 400  
~~the Revised Code~~ a three-year average graduation rate of not more 401  
than seventy-five per cent shall determine for each high school in 402  
the district whether the school shall be required to provide 403  
intervention services to any students who took the tests. In 404  
determining which high schools shall provide intervention services 405  
based on the resources available, the district shall consider each 406  
school's graduation rate and scores on the practice tests. ~~If any~~ 407  
~~achievement tests in reading and math are adopted by the state~~ 408  
~~board of education for administration in the eighth grade, the~~ The 409  
district also shall consider the scores received by ninth grade 410  
students on ~~those~~ the reading and mathematics tests prescribed 411  
under division (A)(1)(f) of section 3301.0710 of the Revised Code 412  
in the eighth grade in determining which high schools shall 413  
provide intervention services. 414

Each high school selected to provide intervention services 415  
under this division shall provide intervention services to any 416  
student whose test results indicate that the student is failing to 417  
make satisfactory progress toward being able to attain scores at 418  
the proficient level on the Ohio ~~Graduation Tests~~ graduation 419  
tests. Intervention services shall be provided in any skill in 420  
which a student demonstrates unsatisfactory progress and shall be 421

commensurate with the student's test performance. Schools shall 422  
provide the intervention services prior to the end of the school 423  
year, during the summer following the ninth grade, in the next 424  
succeeding school year, or at any combination of those times. 425

(E) Except as provided in section 3313.608 of the Revised 426  
Code and division (M) of this section, no school district board of 427  
education shall utilize any student's failure to attain a 428  
specified score on any test administered under this section as a 429  
factor in any decision to deny the student promotion to a higher 430  
grade level. However, a district board may choose not to promote 431  
to the next grade level any student who does not take any test 432  
administered under this section or make up such test as provided 433  
by division (C)(2) of this section. 434

(F) No person shall be charged a fee for taking any test 435  
administered under this section. 436

(G) Not later than sixty days after any administration of any 437  
test prescribed by division (A)(1) or (B) of section 3301.0710 of 438  
the Revised Code, the department shall send to each school 439  
district board a list of the individual test scores of all persons 440  
taking the test. For any tests administered under this section by 441  
a joint vocational school district, the department shall also send 442  
to each city, local, or exempted village school district a list of 443  
the individual test scores of any students of such city, local, or 444  
exempted village school district who are attending school in the 445  
joint vocational school district. 446

(H) Individual test scores on any tests administered under 447  
this section shall be released by a district board only in 448  
accordance with section 3319.321 of the Revised Code and the rules 449  
adopted under division (A) of this section. No district board or 450  
its employees shall utilize individual or aggregate test results 451  
in any manner that conflicts with rules for the ethical use of 452  
tests adopted pursuant to division (A) of this section. 453

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

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

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

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

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



(b) Persons described in division (B)(8)(b) of this section. 485

Any testing of students pursuant to such an agreement shall 486  
be in lieu of any testing of such students or persons pursuant to 487  
this section. 488

(K)(1) Any chartered nonpublic school may participate in the 489  
testing program by administering any of the tests prescribed by 490  
section 3301.0710 or 3301.0712 of the Revised Code if the chief 491  
administrator of the school specifies which tests the school 492  
wishes to administer. Such specification shall be made in writing 493  
to the superintendent of public instruction prior to the first day 494  
of August of any school year in which tests are administered and 495  
shall include a pledge that the nonpublic school will administer 496  
the specified tests in the same manner as public schools are 497  
required to do under this section and rules adopted by the 498  
department. 499

(2) The department of education shall furnish the tests 500  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 501  
to any chartered nonpublic school electing to participate under 502  
this division. 503

(L)(1) The superintendent of the state school for the blind 504  
and the superintendent of the state school for the deaf shall 505  
administer the tests described by section 3301.0710 of the Revised 506  
Code. Each superintendent shall administer the tests in the same 507  
manner as district boards are required to do under this section 508  
and rules adopted by the department of education and in conformity 509  
with division (C)(1)(a) of this section. 510

(2) The department of education shall furnish the tests 511  
described by section 3301.0710 of the Revised Code to each 512  
superintendent. 513

(M) Notwithstanding division (E) of this section, a school 514  
district may use a student's failure to attain a score in at least 515

the basic range on the mathematics test described by division 516  
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 517  
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 518  
of section 3301.0710 of the Revised Code as a factor in retaining 519  
that student in the current grade level. 520

(N)(1) ~~All~~ The tests required by section 3301.0710 of the 521  
Revised Code shall become public records pursuant to section 522  
149.43 of the Revised Code on the first day of July following the 523  
school year that the test was administered, except that the 524  
reading test prescribed under division (A)(1)(a) of section 525  
3301.0710 of the Revised Code shall become a public record on the 526  
sixteenth day of July following the school year that the test was 527  
administered. 528

(2) The department may field test proposed test questions 529  
with samples of students to determine the validity, reliability, 530  
or appropriateness of test questions for possible inclusion in a 531  
future year's test. The department also may use anchor questions 532  
on tests to ensure that different versions of the same test are of 533  
comparable difficulty. 534

Field test questions and anchor questions shall not be 535  
considered in computing test scores for individual students. Field 536  
test questions and anchor questions may be included as part of the 537  
administration of any test required by section 3301.0710 of the 538  
Revised Code. 539

(3) Any field test question or anchor question administered 540  
under division (N)(2) of this section shall not be a public 541  
record. Such field test questions and anchor questions shall be 542  
redacted from any tests which are released as a public record 543  
pursuant to division (N)(1) of this section. 544

(O) As used in this section, "three-year average" and 545  
"graduation rate" have the same meanings as in section 3302.01 of 546

the Revised Code. 547

**Sec. 3301.0712.** (A) Notwithstanding sections 3301.0710 and 548  
 3301.0711 of the Revised Code, the state board of education shall 549  
 continue to prescribe and the department of education and each 550  
 school district shall continue to administer any proficiency test 551  
 in accordance with those former sections, as they existed prior to 552  
 September 11, 2001, until the applicable test is no longer 553  
 required to be administered as indicated on the chart below. When 554  
 any achievement test has been developed and made available in 555  
 accordance with section 3301.079 of the Revised Code, such 556  
 achievement test shall be administered to students under sections 557  
 3301.0710 and 3301.0711 of the Revised Code beginning in the 558  
 school year indicated on the chart below. School districts shall 559  
 continue to provide intervention services as required under former 560  
 division (D) of section 3301.0711 of the Revised Code, as it 561  
 existed prior to September 11, 2001, to students who fail to 562  
 attain a score in the proficient range on a fourth grade 563  
 proficiency test. 564

Proficiency	Last	Achievement	First	
Test	administration	Test	administration	
	in school year		in school year	
	beginning		beginning	
	July 1 of		July 1 of	
		3rd grade	2003	570
		reading test		
		3rd grade	2004	571
		mathematics test		
4th grade	2003	4th grade	2004	572
reading test		reading test		
4th grade	2004	4th grade	2005	573
mathematics test		mathematics test		
4th grade	2003	4th grade	2004	574

writing test		writing test		
4th grade	2004	5th grade	2006	575
science test		science test		
4th grade	2004	5th grade social	2006	576
citizenship test		studies test		
		5th grade	2004	577
		reading test		
		5th grade	2005	578
		mathematics test		
6th grade	2004	6th grade	2005	579
reading test		reading test		
6th grade	2004	6th grade	2005	580
mathematics test		mathematics test		
6th grade	2004	7th grade	2006	581
writing test		writing test		
		7th grade	2005	582
		reading test		
		7th grade	2004	583
		mathematics test		
6th grade	2004	8th grade	2006	584
science test		science test		
6th grade	2004	8th grade social	<del>2007</del> <u>2006</u>	585
citizenship test		studies test		
		8th grade	2004	586
		reading test		
		8th grade	2004	587
		mathematics test		
9th grade	2002, except as	Ohio graduation	2002	588
reading test	provided in	test in reading		
	division (B) of			
	this section			
9th grade	2002, except as	Ohio graduation	2002	589
mathematics test	provided in	test in		

	division (B) of	mathematics		
	this section			
9th grade	2002, except as	Ohio graduation	2004	590
writing test	provided in	test in writing		
	division (B) of			
	this section			
9th grade	2002, except as	Ohio graduation	2004	591
science test	provided in	test in science		
	division (B) of			
	this section			
9th grade	2002, except as	Ohio graduation	2004	592
citizenship test	provided in	test in social		
	division (B) of	studies		
	this section			

(B) Notwithstanding division (A) of this section, the state board shall continue to prescribe and school districts and chartered nonpublic schools shall continue to administer ninth grade proficiency tests in reading, writing, mathematics, science, and citizenship to students who enter ninth grade prior to July 1, 2003, for as long as those students remain eligible under section 3313.614 of the Revised Code to receive their high school diplomas based on passage of those ninth grade proficiency tests.

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

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

(2) Procedures for annually collecting and reporting the data	610
to the state board in accordance with division (D) of this	611
section;	612
(3) Procedures for annually compiling the data in accordance	613
with division (G) of this section;	614
(4) Procedures for annually reporting the data to the public	615
in accordance with division (H) of this section.	616
(B) The guidelines adopted under this section shall require	617
the data maintained in the education management information system	618
to include at least the following:	619
(1) Student participation and performance data, for each	620
grade in each school district as a whole and for each grade in	621
each school building in each school district, that includes:	622
(a) The numbers of students receiving each category of	623
instructional service offered by the school district, such as	624
regular education instruction, vocational education instruction,	625
specialized instruction programs or enrichment instruction that is	626
part of the educational curriculum, instruction for gifted	627
students, instruction for handicapped students, and remedial	628
instruction. The guidelines shall require instructional services	629
under this division to be divided into discrete categories if an	630
instructional service is limited to a specific subject, a specific	631
type of student, or both, such as regular instructional services	632
in mathematics, remedial reading instructional services,	633
instructional services specifically for students gifted in	634
mathematics or some other subject area, or instructional services	635
for students with a specific type of handicap. The categories of	636
instructional services required by the guidelines under this	637
division shall be the same as the categories of instructional	638
services used in determining cost units pursuant to division	639
(C)(3) of this section.	640

- (b) The numbers of students receiving support or 641  
extracurricular services for each of the support services or 642  
extracurricular programs offered by the school district, such as 643  
counseling services, health services, and extracurricular sports 644  
and fine arts programs. The categories of services required by the 645  
guidelines under this division shall be the same as the categories 646  
of services used in determining cost units pursuant to division 647  
(C)(4)(a) of this section. 648
- (c) Average student grades in each subject in grades nine 649  
through twelve; 650
- (d) Academic achievement levels as assessed by the testing of 651  
student achievement under sections 3301.0710 and 3301.0711 of the 652  
Revised Code; 653
- (e) The number of students designated as having a 654  
handicapping condition pursuant to division (C)(1) of section 655  
3301.0711 of the Revised Code; 656
- (f) The numbers of students reported to the state board 657  
pursuant to division (C)(2) of section 3301.0711 of the Revised 658  
Code; 659
- (g) Attendance rates and the average daily attendance for the 660  
year. For purposes of this division, a student shall be counted as 661  
present for any field trip that is approved by the school 662  
administration. 663
- (h) Expulsion rates; 664
- (i) Suspension rates; 665
- (j) The percentage of students receiving corporal punishment; 666
- (k) Dropout rates; 667
- (l) Rates of retention in grade; 668
- (m) For pupils in grades nine through twelve, the average 669

number of carnegie units, as calculated in accordance with state 670  
board of education rules; 671

(n) Graduation rates, to be calculated in a manner specified 672  
by the department of education that reflects the rate at which 673  
students who were in the ninth grade three years prior to the 674  
current year complete school and that is consistent with 675  
nationally accepted reporting requirements; 676

(o) Results of diagnostic assessments administered to 677  
kindergarten students as required under section 3301.0715 of the 678  
Revised Code to permit a comparison of the academic readiness of 679  
kindergarten students. However, no district shall be required to 680  
report to the department the results of any diagnostic assessment 681  
administered to a kindergarten student if the parent of that 682  
student requests the district not to report those results. 683

(2) Personnel and classroom enrollment data for each school 684  
district, including: 685

(a) The total numbers of licensed employees and nonlicensed 686  
employees and the numbers of full-time equivalent licensed 687  
employees and nonlicensed employees providing each category of 688  
instructional service, instructional support service, and 689  
administrative support service used pursuant to division (C)(3) of 690  
this section. The guidelines adopted under this section shall 691  
require these categories of data to be maintained for the school 692  
district as a whole and, wherever applicable, for each grade in 693  
the school district as a whole, for each school building as a 694  
whole, and for each grade in each school building. 695

(b) The total number of employees and the number of full-time 696  
equivalent employees providing each category of service used 697  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 698  
total numbers of licensed employees and nonlicensed employees and 699  
the numbers of full-time equivalent licensed employees and 700



nonlicensed employees providing each category used pursuant to 701  
division (C)(4)(c) of this section. The guidelines adopted under 702  
this section shall require these categories of data to be 703  
maintained for the school district as a whole and, wherever 704  
applicable, for each grade in the school district as a whole, for 705  
each school building as a whole, and for each grade in each school 706  
building. 707

(c) The total number of regular classroom teachers teaching 708  
classes of regular education and the average number of pupils 709  
enrolled in each such class, in each of grades kindergarten 710  
through five in the district as a whole and in each school 711  
building in the school district. 712

(d) The number of master teachers employed by each school 713  
district and each school building, once a definition of master 714  
teacher has been developed by the educator standards board 715  
pursuant to section 3319.61 of the Revised Code. 716

(3)(a) Student demographic data for each school district, 717  
including information regarding the gender ratio of the school 718  
district's pupils, the racial make-up of the school district's 719  
pupils, the number of limited English proficient students in the 720  
district, and an appropriate measure of the number of the school 721  
district's pupils who reside in economically disadvantaged 722  
households. The demographic data shall be collected in a manner to 723  
allow correlation with data collected under division (B)(1) of 724  
this section. Categories for data collected pursuant to division 725  
(B)(3) of this section shall conform, where appropriate, to 726  
standard practices of agencies of the federal government. 727

(b) With respect to each student entering kindergarten, 728  
whether the student previously participated in a public preschool 729  
program, a private preschool program, or a head start program, and 730  
the number of years the student participated in each of these 731  
programs. 732

(4) Any data required to be collected pursuant to federal law. 733  
734

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 735  
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code. 744  
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(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building. 750  
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each 756  
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building in the school district and in terms of a total cost for 764  
each category of service and, as a breakdown of the total cost, a 765  
cost for each of the following components: 766

(a) The cost of each instructional services category required 767  
by guidelines adopted under division (B)(1)(a) of this section 768  
that is provided directly to students by a classroom teacher; 769

(b) The cost of the instructional support services, such as 770  
services provided by a speech-language pathologist, classroom 771  
aide, multimedia aide, or librarian, provided directly to students 772  
in conjunction with each instructional services category; 773

(c) The cost of the administrative support services related 774  
to each instructional services category, such as the cost of 775  
personnel that develop the curriculum for the instructional 776  
services category and the cost of personnel supervising or 777  
coordinating the delivery of the instructional services category. 778

(4) Support or extracurricular services costs for each 779  
category of service directly provided to students and required by 780  
guidelines adopted pursuant to division (B)(1)(b) of this section. 781  
The guidelines shall require the cost units under division (C)(4) 782  
of this section to be designed so that each of them may be 783  
compiled and reported in terms of average expenditure per pupil 784  
receiving the service in the school district as a whole and 785  
average expenditure per pupil receiving the service in each 786  
building in the school district and in terms of a total cost for 787  
each category of service and, as a breakdown of the total cost, a 788  
cost for each of the following components: 789

(a) The cost of each support or extracurricular services 790  
category required by guidelines adopted under division (B)(1)(b) 791  
of this section that is provided directly to students by a 792  
licensed employee, such as services provided by a guidance 793  
counselor or any services provided by a licensed employee under a 794

supplemental contract; 795

(b) The cost of each such services category provided directly 796  
to students by a nonlicensed employee, such as janitorial 797  
services, cafeteria services, or services of a sports trainer; 798

(c) The cost of the administrative services related to each 799  
services category in division (C)(4)(a) or (b) of this section, 800  
such as the cost of any licensed or nonlicensed employees that 801  
develop, supervise, coordinate, or otherwise are involved in 802  
administering or aiding the delivery of each services category. 803

(D)(1) The guidelines adopted under this section shall 804  
require school districts to collect information about individual 805  
students, staff members, or both in connection with any data 806  
required by division (B) or (C) of this section or other reporting 807  
requirements established in the Revised Code. The guidelines may 808  
also require school districts to report information about 809  
individual staff members in connection with any data required by 810  
division (B) or (C) of this section or other reporting 811  
requirements established in the Revised Code. The guidelines shall 812  
not authorize school districts to request social security numbers 813  
of individual students. The guidelines shall prohibit the 814  
reporting under this section of a student's name, address, and 815  
social security number to the state board of education or the 816  
department of education. The guidelines shall also prohibit the 817  
reporting under this section of any personally identifiable 818  
information about any student, except for the purpose of assigning 819  
the data verification code required by division (D)(2) of this 820  
section, to any other person unless such person is employed by the 821  
school district or the data acquisition site operated under 822  
section 3301.075 of the Revised Code and is authorized by the 823  
district or acquisition site to have access to such information. 824  
The guidelines may require school districts to provide the social 825  
security numbers of individual staff members. 826

(2) The guidelines shall provide for each school district or 827  
community school to assign a data verification code that is unique 828  
on a statewide basis over time to each student whose initial Ohio 829  
enrollment is in that district or school and to report all 830  
required individual student data for that student utilizing such 831  
code. The guidelines shall also provide for assigning data 832  
verification codes to all students enrolled in districts or 833  
community schools on the effective date of the guidelines 834  
established under this section. 835

Individual student data shall be reported to the department 836  
through the data acquisition sites utilizing the code but at no 837  
time shall the state board or the department have access to 838  
information that would enable any data verification code to be 839  
matched to personally identifiable student data. 840

Each school district shall ensure that the data verification 841  
code is included in the student's records reported to any 842  
subsequent school district or community school in which the 843  
student enrolls. Any such subsequent district or school shall 844  
utilize the same identifier in its reporting of data under this 845  
section. 846

(E) The guidelines adopted under this section may require 847  
school districts to collect and report data, information, or 848  
reports other than that described in divisions (A), (B), and (C) 849  
of this section for the purpose of complying with other reporting 850  
requirements established in the Revised Code. The other data, 851  
information, or reports may be maintained in the education 852  
management information system but are not required to be compiled 853  
as part of the profile formats required under division (G) of this 854  
section or the annual statewide report required under division (H) 855  
of this section. 856

(F) Beginning with the school year that begins July 1, 1991, 857

the board of education of each school district shall annually 858  
collect and report to the state board, in accordance with the 859  
guidelines established by the board, the data required pursuant to 860  
this section. A school district may collect and report these data 861  
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 862

(G) The state board shall, in accordance with the procedures 863  
it adopts, annually compile the data reported by each school 864  
district pursuant to division (D) of this section. The state board 865  
shall design formats for profiling each school district as a whole 866  
and each school building within each district and shall compile 867  
the data in accordance with these formats. These profile formats 868  
shall: 869

(1) Include all of the data gathered under this section in a 870  
manner that facilitates comparison among school districts and 871  
among school buildings within each school district; 872

(2) Present the data on academic achievement levels as 873  
assessed by the testing of student achievement maintained pursuant 874  
to division (B)(1)(d) of this section. 875

(H)(1) The state board shall, in accordance with the 876  
procedures it adopts, annually prepare a statewide report for all 877  
school districts and the general public that includes the profile 878  
of each of the school districts developed pursuant to division (G) 879  
of this section. Copies of the report shall be sent to each school 880  
district. 881

(2) The state board shall, in accordance with the procedures 882  
it adopts, annually prepare an individual report for each school 883  
district and the general public that includes the profiles of each 884  
of the school buildings in that school district developed pursuant 885  
to division (G) of this section. Copies of the report shall be 886  
sent to the superintendent of the district and to each member of 887  
the district board of education. 888

(3) Copies of the reports received from the state board under 889  
divisions (H)(1) and (2) of this section shall be made available 890  
to the general public at each school district's offices. Each 891  
district board of education shall make copies of each report 892  
available to any person upon request and payment of a reasonable 893  
fee for the cost of reproducing the report. The board shall 894  
annually publish in a newspaper of general circulation in the 895  
school district, at least twice during the two weeks prior to the 896  
week in which the reports will first be available, a notice 897  
containing the address where the reports are available and the 898  
date on which the reports will be available. 899

(I) Any data that is collected or maintained pursuant to this 900  
section and that identifies an individual pupil is not a public 901  
record for the purposes of section 149.43 of the Revised Code. 902

(J) As used in this section: 903

(1) "School district" means any city, local, exempted 904  
village, or joint vocational school district. 905

(2) "Cost" means any expenditure for operating expenses made 906  
by a school district excluding any expenditures for debt 907  
retirement except for payments made to any commercial lending 908  
institution for any loan approved pursuant to section 3313.483 of 909  
the Revised Code. 910

(K) Any person who removes data from the information system 911  
established under this section for the purpose of releasing it to 912  
any person not entitled under law to have access to such 913  
information is subject to section 2913.42 of the Revised Code 914  
prohibiting tampering with data. 915

(L) Any time the department of education determines that a 916  
school district has taken any of the actions described under 917  
division (L)(1), (2), or (3) of this section, it shall make a 918  
report of the actions of the district, send a copy of the report 919

to the superintendent of such school district, and maintain a copy 920  
of the report in its files: 921

(1) The school district fails to meet any deadline 922  
established pursuant to this section for the reporting of any data 923  
to the education management information system; 924

(2) The school district fails to meet any deadline 925  
established pursuant to this section for the correction of any 926  
data reported to the education management information system; 927

(3) The school district reports data to the education 928  
management information system in a condition, as determined by the 929  
department, that indicates that the district did not make a good 930  
faith effort in reporting the data to the system. 931

Any report made under this division shall include 932  
recommendations for corrective action by the school district. 933

Upon making a report for the first time in a fiscal year, the 934  
department shall withhold ten per cent of the total amount due 935  
during that fiscal year under Chapter 3317. of the Revised Code to 936  
the school district to which the report applies. Upon making a 937  
second report in a fiscal year, the department shall withhold an 938  
additional twenty per cent of such total amount due during that 939  
fiscal year to the school district to which the report applies. 940  
The department shall not release such funds unless it determines 941  
that the district has taken corrective action. However, no such 942  
release of funds shall occur if the district fails to take 943  
corrective action within forty-five days of the date upon which 944  
the report was made by the department. 945

(M) No data acquisition site or school district shall 946  
acquire, change, or update its student administration software 947  
package to manage and report data required to be reported to the 948  
department unless it converts to a student software package that 949  
is certified by the department. 950



(N) The state board of education, in accordance with sections 951  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 952  
license as defined under division (A) of section 3319.31 of the 953  
Revised Code that has been issued to any school district employee 954  
found to have willfully reported erroneous, inaccurate, or 955  
incomplete data to the education management information system. 956

(O) No person shall release or maintain any information about 957  
any student in violation of this section. Whoever violates this 958  
division is guilty of a misdemeanor of the fourth degree. 959

(P) The department shall disaggregate the data collected 960  
under division (B)(1)(o) of this section according to the race and 961  
socioeconomic status of the students assessed. No data collected 962  
under that division shall be included on the report cards required 963  
by section 3302.03 of the Revised Code. 964

(Q) If the department cannot compile any of the information 965  
required by division (C)(5) of section 3302.03 of the Revised Code 966  
based upon the data collected under this section, the department 967  
shall develop a plan and a reasonable timeline for the collection 968  
of any data necessary to comply with that division. 969

**Sec. 3301.0715.** (A) Except as provided in division (E) of 970  
this section, the board of education of each city, local, and 971  
exempted village school district shall administer each applicable 972  
diagnostic assessment developed and provided to the district in 973  
accordance with section 3301.079 of the Revised Code to the 974  
following: 975

(1) Each student enrolled in a building subject to division 976  
(E) of section 3302.04 of the Revised Code; 977

(2) Any student who transfers into the district or to a 978  
different school within the district if each applicable diagnostic 979  
assessment was not administered by the district or school the 980

student previously attended in the current school year, within 981  
thirty days after the date of transfer+. If the district or school 982  
into which the student transfers cannot determine whether the 983  
student has taken any applicable diagnostic assessment in the 984  
current school year, the district or school may administer the 985  
diagnostic assessment to the student. 986

(3) Each kindergarten student, ~~within~~ not later than six 987  
weeks after the first day of school. For the purpose of division 988  
(A)(3) of this section, the district shall administer the 989  
kindergarten readiness assessment provided by the department of 990  
education. The district may administer the readiness assessment to 991  
a student prior to the student's enrollment in kindergarten, but 992  
in no case shall the results of the readiness assessment be used 993  
to prohibit the student from enrolling in kindergarten. 994

(4) Each student enrolled in first or second grade. 995

(B) Each district board shall administer each diagnostic 996  
assessment as the board deems appropriate. However, the board 997  
shall administer any diagnostic assessment at least once annually 998  
to all students in the appropriate grade level. A district board 999  
may administer any diagnostic assessment in the fall and spring of 1000  
a school year to measure the amount of academic growth 1001  
attributable to the instruction received by students during that 1002  
school year. 1003

(C) Each district board shall utilize and score any 1004  
diagnostic assessment administered under division (A) of this 1005  
section in accordance with rules established by the department. 1006  
Except as required by division (B)(1)(o) of section 3301.0714 of 1007  
the Revised Code, neither the state board of education nor the 1008  
department shall require school districts to report the results of 1009  
diagnostic assessments for any students to the department or to 1010  
make any such results available in any form to the public. After 1011  
the administration of any diagnostic assessment, each district 1012

shall provide a student's completed diagnostic assessment, the 1013  
results of such assessment, and any other accompanying documents 1014  
used during the administration of the assessment to the parent of 1015  
that student upon the parent's request. 1016

(D) Each district board shall provide intervention services 1017  
to students whose diagnostic assessments show that they are 1018  
failing to make satisfactory progress toward attaining the 1019  
academic standards for their grade level. 1020

(E) Any district that made adequate yearly progress, as 1021  
defined in section 3302.01 of the Revised Code, in the immediately 1022  
preceding school year may assess student progress in grades one 1023  
through eight using a diagnostic assessment other than the 1024  
diagnostic assessment required by division (A) of this section. 1025

(F) A district board may administer any diagnostic assessment 1026  
provided to the district in accordance with section 3301.079 of 1027  
the Revised Code to any student enrolled in a building that is not 1028  
subject to division (A)(1) of this section. Any district electing 1029  
to administer diagnostic assessments to students under this 1030  
division shall provide intervention services to any such student 1031  
whose diagnostic assessment shows unsatisfactory progress toward 1032  
attaining the academic standards for the student's grade level. 1033

**Sec. 3302.03.** (A) Annually the department of education shall 1034  
report for each school district and each school building in a 1035  
district all of the following: 1036

(1) The extent to which the school district or building meets 1037  
each of the applicable performance indicators created by the state 1038  
board of education under section 3302.02 of the Revised Code and 1039  
the number of applicable performance indicators that have been 1040  
achieved; 1041

(2) The performance index score of the school district or 1042

building;	1043
(3) Whether the school district or building has made adequate yearly progress;	1044 1045
(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.	1046 1047 1048
(B)(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:	1049 1050
(a) It makes adequate yearly progress 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.	1051 1052 1053 1054
(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.	1055 1056 1057 1058 1059
(2) A school district or building shall be declared effective if it fulfills one of the following requirements:	1060 1061
(a) It makes adequate yearly progress and either meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	1062 1063 1064 1065
(b) It does not make adequate yearly progress and either meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for three consecutive years, it shall be declared in need of continuous improvement.	1066 1067 1068 1069 1070 1071
(3) A school district or building shall be declared to be in	1072

need of continuous improvement if it fulfills one of the following 1073  
requirements: 1074

(a) It makes adequate yearly progress, meets less than 1075  
seventy-five per cent of the applicable state performance 1076  
indicators, and has a performance index score established by the 1077  
department. 1078

(b) It does not make adequate yearly progress and either 1079  
meets at least fifty per cent but less than seventy-five per cent 1080  
of the applicable state performance indicators or has a 1081  
performance index score established by the department. 1082

(4) A school district or building shall be declared to be 1083  
under an academic watch if it does not make adequate yearly 1084  
progress and either meets at least thirty-one per cent but less 1085  
than fifty per cent of the applicable state performance indicators 1086  
or has a performance index score established by the department. 1087

(5) A school district or building shall be declared to be in 1088  
a state of academic emergency if it does not make adequate yearly 1089  
progress, does not meet at least thirty-one per cent of the 1090  
applicable state performance indicators, and has a performance 1091  
index score established by the department. 1092

(C)(1) The department shall issue annual report cards for 1093  
each school district, each building within each district, and for 1094  
the state as a whole reflecting performance on the indicators 1095  
created by the state board under section 3302.02 of the Revised 1096  
Code, the performance index score, and adequate yearly progress. 1097

(2) The department shall include on the report card for each 1098  
district information pertaining to any change from the previous 1099  
year made by the school district or school buildings within the 1100  
district on any performance indicator. 1101

(3) When reporting data on student performance, the 1102  
department shall disaggregate that data according to the following 1103

categories:	1104
(a) Performance of students by age group;	1105
(b) Performance of students by race and ethnic group;	1106
(c) Performance of students by gender;	1107
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1108 1109
(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;	1110 1111 1112
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1113 1114
(g) Performance of students grouped by those who are economically disadvantaged;	1115 1116
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1117 1118 1119
(i) Performance of students grouped by those who are classified as limited English proficient;	1120 1121
(j) Performance of students grouped by those who have disabilities;	1122 1123
(k) Performance of students grouped by those who are classified as migrants;	1124 1125
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	1126 1127 1128
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any	1129 1130 1131 1132

combinations of two or more of the categories listed in divisions 1133  
(C)(3)(a) to (1) of this section that it deems relevant. 1134

In reporting data pursuant to division (C)(3) of this 1135  
section, the department shall not include in the report cards any 1136  
data statistical in nature that is statistically unreliable or 1137  
that could result in the identification of individual students. 1138  
For this purpose, the department shall not report student 1139  
performance data for any group identified in division (C)(3) of 1140  
this section that contains less than ten students. 1141

(4) The department may include with the report cards any 1142  
additional education and fiscal performance data it deems 1143  
valuable. 1144

(5) The department shall include on each report card a list 1145  
of additional information collected by the department that is 1146  
available regarding the district or building for which the report 1147  
card is issued. When available, such additional information shall 1148  
include student mobility data disaggregated by race and 1149  
socioeconomic status, college enrollment data, and the reports 1150  
prepared under section 3302.031 of the Revised Code. 1151

The department shall maintain a site on the world wide web. 1152  
The report card shall include the address of the site and shall 1153  
specify that such additional information is available to the 1154  
public at that site. The department shall also provide a copy of 1155  
each item on the list to the superintendent of each school 1156  
district. The district superintendent shall provide a copy of any 1157  
item on the list to anyone who requests it. 1158

(6) For any district that sponsors a conversion community 1159  
school under Chapter 3314. of the Revised Code, the department 1160  
shall combine data regarding the academic performance of students 1161  
enrolled in the community school with comparable data from the 1162  
schools of the district for the purpose of calculating the 1163

performance of the district as a whole on the report card issued 1164  
for the district. 1165

(7) The department shall include on each report card the 1166  
percentage of teachers in the district or building who are highly 1167  
qualified, as defined by the "No Child Left Behind Act of 2001," 1168  
115 Stat. 1425, 20 U.S.C. 7801, and a comparison of that 1169  
percentage with the percentages of such teachers in similar 1170  
districts and buildings. 1171

(8) The department shall include on the report card the 1172  
number of master teachers employed by each district and each 1173  
building once the data is available from the education management 1174  
information system established under section 3301.0714 of the 1175  
Revised Code. 1176

(D)(1) In calculating reading, writing, mathematics, social 1177  
studies, or science proficiency or achievement test passage rates 1178  
used to determine school district or building performance under 1179  
this section, the department shall include all students taking a 1180  
test with accommodation or to whom an alternate assessment is 1181  
administered pursuant to division (C)(1) or (3) of section 1182  
3301.0711 of the Revised Code. 1183

(2) In calculating performance index scores, rates of 1184  
achievement on the performance indicators established by the state 1185  
board under section 3302.02 of the Revised Code, and adequate 1186  
yearly progress for school districts and buildings under this 1187  
section, the department shall do both of the following: 1188

(a) Include for each district or building only those students 1189  
who are included in the ADM certified for the first full school 1190  
week of October and are continuously enrolled in the district or 1191  
building through the time of the spring administration of any test 1192  
prescribed by section 3301.0710 of the Revised Code that is 1193  
administered to the student's grade level; 1194



(b) Include cumulative totals from both the fall and spring 1195  
administrations of the third grade reading achievement test. 1196

**Sec. 3302.04.** (A) The department of education shall establish 1197  
a system of intensive, ongoing support for the improvement of 1198  
school districts and school buildings. The system shall give 1199  
priority to districts and buildings that have been declared to be 1200  
under an academic watch or in a state of academic emergency under 1201  
section 3302.03 of the Revised Code and shall include services 1202  
provided to districts and buildings through regional service 1203  
providers, such as educational service centers, regional 1204  
professional development centers, and special education regional 1205  
resource centers. 1206

(B) When a school district has been notified by the 1207  
department pursuant to division (A) of section 3302.03 of the 1208  
Revised Code that the district or a building within the district 1209  
has failed to make adequate yearly progress for two consecutive 1210  
school years, the district shall develop a three-year continuous 1211  
improvement plan for the district or building containing each of 1212  
the following: 1213

(1) An analysis of the reasons for the failure of the 1214  
district or building to meet any of the applicable performance 1215  
indicators established under section 3302.02 of the Revised Code 1216  
that it did not meet and an analysis of the reasons for its 1217  
failure to make adequate yearly progress; 1218

(2) Specific strategies that the district or building will 1219  
use to address the problems in academic achievement identified in 1220  
division (B)(1) of this section; 1221

(3) Identification of the resources that the district will 1222  
allocate toward improving the academic achievement of the district 1223  
or building; 1224

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;  
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(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;  
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(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.  
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No three-year continuous improvement plan shall be developed 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.  
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(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 building 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 or buildings.  
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(D)(1) Within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.  
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(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  
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is declared to be in a state of academic emergency or in a state 1256  
of academic watch fails to demonstrate to the department 1257  
satisfactory improvement of the district or applicable buildings 1258  
or fails to submit to the department any information required 1259  
under rules established by the state board of education, prior to 1260  
approving a three-year continuous improvement plan under rules 1261  
established by the state board of education, the department shall 1262  
conduct a site evaluation of the school district or applicable 1263  
buildings to determine whether the school district is in 1264  
compliance with minimum standards established by law or rule. 1265

(3) Site evaluations conducted under divisions (D)(1) and (2) 1266  
of this section shall include, but not be limited to, the 1267  
following: 1268

(a) Determining whether teachers are assigned to subject 1269  
areas for which they are licensed or certified; 1270

(b) Determining pupil-teacher ratios; 1271

(c) Examination of compliance with minimum instruction time 1272  
requirements for each school day and for each school year; 1273

(d) Determining whether materials and equipment necessary to 1274  
implement the curriculum approved by the school district board are 1275  
available; 1276

(e) Examination of whether the teacher and principal 1277  
evaluation system reflects the evaluation system guidelines 1278  
adopted by the state board of education under section 3319.112 of 1279  
the Revised Code; 1280

(f) Examination of the adequacy of efforts to improve the 1281  
cultural competency, as defined pursuant to section 3319.61 of the 1282  
Revised Code, of teachers and other educators. 1283

(E) This division applies only to school districts that 1284  
operate a school building that fails to make adequate yearly 1285

progress for two or more consecutive school years. 1286

(1) For any school building that fails to make adequate 1287  
yearly progress for two consecutive school years, the district 1288  
shall do all of the following: 1289

(a) Provide written notification of the academic issues that 1290  
resulted in the building's failure to make adequate yearly 1291  
progress to the parent or guardian of each student enrolled in the 1292  
building. The notification shall also describe the actions being 1293  
taken by the district or building to improve the academic 1294  
performance of the building and any progress achieved toward that 1295  
goal in the immediately preceding school year. 1296

(b) If the building receives funds under Title 1, Part A of 1297  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1298  
6311 to 6339, from the district, in accordance with section 1299  
3313.97 of the Revised Code, offer all students enrolled in the 1300  
building the opportunity to enroll in an alternative building 1301  
within the district that is not in school improvement status as 1302  
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1303  
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1304  
the district shall spend an amount equal to twenty per cent of the 1305  
funds it receives under Title I, Part A of the "Elementary and 1306  
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 1307  
provide transportation for students who enroll in alternative 1308  
buildings under this division, unless the district can satisfy all 1309  
demand for transportation with a lesser amount. If an amount equal 1310  
to twenty per cent of the funds the district receives under Title 1311  
I, Part A of the "Elementary and Secondary Education Act of 1965," 1312  
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 1313  
transportation, the district shall grant priority over all other 1314  
students to the lowest achieving students among the subgroup 1315  
described in division (F)(3) of section 3302.01 of the Revised 1316  
Code in providing transportation. Any district that does not 1317

receive funds under Title I, Part A of the "Elementary and 1318  
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall 1319  
not be required to provide transportation to any student who 1320  
enrolls in an alternative building under this division. 1321

(2) For any school building that fails to make adequate 1322  
yearly progress for three consecutive school years, the district 1323  
shall do both of the following: 1324

(a) If the building receives funds under Title 1, Part A of 1325  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1326  
6311 to 6339, from the district, in accordance with section 1327  
3313.97 of the Revised Code, provide all students enrolled in the 1328  
building the opportunity to enroll in an alternative building 1329  
within the district that is not in school improvement status as 1330  
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1331  
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1332  
the district shall provide transportation for students who enroll 1333  
in alternative buildings under this division to the extent 1334  
required under division (E)(2) of this section. 1335

(b) If the building receives funds under Title 1, Part A of 1336  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1337  
6311 to 6339, from the district, offer supplemental educational 1338  
services to students who are enrolled in the building and who are 1339  
in the subgroup described in division (F)(3) of section 3302.01 of 1340  
the Revised Code. 1341

The district shall spend a combined total of an amount equal 1342  
to twenty per cent of the funds it receives under Title I, Part A 1343  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1344  
6311 to 6339, to provide transportation for students who enroll in 1345  
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 1346  
this section and to pay the costs of the supplemental educational 1347  
services provided to students under division (E)(2)(b) of this 1348  
section, unless the district can satisfy all demand for 1349

transportation and pay the costs of supplemental educational 1350  
services for those students who request them with a lesser amount. 1351  
In allocating ~~the funds the district receives under Title I, Part~~ 1352  
~~A of the "Elementary and Secondary Education Act of 1965," 20~~ 1353  
~~U.S.C. 6311 to 6339,~~ between the requirements of divisions 1354  
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 1355  
shall spend at least an amount equal to five per cent of ~~such the~~ 1356  
funds it receives under Title I, Part A of the "Elementary and 1357  
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 1358  
provide transportation for students who enroll in alternative 1359  
buildings under division (E)(1)(b) or (E)(2)(a) of this section, 1360  
unless the district can satisfy all demand for transportation with 1361  
a lesser amount, and at least an amount equal to five per cent of 1362  
~~such the funds it receives under Title I, Part A of the~~ 1363  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1364  
to 6339, to pay the costs of the supplemental educational services 1365  
provided to students under division (E)(2)(b) of this section, 1366  
unless the district can pay the costs of such services for all 1367  
students requesting them with a lesser amount. If an amount equal 1368  
to twenty per cent of the funds the district receives under Title 1369  
I, Part A of the "Elementary and Secondary Education Act of 1965," 1370  
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 1371  
transportation under divisions (E)(1)(b) and (E)(2)(a) of this 1372  
section and to pay the costs of all of the supplemental 1373  
educational services provided to students under division (E)(2)(b) 1374  
of this section, the district shall grant priority over all other 1375  
students in providing transportation and in paying the costs of 1376  
supplemental educational services to the lowest achieving students 1377  
among the subgroup described in division (F)(3) of section 3302.01 1378  
of the Revised Code. 1379

Any district that does not receive funds under Title I, Part 1380  
A of the "Elementary and Secondary Education Act of 1965," 20 1381  
U.S.C. 6311 to 6339, shall not be required to provide 1382

transportation to any student who enrolls in an alternative 1383  
building under division (E)(2)(a) of this section or to pay the 1384  
costs of supplemental educational services provided to any student 1385  
under division (E)(2)(b) of this section. 1386

No student who enrolls in an alternative building under 1387  
division (E)(2)(a) of this section shall be eligible for 1388  
supplemental educational services under division (E)(2)(b) of this 1389  
section. 1390

(3) For any school building that fails to make adequate 1391  
yearly progress for four consecutive school years, the district 1392  
shall continue to comply with division (E)(2) of this section and 1393  
shall implement at least one of the following options with respect 1394  
to the building: 1395

(a) Institute a new curriculum that is consistent with the 1396  
statewide academic standards adopted pursuant to division (A) of 1397  
section 3301.079 of the Revised Code; 1398

(b) Decrease the degree of authority the building has to 1399  
manage its internal operations; 1400

(c) Appoint an outside expert to make recommendations for 1401  
improving the academic performance of the building. The district 1402  
may request the department to establish a state intervention team 1403  
for this purpose pursuant to division (G) of this section. 1404

(d) Extend the length of the school day or year; 1405

(e) Replace the building principal or other key personnel; 1406

(f) Reorganize the administrative structure of the building. 1407

(4) For any school building that fails to make adequate 1408  
yearly progress for five consecutive school years, the district 1409  
shall continue to comply with division (E)(2) of this section and 1410  
shall develop a plan during the next succeeding school year to 1411  
improve the academic performance of the building, which shall 1412

include at least one of the following options:	1413
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	1414 1415
(b) Replace personnel;	1416
(c) Contract with a nonprofit or for-profit entity to operate the building;	1417 1418
(d) Turn operation of the building over to the department;	1419
(e) Other significant restructuring of the building's governance.	1420 1421
(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.	1422 1423 1424 1425 1426
(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	1427 1428 1429 1430 1431
(F) This division applies only to school districts that fail to make adequate yearly progress for two or more consecutive school years.	1432 1433 1434
(1) If a school district fails to make adequate yearly progress for two consecutive school years, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district.	1435 1436 1437 1438 1439 1440
(2) If a school district fails to make adequate yearly progress for three consecutive school years, the district shall	1441 1442



continue to implement the continuous improvement plan developed by 1443  
the district pursuant to division (B) of this section. 1444

(3) If a school district fails to make adequate yearly 1445  
progress for four consecutive school years, the department shall 1446  
take at least one of the following corrective actions with respect 1447  
to the district: 1448

(a) Withhold a portion of the funds the district is entitled 1449  
to receive under Title I, Part A of the "Elementary and Secondary 1450  
Education Act of 1965," 20 U.S.C. 6311 to 6339; 1451

(b) Direct the district to replace key district personnel; 1452

(c) Institute a new curriculum that is consistent with the 1453  
statewide academic standards adopted pursuant to division (A) of 1454  
section 3301.079 of the Revised Code; 1455

(d) Establish alternative forms of governance for individual 1456  
school buildings within the district; 1457

(e) Appoint a trustee to manage the district in place of the 1458  
district superintendent and board of education. 1459

The department shall conduct individual audits of a sampling 1460  
of districts subject to this division to determine compliance with 1461  
the corrective actions taken by the department. 1462

(4) If a school district fails to make adequate yearly 1463  
progress for five consecutive school years, the department shall 1464  
continue to monitor implementation of the corrective action taken 1465  
under division (F)(3) of this section with respect to the 1466  
district. 1467

(5) If a school district fails to make adequate yearly 1468  
progress for six consecutive school years, the department shall 1469  
take at least one of the corrective actions identified in division 1470  
(F)(3) of this section with respect to the district, provided that 1471  
the corrective action the department takes is different from the 1472

corrective action previously taken under division (F)(3) of this section with respect to the district. 1473  
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(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building. 1475  
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The department shall not approve a district's request for an intervention team under division (E)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team. 1483  
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(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. 1487  
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(I) The state board shall adopt rules for implementing this section. 1490  
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**Sec. 3307.01.** As used in this chapter: 1492

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid. 1493  
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(B) "Teacher" means all of the following: 1498

(1) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 1499  
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3319.22 to 3319.31 of the Revised Code;	1503
(2) Any person employed as a teacher by a community school pursuant to Chapter 3314. of the Revised Code;	1504 1505
<del>(3) Any person holding an internship certificate issued under section 3319.28 of the Revised Code and employed in a public school in this state;</del>	1506 1507 1508
<del>(4)</del> Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;	1509 1510 1511 1512 1513 1514 1515 1516
<del>(5)</del> <u>(4)</u> Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, the university of Toledo, and the medical college of Ohio at Toledo;	1517 1518 1519 1520 1521 1522
<del>(6)</del> <u>(5)</u> The educational employees of the department of education, as determined by the state superintendent of public instruction.	1523 1524 1525
In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.	1526 1527 1528
"Teacher" does not include any academic or administrative employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code.	1529 1530 1531 1532 1533

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members:

(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;

(2) A person denied membership pursuant to section 3307.24 of the Revised Code;

(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;

(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501.

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an

employer, as determined by the employer rate, including the normal 1564  
and deficiency rates, contributions, and funds wherever used in 1565  
this chapter. 1566

(I) "Five years of service credit" means employment covered 1567  
under this chapter and employment covered under a former 1568  
retirement plan operated, recognized, or endorsed by a college, 1569  
institute, university, or political subdivision of this state 1570  
prior to coverage under this chapter. 1571

(J) "Actuary" means the actuarial consultant to the state 1572  
teachers retirement board, who shall be either of the following: 1573

(1) A member of the American academy of actuaries; 1574

(2) A firm, partnership, or corporation of which at least one 1575  
person is a member of the American academy of actuaries. 1576

(K) "Fiduciary" means a person who does any of the following: 1577

(1) Exercises any discretionary authority or control with 1578  
respect to the management of the system, or with respect to the 1579  
management or disposition of its assets; 1580

(2) Renders investment advice for a fee, direct or indirect, 1581  
with respect to money or property of the system; 1582

(3) Has any discretionary authority or responsibility in the 1583  
administration of the system. 1584

(L)(1) Except as provided in this division, "compensation" 1585  
means all salary, wages, and other earnings paid to a teacher by 1586  
reason of the teacher's employment, including compensation paid 1587  
pursuant to a supplemental contract. The salary, wages, and other 1588  
earnings shall be determined prior to determination of the amount 1589  
required to be contributed to the teachers' savings fund or 1590  
defined contribution fund under section 3307.26 of the Revised 1591  
Code and without regard to whether any of the salary, wages, or 1592  
other earnings are treated as deferred income for federal income 1593

tax purposes.	1594
(2) Compensation does not include any of the following:	1595
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	1596 1597 1598 1599
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	1600 1601 1602
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;	1603 1604 1605
(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	1606 1607 1608 1609 1610
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	1611 1612 1613 1614 1615 1616
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	1617 1618 1619
(g) Payments by the employer for services not actually rendered;	1620 1621
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of	1622 1623

the following: 1624

(i) A retroactive increase paid to a member employed by a 1625  
school district board of education in a position that requires a 1626  
license designated for teaching and not designated for being an 1627  
administrator issued under section 3319.22 of the Revised Code 1628  
that is paid in accordance with uniform criteria applicable to all 1629  
members employed by the board in positions requiring the licenses; 1630

(ii) A retroactive increase paid to a member employed by a 1631  
school district board of education in a position that requires a 1632  
license designated for being an administrator issued under section 1633  
3319.22 of the Revised Code that is paid in accordance with 1634  
uniform criteria applicable to all members employed by the board 1635  
in positions requiring the licenses; 1636

(iii) A retroactive increase paid to a member employed by a 1637  
school district board of education as a superintendent that is 1638  
also paid as described in division (L)(2)(h)(i) of this section; 1639

(iv) A retroactive increase paid to a member employed by an 1640  
employer other than a school district board of education in 1641  
accordance with uniform criteria applicable to all members 1642  
employed by the employer. 1643

(i) Payments made to or on behalf of a teacher that are in 1644  
excess of the annual compensation that may be taken into account 1645  
by the retirement system under division (a)(17) of section 401 of 1646  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1647  
401(a)(17), as amended. For a teacher who first establishes 1648  
membership before July 1, 1996, the annual compensation that may 1649  
be taken into account by the retirement system shall be determined 1650  
under division (d)(3) of section 13212 of the "Omnibus Budget 1651  
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1652

(j) Payments made under division (B), (C), or (E) of section 1653  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1654

No. 3 of the 119th general assembly, Section 3 of Amended 1655  
Substitute Senate Bill No. 164 of the 124th general assembly, or 1656  
Amended Substitute House Bill No. 405 of the 124th general 1657  
assembly; 1658

(k) Anything of value received by the teacher that is based 1659  
on or attributable to retirement or an agreement to retire. 1660

(3) The retirement board shall determine by rule both of the 1661  
following: 1662

(a) Whether particular forms of earnings are included in any 1663  
of the categories enumerated in this division; 1664

(b) Whether any form of earnings not enumerated in this 1665  
division is to be included in compensation. 1666

Decisions of the board made under this division shall be 1667  
final. 1668

(M) "Superannuate" means both of the following: 1669

(1) A former teacher receiving from the system a retirement 1670  
allowance under section 3307.58 or 3307.59 of the Revised Code; 1671

(2) A former teacher receiving a benefit from the system 1672  
under a plan established under section 3307.81 of the Revised 1673  
Code, except that "superannuate" does not include a former teacher 1674  
who is receiving a benefit based on disability under a plan 1675  
established under section 3307.81 of the Revised Code. 1676

For purposes of sections 3307.35 and 3307.353 of the Revised 1677  
Code, "superannuate" also means a former teacher receiving from 1678  
the system a combined service retirement benefit paid in 1679  
accordance with section 3307.57 of the Revised Code, regardless of 1680  
which retirement system is paying the benefit. 1681

**Sec. 3313.28.** The treasurer of a board of education, at the 1682  
expiration of the treasurer's term of office, shall deliver to the 1683



treasurer's successor all books and papers in the treasurer's 1684  
hands relating to the affairs of the district, including educator 1685  
licenses ~~and internship certificates~~, and copies thereof, and 1686  
reports of school statistics, filed by teachers. 1687

**Sec. 3313.33.** (A) Conveyances made by a board of education 1688  
shall be executed by the president and treasurer thereof. ~~No~~ 1689

(B) Except as provided in division (C) of this section, no 1690  
member of the board shall have, directly or indirectly, any 1691  
pecuniary interest in any contract of the board or be employed in 1692  
any manner for compensation by the board of which ~~he~~ the person is 1693  
a member. No contract shall be binding upon any board unless it is 1694  
made or authorized at a regular or special meeting of such board. 1695

(C) A member of the board may have a pecuniary interest in a 1696  
contract of the board if all of the following apply: 1697

(1) The member's pecuniary interest in that contract is that 1698  
the member is employed by a political subdivision, 1699  
instrumentality, or agency of the state that is contracting with 1700  
the board; 1701

(2) The member does not participate in any discussion or 1702  
debate regarding the contract or vote on the contract; 1703

(3) The member files with the school district treasurer an 1704  
affidavit stating the member's exact employment status with the 1705  
political subdivision, instrumentality, or agency contracting with 1706  
the board. 1707

(D) This section does not apply where a member of the board, 1708  
being a shareholder of a corporation but not being an officer or 1709  
director thereof, owns not in excess of five per cent of the stock 1710  
of such corporation. If a stockholder desires to avail ~~himself~~ 1711  
self of the exception, before entering upon such contract such 1712  
person shall first file with the treasurer an affidavit stating 1713

~~his~~ the stockholder's exact status and connection with said 1714  
corporation. 1715

This section does not apply where a member of the board 1716  
elects to be covered by a benefit plan of the school district 1717  
under division (D) of section 3313.202 of the Revised Code. 1718

**Sec. 3313.53. (A) As used in this section:** 1719

(1) "Licensed individual" means an individual who holds a 1720  
valid educator license, certificate, or permit issued by the state 1721  
board of education under section 3319.22, 3319.26, 3319.27, or 1722  
3319.302 of the Revised Code. 1723

(2) "Nonlicensed individual" means an individual who does not 1724  
hold a valid educator license, certificate, or permit issued by 1725  
the state board of education under section 3319.22, 3319.26, 1726  
3319.27, or 3319.302 of the Revised Code. 1727

(B) The board of education of any city, exempted village, or 1728  
local school district may establish and maintain in connection 1729  
with the public school systems: 1730

~~(A)~~(1) Manual training, industrial arts, domestic science, 1731  
and commercial departments; 1732

~~(B)~~(2) Agricultural, industrial, vocational, and trades 1733  
schools. 1734

Such board may pay from the public school funds, as other 1735  
school expenses are paid, the expenses of establishing and 1736  
maintaining such departments and schools and of directing, 1737  
supervising, and coaching the pupil-activity programs in music, 1738  
language, arts, speech, government, athletics, and any others 1739  
directly related to the curriculum. 1740

(C) The board of education of any city, exempted village, or 1741  
local school district may employ a nonlicensed individual to 1742  
direct, supervise, or coach a pupil-activity program ~~pursuant to~~ 1743

~~rules adopted as long as that individual holds a valid pupil-activity program permit issued by the state board of education setting forth standards to assure the individual's good moral character and competence to direct, supervise, or coach the pupil-activity program under division (A) of section 3319.303 of the Revised Code. The state board shall also adopt rules applicable to licensed individuals, setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program and that shall not be more stringent than the standards set forth in rules applicable to nonlicensed individuals. A~~

~~(D) A nonlicensed individual who meets the standards adopted by the state board holds a valid pupil-activity program permit may be ~~se~~ employed under division (C) of this section only after the school district's board of education adopts a resolution stating that it has offered such position to those employees of the district who have a license issued under section 3319.22 of the Revised Code are licensed individuals and no such employee qualified to fill the position has accepted it, and has then advertised the position as available to any licensed individual with such a license who is qualified to fill it and who is not employed by the board, and no such person has applied for and accepted the position. A nonlicensed individual so employed is a nonteaching employee and is not an educational assistant as defined in section 3319.088 of the Revised Code. As used in this paragraph division and division (C) of this section, pupil-activity program does not include any class or course required or offered for credit toward a pupil's promotion to the next grade or for graduation, or any activity conducted as a part of or required for such a class or course. A nonlicensed individual employed under this section may perform only the duties of the director, supervisor, or coach of the pupil-activity program for which the nonlicensed individual is employed.~~

The board shall fix the compensation of the nonlicensed individual so employed, which shall be the same amount as the position was offered to the district's licensed employees, and execute a written contract with the nonlicensed individual for a term not to exceed one year. The contract shall specify the compensation, duration, and other terms of employment, and the compensation shall not be reduced unless such reduction is a part of a uniform plan affecting the entire district. ~~No~~

If the state board suspends, revokes, or limits the pupil-activity program permit of a nonlicensed individual, the school district board may terminate or suspend the employment contract of that individual. Otherwise, no contract issued under this section shall be terminated or suspended except pursuant to the procedure established by division (C) of section 3319.081 of the Revised Code.

**Sec. 3313.713.** (A) As used in this section:

(1) "~~Drug prescribed by a physician~~" means a drug ~~described, as defined~~ in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the ~~prescribing physician prescriber~~, whether or not required by law to be sold only upon a prescription.

(2) "Federal law" means the "~~Education For All Handicapped Children~~ Individuals with Disabilities Education Act of 1975 1997," ~~89 111~~ Stat. ~~775 37~~, 20 U.S.C. ~~1401 1400~~, as amended.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted village, and joint vocational school district, shall, not later than one hundred twenty days after ~~the effective date of this section~~ September 20, 1984, adopt a policy on the authority of its

employees, when acting in situations other than those governed by 1807  
sections 2305.23, 2305.231, and 3313.712 of the Revised Code, to 1808  
administer drugs prescribed ~~by physicians~~ to students enrolled in 1809  
the schools of the district. The policy shall provide either that: 1810

(1) Except as otherwise required by federal law, no person 1811  
employed by the board shall, in the course of such employment, 1812  
administer any drug prescribed ~~by a physician~~ to any student 1813  
enrolled in the schools of the district. 1814

(2) Designated persons employed by the board are authorized 1815  
to administer to a student a drug prescribed ~~by a physician~~ for 1816  
the student. Except as otherwise provided by federal law, the 1817  
board's policy may provide that certain drugs or types of drugs 1818  
shall not be administered or that no employee, or no employee 1819  
without appropriate training, shall use certain procedures, such 1820  
as injection, to administer a drug to a student. 1821

(C) No drug prescribed ~~by a physician~~ for a student shall be 1822  
administered pursuant to federal law or a policy adopted under 1823  
division (B) of this section until the following occur: 1824

(1) The board, or a person designated by the board, receives 1825  
a written request, signed by the parent, guardian, or other person 1826  
having care or charge of the student, that the drug be 1827  
administered to the student. 1828

(2) The board, or a person designated by the board, receives 1829  
a statement, signed by the ~~physician who prescribed the drug~~ 1830  
prescriber, that includes all of the following information: 1831

(a) The name and address of the student; 1832

(b) The school and class in which the student is enrolled; 1833

(c) The name of the drug and the dosage to be administered; 1834

(d) The times or intervals at which each dosage of the drug 1835  
is to be administered; 1836

(e) The date the administration of the drug is to begin;	1837
(f) The date the administration of the drug is to cease;	1838
(g) Any severe adverse reactions that should be reported to the <del>physician</del> <u>prescriber</u> and one or more phone numbers at which the <del>physician</del> <u>prescriber</u> can be reached in an emergency;	1839 1840 1841
(h) Special instructions for administration of the drug, including sterile conditions and storage.	1842 1843
(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the <del>physician who prescribed the drug</del> <u>prescriber</u> to the board or a person designated by the board if any of the information provided by the <del>physician</del> <u>prescriber</u> pursuant to division (C)(2) of this section changes.	1844 1845 1846 1847 1848 1849
(4) The person authorized by the board to administer the drug receives a copy of the statement required by division (C)(2) or (3) of this section.	1850 1851 1852
(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the <del>prescribing</del> <del>physician</del> <u>prescriber</u> or a licensed pharmacist.	1853 1854 1855 1856
(6) Any other procedures required by the board are followed.	1857
(D) If a drug <del>prescribed by a physician</del> is administered to a student, the board of education shall acquire and retain copies of the written requests required by division (C)(1) and the statements required by divisions (C)(2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer drugs to the student for whom the statement has been received. The board, or a person designated by the board, shall establish a location in each school building for the storage of	1858 1859 1860 1861 1862 1863 1864 1865 1866

drugs to be administered under this section and federal law. All 1867  
such drugs shall be stored in that location in a locked storage 1868  
place, except that drugs that require refrigeration may be kept in 1869  
a refrigerator in a place not commonly used by students. 1870

(E) No person who has been authorized by a board of education 1871  
to administer a drug and has a copy of the most recent statement 1872  
required by division (C)(2) or (3) of this section given to the 1873  
person in accordance with division (D) of this section prior to 1874  
administering the drug is liable in civil damages for 1875  
administering or failing to administer the drug, unless such 1876  
person acts in a manner that constitutes gross negligence or 1877  
wanton or reckless misconduct. 1878

(F) ~~Whenever a~~ A board of education ~~is required to~~ may 1879  
designate a person or persons to perform any function or functions 1880  
in connection with a drug policy adopted under this section, ~~the~~ 1881  
~~board may designate such persons~~ either by name or by position, 1882  
training, qualifications, or similar distinguishing factors. 1883

Nothing in this section shall be construed to require a 1884  
person employed by a board of education to administer a drug to a 1885  
student unless the board's policy adopted in compliance with this 1886  
section establishes such a requirement. A board shall not require 1887  
an employee to administer a drug to a student if the employee 1888  
objects, on the basis of religious convictions, to administering 1889  
the drug. 1890

A policy adopted by a board of education pursuant to this 1891  
section may be changed, modified, or revised by action of the 1892  
board. 1893

Nothing in this section affects the application of section 1894  
2305.23, 2305.231, or 3313.712 of the Revised Code to the 1895  
administration of emergency care or treatment to a student. 1896

**Sec. 12 3314.021.** (A) This section applies to any entity that 1897  
is exempt from taxation under ~~Section~~ section 501(c)(3) of the 1898  
Internal Revenue Code and that satisfies the conditions specified 1899  
in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 1900  
Revised Code but does not satisfy the condition specified in 1901  
division (C)(1)(f)(i) of that section. 1902

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 1903  
of the Revised Code, an entity described in division (A) of this 1904  
section may ~~succeed~~ do both of the following without obtaining the 1905  
department of education's approval of its sponsorship under 1906  
division (B)(1) of section 3314.015 of the Revised Code: 1907

(1) Succeed the board of trustees of a state university 1908  
located in the ~~Pilot Project Area~~ pilot project area or that 1909  
board's designee as the sponsor of a community school established 1910  
under ~~Chapter 3314. of the Revised Code, and may~~ this chapter; 1911

(2) Continue to sponsor ~~such that~~ school ~~for the remainder of~~ 1912  
in conformance with the ~~term~~ terms of the contract between the 1913  
board of trustees or its designee and the governing authority of 1914  
the community school and ~~may~~ renew that contract as provided in 1915  
division (E) of section 3314.03 of the Revised Code. ~~Such~~ 1916

(C) The entity that succeeds the board of trustees or the 1917  
board's designee as sponsor of a community school under division 1918  
(B) of this section also may enter into ~~new~~ contracts to sponsor 1919  
~~additional~~ other community schools located in any challenged 1920  
school district, without obtaining the department's approval of 1921  
its sponsorship under division (B)(1) of section 3314.015 of the 1922  
Revised Code, and not subject to the restriction of the paragraph 1923  
following division (C)(1)(f)(iii) of section 3314.02 of the 1924  
Revised Code, as long as it satisfies the contracts conform with 1925  
and the entity complies with all the other requirements of ~~Chapter~~ 1926  
~~3314. of the Revised Code except for the requirement prescribed in~~ 1927



division ~~(C)(1)(f)(i)~~ of section 3314.02 of the Revised Code this 1928  
chapter. 1929

Sec. 3314.034. (A) On or after July 1, 2004, no internet- or 1930  
computer-based community school shall enter into a contract with a 1931  
nonpublic school to use or rent any facility space at the 1932  
nonpublic school for the provision of instructional services to 1933  
students enrolled in the internet- or computer-based community 1934  
school. 1935

(B) If, on or after July 1, 2004, an internet- or 1936  
computer-based community school has a contract with a nonpublic 1937  
school as described in division (A) of this section, the 1938  
department of education shall not make any payments under section 1939  
3314.08 of the Revised Code to the internet- or computer-based 1940  
community school for any student who is enrolled in the internet- 1941  
or computer-based community school and receives any instructional 1942  
services from the internet- or computer-based community school at 1943  
the nonpublic school. 1944

Sec. 3318.031. (A) The Ohio school facilities commission 1945  
shall consider student and staff safety and health when reviewing 1946  
design plans for classroom facility construction projects proposed 1947  
under this chapter. After consulting with appropriate education, 1948  
health, and law enforcement personnel, the commission may require 1949  
as a condition of project approval under either section 3318.03 or 1950  
division (B)(1) of section 3318.41 of the Revised Code such 1951  
changes in the design plans as the commission believes will 1952  
advance or improve student and staff safety and health in the 1953  
proposed classroom facility. 1954

To carry out its duties under this ~~section~~ division, the 1955  
commission shall review and, if necessary, amend any construction 1956  
and design standards used in its project approval process, 1957

including standards for location and number of exits, standards 1958  
for lead safety in classroom facilities constructed before 1978 in 1959  
which services are provided to children under six years of age, 1960  
and location of restrooms, with a focus on advancing student and 1961  
staff safety and health. 1962

(B) When reviewing design standards for classroom facility 1963  
construction projects proposed under this chapter, the commission 1964  
shall also consider the extent to which the design standards 1965  
support the following: 1966

(1) Support and facilitation of smaller classes and the trend 1967  
toward smaller schools; 1968

(2) Provision of sufficient space for training new teachers 1969  
and promotion of collaboration among teaching candidates, 1970  
experienced teachers, and teacher educators; 1971

(3) Provision of adequate space for teacher planning and 1972  
collaboration; 1973

(4) Provision of adequate space for parent involvement 1974  
activities; 1975

(5) Provision of sufficient space for innovative partnerships 1976  
between schools and health and social service agencies. 1977

**Sec. 3319.074. (A) As used in this section: 1978**

(1) "Core subject area" means reading and English language 1979  
arts, mathematics, science, foreign language, government, 1980  
economics, fine arts, history, and geography. 1981

(2) "Fully licensed" means having successfully completed all 1982  
requirements for an educator license commensurate with years of 1983  
teaching experience pursuant to section 3319.22 of the Revised 1984  
Code and not having had any such requirements waived on an 1985  
emergency, temporary, or provisional basis. 1986

<u>(3) "Highly qualified teacher" means a classroom teacher who</u>	1987
<u>satisfies all of the following conditions:</u>	1988
<u>(a) Holds a baccalaureate degree;</u>	1989
<u>(b) Is fully licensed or is participating in an alternative</u>	1990
<u>route to licensure in which the teacher receives professional</u>	1991
<u>development and mentoring, teaches for not longer than three</u>	1992
<u>years, and demonstrates satisfactory progress toward becoming</u>	1993
<u>fully licensed;</u>	1994
<u>(c) If teaching in grades kindergarten through six, satisfies</u>	1995
<u>at least one of the following:</u>	1996
<u>(i) Passage of an assessment of subject matter content and</u>	1997
<u>professional knowledge required for licensure;</u>	1998
<u>(ii) Successful completion of a graduate degree or advanced</u>	1999
<u>certification in the teaching assignment;</u>	2000
<u>(iii) Achievement of one hundred points on the Ohio highly</u>	2001
<u>qualified teacher rubric developed by the Ohio department of</u>	2002
<u>education;</u>	2003
<u>(iv) Completion of an individual professional development</u>	2004
<u>program approved by the applicable local professional development</u>	2005
<u>committee that includes ninety hours of high quality professional</u>	2006
<u>development incorporating grade appropriate academic subject</u>	2007
<u>matter knowledge, teaching skills, and state academic content</u>	2008
<u>standards.</u>	2009
<u>(d) If teaching in grades seven through twelve, satisfies at</u>	2010
<u>least one of the following:</u>	2011
<u>(i) Passage of an assessment of subject matter content</u>	2012
<u>required for licensure;</u>	2013
<u>(ii) Successful completion of either an undergraduate</u>	2014
<u>academic major, coursework equivalent to such major, a graduate</u>	2015
<u>degree, or advanced certification in each subject area in which</u>	2016

<u>the teacher provides instruction;</u>	2017
<u>(iii) Achievement of one hundred points on the Ohio highly qualified teacher rubric developed by the department;</u>	2018
<u>(iv) Completion of an individual professional development program approved by the applicable local professional development committee that includes ninety hours of high quality professional development incorporating grade appropriate academic subject matter knowledge, teaching skills, and state academic content standards.</u>	2019
<u>(B) No city, exempted village, local, joint vocational, or cooperative education school district shall employ any classroom teacher hired after July 1, 2002, to provide instruction in a core subject area to any student enrolled in a school that receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 115 Stat. 1425, 20 U.S.C. 6301 et seq., unless such teacher is a highly qualified teacher.</u>	2020
<u>(C) Each school district annually shall notify through a school wide publication the parent or guardian of each student enrolled in a school that receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 115 Stat. 1425, 20 U.S.C. 6301 et seq., that the parent or guardian may request information on the professional qualifications of each classroom teacher who provides instruction to the parent's or guardian's child. The district shall provide the information on each applicable teacher to any parent or guardian who requests it. Such information shall include all of the following:</u>	2021
<u>(1) Whether the teacher has satisfied all requirements for licensure adopted by the state board of education pursuant to section 3319.22 of the Revised Code for the grade levels and subject areas in which the teacher provides instruction or whether the teacher provides instruction under a waiver of any such</u>	2022
	2023
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<u>requirements;</u>	2048
<u>(2) The major subject area in which the teacher was awarded a baccalaureate degree and, if applicable, any other degrees or certification;</u>	2049
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<u>(3) Whether a paraprofessional provides any services to the student and, if so, the qualifications of the paraprofessional.</u>	2052
	2053
<u>Sec. 3319.075. Once the state board of education adopts professional development standards pursuant to section 3319.61 of the Revised Code, the board of education of each school district shall use the standards for the following purposes:</u>	2054
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<u>(A) To guide the design of teacher education programs serving both teacher candidates and experienced teachers;</u>	2058
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<u>(B) To guide school-based professional development that is aligned with student achievement;</u>	2060
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<u>(C) To determine what types of professional development the school district and the schools within the district should provide;</u>	2062
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	2064
<u>(D) To guide how state and federal funding for professional development should be spent;</u>	2065
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<u>(E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code;</u>	2067
	2068
	2069
<u>(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards;</u>	2070
	2071
	2072
<u>(G) To guide all licensed school personnel in developing their own plans for professional growth.</u>	2073
	2074
<u>Sec. 3319.09. As used in sections 3319.08 to 3319.18,</u>	2075

inclusive, of the Revised Code:	2076
(A) "Teacher" means all persons licensed to teach and who are employed in the public schools of this state as instructors, principals, supervisors, superintendents, or in any other educational position for which the state board of education requires licensure under sections 3319.22 to 3319.31 of the Revised Code including persons <del>holding an internship certificate issued under section 3319.28 of the Revised Code and persons</del> having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations.	2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090
(B) "Year" as applied to term of service means actual service of not less than one hundred twenty days within a school year; provided that any board of education may grant a leave of absence for professional advancement with full credit for service.	2091 2092 2093 2094
(C) "Continuing service status" for a teacher means employment under a continuing contract.	2095 2096
<b>Sec. 3319.11.</b> (A) As used in this section:	2097
(1) "Evaluation procedures" means the procedures adopted pursuant to division (B) of section 3319.111 of the Revised Code.	2098 2099
(2) "Limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a school district board of education or governing board of an educational service center enters into with a teacher who is not eligible for continuing service status.	2100 2101 2102 2103 2104
(3) "Extended limited contract" means a limited contract, as	2105

described in section 3319.08 of the Revised Code, that a board of 2106  
education or governing board enters into with a teacher who is 2107  
eligible for continuing service status. 2108

(B) Teachers eligible for continuing service status in any 2109  
city, exempted village, local, or joint vocational school district 2110  
or educational service center shall be those teachers qualified as 2111  
described in division (B)(1) or (2) of section 3319.08 of the 2112  
Revised Code, who within the last five years have taught for at 2113  
least three years in the district or center, and those teachers 2114  
who, having attained continuing contract status elsewhere, have 2115  
served two years in the district or center, but the board, upon 2116  
the recommendation of the superintendent, may at the time of 2117  
employment or at any time within such two-year period, declare any 2118  
of the latter teachers eligible. 2119

(1) Upon the recommendation of the superintendent that a 2120  
teacher eligible for continuing service status be reemployed, a 2121  
continuing contract shall be entered into between the board and 2122  
the teacher unless the board by a three-fourths vote of its full 2123  
membership rejects the recommendation of the superintendent. If 2124  
the board rejects by a three-fourths vote of its full membership 2125  
the recommendation of the superintendent that a teacher eligible 2126  
for continuing service status be reemployed and the superintendent 2127  
makes no recommendation to the board pursuant to division (C) of 2128  
this section, the board may declare its intention not to reemploy 2129  
the teacher by giving the teacher written notice on or before the 2130  
thirtieth day of April of its intention not to reemploy the 2131  
teacher. If evaluation procedures have not been complied with 2132  
pursuant to division (A) of section 3319.111 of the Revised Code 2133  
or the board does not give the teacher written notice on or before 2134  
the thirtieth day of April of its intention not to reemploy the 2135  
teacher, the teacher is deemed reemployed under an extended 2136  
limited contract for a term not to exceed one year at the same 2137

salary plus any increment provided by the salary schedule. The 2138  
teacher is presumed to have accepted employment under the extended 2139  
limited contract for a term not to exceed one year unless such 2140  
teacher notifies the board in writing to the contrary on or before 2141  
the first day of June, and an extended limited contract for a term 2142  
not to exceed one year shall be executed accordingly. Upon any 2143  
subsequent reemployment of the teacher only a continuing contract 2144  
may be entered into. 2145

(2) If the superintendent recommends that a teacher eligible 2146  
for continuing service status not be reemployed, the board may 2147  
declare its intention not to reemploy the teacher by giving the 2148  
teacher written notice on or before the thirtieth day of April of 2149  
its intention not to reemploy the teacher. If evaluation 2150  
procedures have not been complied with pursuant to division (A) of 2151  
section 3319.111 of the Revised Code or the board does not give 2152  
the teacher written notice on or before the thirtieth day of April 2153  
of its intention not to reemploy the teacher, the teacher is 2154  
deemed reemployed under an extended limited contract for a term 2155  
not to exceed one year at the same salary plus any increment 2156  
provided by the salary schedule. The teacher is presumed to have 2157  
accepted employment under the extended limited contract for a term 2158  
not to exceed one year unless such teacher notifies the board in 2159  
writing to the contrary on or before the first day of June, and an 2160  
extended limited contract for a term not to exceed one year shall 2161  
be executed accordingly. Upon any subsequent reemployment of a 2162  
teacher only a continuing contract may be entered into. 2163

(3) Any teacher receiving written notice of the intention of 2164  
a board not to reemploy such teacher pursuant to this division is 2165  
entitled to the hearing provisions of division (G) of this 2166  
section. 2167

(C)(1) If a board rejects the recommendation of the 2168  
superintendent for reemployment of a teacher pursuant to division 2169



(B)(1) of this section, the superintendent may recommend 2170  
reemployment of the teacher, if continuing service status has not 2171  
previously been attained elsewhere, under an extended limited 2172  
contract for a term not to exceed two years, provided that written 2173  
notice of the superintendent's intention to make such 2174  
recommendation has been given to the teacher with reasons directed 2175  
at the professional improvement of the teacher on or before the 2176  
thirtieth day of April. Upon subsequent reemployment of the 2177  
teacher only a continuing contract may be entered into. 2178

(2) If a board of education takes affirmative action on a 2179  
superintendent's recommendation, made pursuant to division (C)(1) 2180  
of this section, of an extended limited contract for a term not to 2181  
exceed two years but the board does not give the teacher written 2182  
notice of its affirmative action on the superintendent's 2183  
recommendation of an extended limited contract on or before the 2184  
thirtieth day of April, the teacher is deemed reemployed under a 2185  
continuing contract at the same salary plus any increment provided 2186  
by the salary schedule. The teacher is presumed to have accepted 2187  
employment under such continuing contract unless such teacher 2188  
notifies the board in writing to the contrary on or before the 2189  
first day of June, and a continuing contract shall be executed 2190  
accordingly. 2191

(3) A board shall not reject a superintendent's 2192  
recommendation, made pursuant to division (C)(1) of this section, 2193  
of an extended limited contract for a term not to exceed two years 2194  
except by a three-fourths vote of its full membership. If a board 2195  
rejects by a three-fourths vote of its full membership the 2196  
recommendation of the superintendent of an extended limited 2197  
contract for a term not to exceed two years, the board may declare 2198  
its intention not to reemploy the teacher by giving the teacher 2199  
written notice on or before the thirtieth day of April of its 2200  
intention not to reemploy the teacher. If evaluation procedures 2201

have not been complied with pursuant to division (A) of section 2202  
3319.111 of the Revised Code or if the board does not give the 2203  
teacher written notice on or before the thirtieth day of April of 2204  
its intention not to reemploy ~~him~~ the teacher, the teacher is 2205  
deemed reemployed under an extended limited contract for a term 2206  
not to exceed one year at the same salary plus any increment 2207  
provided by the salary schedule. The teacher is presumed to have 2208  
accepted employment under the extended limited contract for a term 2209  
not to exceed one year unless such teacher notifies the board in 2210  
writing to the contrary on or before the first day of June, and an 2211  
extended limited contract for a term not to exceed one year shall 2212  
be executed accordingly. Upon any subsequent reemployment of the 2213  
teacher only a continuing contract may be entered into. 2214

Any teacher receiving written notice of the intention of a 2215  
board not to reemploy such teacher pursuant to this division is 2216  
entitled to the hearing provisions of division (G) of this 2217  
section. 2218

(D) A teacher eligible for continuing contract status 2219  
employed under an extended limited contract pursuant to division 2220  
(B) or (C) of this section, is, at the expiration of such extended 2221  
limited contract, deemed reemployed under a continuing contract at 2222  
the same salary plus any increment granted by the salary schedule, 2223  
unless evaluation procedures have been complied with pursuant to 2224  
division (A) of section 3319.111 of the Revised Code and the 2225  
employing board, acting on the superintendent's recommendation 2226  
that the teacher not be reemployed, gives the teacher written 2227  
notice on or before the thirtieth day of April of its intention 2228  
not to reemploy such teacher. A teacher who does not have 2229  
evaluation procedures applied in compliance with division (A) of 2230  
section 3319.111 of the Revised Code or who does not receive 2231  
notice on or before the thirtieth day of April of the intention of 2232  
the board not to reemploy such teacher is presumed to have 2233

accepted employment under a continuing contract unless such 2234  
teacher notifies the board in writing to the contrary on or before 2235  
the first day of June, and a continuing contract shall be executed 2236  
accordingly. 2237

Any teacher receiving a written notice of the intention of a 2238  
board not to reemploy such teacher pursuant to this division is 2239  
entitled to the hearing provisions of division (G) of this 2240  
section. 2241

(E) A limited contract may be entered into by each board with 2242  
each teacher who has not been in the employ of the board for at 2243  
least three years and shall be entered into, regardless of length 2244  
of previous employment, with each teacher employed by the board 2245  
who holds a provisional, temporary, or associate license ~~or an~~ 2246  
~~internship certificate~~, or who holds a professional license and is 2247  
not eligible to be considered for a continuing contract. 2248

Any teacher employed under a limited contract, and not 2249  
eligible to be considered for a continuing contract, is, at the 2250  
expiration of such limited contract, considered reemployed under 2251  
the provisions of this division at the same salary plus any 2252  
increment provided by the salary schedule unless evaluation 2253  
procedures have been complied with pursuant to division (A) of 2254  
section 3319.111 of the Revised Code and the employing board, 2255  
acting upon the superintendent's written recommendation that the 2256  
teacher not be reemployed, gives such teacher written notice of 2257  
its intention not to reemploy such teacher on or before the 2258  
thirtieth day of April. A teacher who does not have evaluation 2259  
procedures applied in compliance with division (A) of section 2260  
3319.111 of the Revised Code or who does not receive notice of the 2261  
intention of the board not to reemploy such teacher on or before 2262  
the thirtieth day of April is presumed to have accepted such 2263  
employment unless such teacher notifies the board in writing to 2264  
the contrary on or before the first day of June, and a written 2265

contract for the succeeding school year shall be executed 2266  
accordingly. 2267

Any teacher receiving a written notice of the intention of a 2268  
board not to reemploy such teacher pursuant to this division is 2269  
entitled to the hearing provisions of division (G) of this 2270  
section. 2271

(F) The failure of a superintendent to make a recommendation 2272  
to the board under any of the conditions set forth in divisions 2273  
(B) to (E) of this section, or the failure of the board to give 2274  
such teacher a written notice pursuant to divisions (C) to (E) of 2275  
this section shall not prejudice or prevent a teacher from being 2276  
deemed reemployed under either a limited or continuing contract as 2277  
the case may be under the provisions of this section. A failure of 2278  
the parties to execute a written contract shall not void any 2279  
automatic reemployment provisions of this section. 2280

(G)(1) Any teacher receiving written notice of the intention 2281  
of a board of education not to reemploy such teacher pursuant to 2282  
division (B), (C)(3), (D), or (E) of this section may, within ten 2283  
days of the date of receipt of the notice, file with the treasurer 2284  
of the board a written demand for a written statement describing 2285  
the circumstances that led to the board's intention not to 2286  
reemploy the teacher. 2287

(2) The treasurer of a board, on behalf of the board, shall, 2288  
within ten days of the date of receipt of a written demand for a 2289  
written statement pursuant to division (G)(1) of this section, 2290  
provide to the teacher a written statement describing the 2291  
circumstances that led to the board's intention not to reemploy 2292  
the teacher. 2293

(3) Any teacher receiving a written statement describing the 2294  
circumstances that led to the board's intention not to reemploy 2295  
the teacher pursuant to division (G)(2) of this section may, 2296

within five days of the date of receipt of the statement, file 2297  
with the treasurer of the board a written demand for a hearing 2298  
before the board pursuant to divisions (G)(4) to (6) of this 2299  
section. 2300

(4) The treasurer of a board, on behalf of the board, shall, 2301  
within ten days of the date of receipt of a written demand for a 2302  
hearing pursuant to division (G)(3) of this section, provide to 2303  
the teacher a written notice setting forth the time, date, and 2304  
place of the hearing. The board shall schedule and conclude the 2305  
hearing within forty days of the date on which the treasurer of 2306  
the board receives a written demand for a hearing pursuant to 2307  
division (G)(3) of this section. 2308

(5) Any hearing conducted pursuant to this division shall be 2309  
conducted by a majority of the members of the board. The hearing 2310  
shall be held in executive session of the board unless the board 2311  
and the teacher agree to hold the hearing in public. The 2312  
superintendent, assistant superintendent, the teacher, and any 2313  
person designated by either party to take a record of the hearing 2314  
may be present at the hearing. The board may be represented by 2315  
counsel and the teacher may be represented by counsel or a 2316  
designee. A record of the hearing may be taken by either party at 2317  
the expense of the party taking the record. 2318

(6) Within ten days of the conclusion of a hearing conducted 2319  
pursuant to this division, the board shall issue to the teacher a 2320  
written decision containing an order affirming the intention of 2321  
the board not to reemploy the teacher reported in the notice given 2322  
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 2323  
this section or an order vacating the intention not to reemploy 2324  
and expunging any record of the intention, notice of the 2325  
intention, and the hearing conducted pursuant to this division. 2326

(7) A teacher may appeal an order affirming the intention of 2327  
the board not to reemploy the teacher to the court of common pleas 2328

of the county in which the largest portion of the territory of the 2329  
school district or service center is located, within thirty days 2330  
of the date on which the teacher receives the written decision, on 2331  
the grounds that the board has not complied with section 3319.11 2332  
or 3319.111 of the Revised Code. 2333

Notwithstanding section 2506.04 of the Revised Code, the 2334  
court in an appeal under this division is limited to the 2335  
determination of procedural errors and to ordering the correction 2336  
of procedural errors and shall have no jurisdiction to order a 2337  
board to reemploy a teacher, except that the court may order a 2338  
board to reemploy a teacher in compliance with the requirements of 2339  
division (B), (C)(3), (D), or (E) of this section when the court 2340  
determines that evaluation procedures have not been complied with 2341  
pursuant to division (A) of section 3319.111 of the Revised Code 2342  
or the board has not given the teacher written notice on or before 2343  
the thirtieth day of April of its intention not to reemploy the 2344  
teacher pursuant to division (B), (C)(3), (D), or (E) of this 2345  
section. Otherwise, the determination whether to reemploy or not 2346  
reemploy a teacher is solely a board's determination and not a 2347  
proper subject of judicial review and, except as provided in this 2348  
division, no decision of a board whether to reemploy or not 2349  
reemploy a teacher shall be invalidated by the court on any basis, 2350  
including that the decision was not warranted by the results of 2351  
any evaluation or was not warranted by any statement given 2352  
pursuant to division (G)(2) of this section. 2353

No appeal of an order of a board may be made except as 2354  
specified in this division. 2355

(H)(1) In giving a teacher any notice required by division 2356  
(B), (C), (D), or (E) of this section, the board or the 2357  
superintendent shall do either of the following: 2358

(a) Deliver the notice by personal service upon the teacher; 2359

(b) Deliver the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of residence.

(2) In giving a board any notice required by division (B), (C), (D), or (E) of this section, the teacher shall do either of the following:

(a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours;

(b) Deliver the notice by certified mail, return receipt requested, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, addressed to the president of the board at the president's place of residence.

(3) When any notice and copy of the notice are mailed pursuant to division (H)(1)(b) or (2)(b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.

(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

**Sec. 3319.111.** (A) Any board of education that has entered into any limited contract or extended limited contract with a teacher pursuant to section 3319.11 of the Revised Code, ~~except with a teacher who holds an internship certificate granted under division (A) of section 3319.28 of the Revised Code,~~ shall evaluate such a teacher in compliance with the requirements of this section in any school year in which the board may wish to

declare its intention not to re-employ the teacher pursuant to 2390  
division (B), (C)(3), (D), or (E) of section 3319.11 of the 2391  
Revised Code. 2392

This evaluation shall be conducted at least twice in the 2393  
school year in which the board may wish to declare its intention 2394  
not to re-employ the teacher. One evaluation shall be conducted 2395  
and completed not later than the fifteenth day of January and the 2396  
teacher being evaluated shall receive a written report of the 2397  
results of this evaluation not later than the twenty-fifth day of 2398  
January. One evaluation shall be conducted and completed between 2399  
the tenth day of February and the first day of April and the 2400  
teacher being evaluated shall receive a written report of the 2401  
results of this evaluation not later than the tenth day of April. 2402

Any evaluation conducted pursuant to this section shall be 2403  
conducted by one or more of the following: 2404

(1) A person who is under contract with a board of education 2405  
pursuant to section 3319.01 or 3319.02 of the Revised Code and 2406  
holds a license designated for being a superintendent, assistant 2407  
superintendent, or principal issued under section 3319.22 of the 2408  
Revised Code; 2409

(2) A person who is under contract with a board of education 2410  
pursuant to section 3319.02 of the Revised Code and holds a 2411  
license designated for being a vocational director or a supervisor 2412  
in any educational area issued under section 3319.22 of the 2413  
Revised Code; 2414

(3) A person designated to conduct evaluations under an 2415  
agreement providing for peer review entered into by a board of 2416  
education and representatives of teachers employed by that board. 2417

(B) Any board of education evaluating a teacher pursuant to 2418  
this section shall adopt evaluation procedures that shall be 2419  
applied each time a teacher is evaluated pursuant to this section. 2420



These evaluation procedures shall include, but not be limited to:	2421
(1) Criteria of expected job performance in the areas of responsibility assigned to the teacher being evaluated;	2422 2423
(2) Observation of the teacher being evaluated by the person conducting the evaluation on at least two occasions for not less than thirty minutes on each occasion;	2424 2425 2426
(3) A written report of the results of the evaluation that includes specific recommendations regarding any improvements needed in the performance of the teacher being evaluated and regarding the means by which the teacher may obtain assistance in making such improvements.	2427 2428 2429 2430 2431
(C) This section does not apply to teachers subject to evaluation procedures under sections 3319.01 and 3319.02 of the Revised Code or to any teacher employed as a substitute for less than one hundred twenty days during a school year pursuant to section 3319.10 of the Revised Code.	2432 2433 2434 2435 2436
<u>Sec. 3319.112. (A) The state board of education, in consultation with the Ohio board of regents, shall establish guidelines for the evaluation of teachers and principals. The guidelines shall include the following principles:</u>	2437 2438 2439 2440
<u>(1) A school district should evaluate the performance of teachers on a regular basis.</u>	2441 2442
<u>(2) The evaluation system adopted by a school district should be fair, credible, and evidence-based and should use multiple measures of a teacher or principal's use of knowledge and skills and of students' academic progress.</u>	2443 2444 2445 2446
<u>(3) The evaluation system adopted by a school district should be aligned with the standards for teachers and principals adopted pursuant to section 3319.61 of the Revised Code.</u>	2447 2448 2449
<u>(4) The evaluation system adopted by a school district should</u>	2450

provide clear statements of expectation for professional performance. 2451  
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(5) The evaluation of a teacher or principal should suggest professional development that will enhance future performance in areas that do not meet expected performance levels. 2453  
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(6) The criteria included in a school district's evaluation system should be reviewed on a regular basis and revised as necessary to ensure effectiveness over time. 2456  
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(7) The evaluation system adopted by a school district should address the extent to which a teacher or principal exhibits cultural competency as defined pursuant to section 3319.61 of the Revised Code. 2459  
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(B) Once the state board has established the guidelines, the state board shall inform school districts of the contents of the guidelines. All school districts may use the guidelines in creating or modifying evaluation systems. 2463  
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(C) To assist school districts that modify evaluation systems to better reflect a standards-based method, the department of education shall do both of the following: 2467  
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(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that school districts may use; 2470  
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(2) Provide technical assistance to school districts that request assistance in modifying evaluation systems. 2472  
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**Sec. 3319.22.** (A)(1) The state board of education shall adopt rules establishing the standards and requirements for obtaining temporary, associate, provisional, and professional educator licenses of any categories, types, and levels the board elects to provide. However, no educator license shall be required for teaching children two years old or younger. 2474  
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(2) If the state board requires any examinations for educator 2480

licensure, the department of education shall provide the results 2481  
of such examinations received by the department to the Ohio board 2482  
of regents, in the manner and to the extent permitted by state and 2483  
federal law. 2484

(B) Any rules the state board of education adopts, amends, or 2485  
rescinds for educator licenses under this section, division (D) of 2486  
section 3301.07 of the Revised Code, or any other law shall be 2487  
adopted, amended, or rescinded under Chapter 119. of the Revised 2488  
Code except as follows: 2489

(1) Notwithstanding division (D) of section 119.03 and 2490  
division (A)(1) of section 119.04 of the Revised Code, ~~the~~ 2491  
effective date in the case of the adoption of any rules, rule or 2492  
the amendment or rescission of any rules, rule that necessitates 2493  
institutions' offering teacher preparation programs that are 2494  
approved by the state board of education under section 3319.23 of 2495  
the Revised Code to revise the curriculum of those programs, the 2496  
effective date shall not be as prescribed in division (D) of 2497  
section 119.03 and division (A)(1) of section 119.04 of the 2498  
Revised Code. Instead, the effective date of such rules, or the 2499  
amendment or rescission of such rules, shall be the date 2500  
prescribed by section 3319.23 of the Revised Code. 2501

(2) Notwithstanding the authority to adopt, amend, or rescind 2502  
emergency rules in division (F) of section 119.03 of the Revised 2503  
Code, this authority shall not apply to the state board of 2504  
education with regard to rules for educator licenses. 2505

(C)(1) The rules adopted under this section establishing 2506  
standards requiring additional coursework for the renewal of any 2507  
educator license shall require a school district and a chartered 2508  
nonpublic school to establish local professional development 2509  
committees. In a nonpublic school, the chief administrative 2510  
officer shall establish the committees in any manner acceptable to 2511  
such officer. The committees established under this division shall 2512

determine whether coursework that a district or chartered 2513  
nonpublic school teacher proposes to complete meets the 2514  
requirement of the rules. The department of education shall 2515  
provide technical assistance and support to committees as the 2516  
committees incorporate the professional development standards 2517  
adopted by the state board of education pursuant to section 2518  
3319.61 of the Revised Code into their review of coursework that 2519  
is appropriate for license renewal. The rules shall establish a 2520  
procedure by which a teacher may appeal the decision of a local 2521  
professional development committee. 2522

(2) In any school district in which there is no exclusive 2523  
representative established under Chapter 4117. of the Revised 2524  
Code, the professional development committees shall be established 2525  
as described in division (C)(2) of this section. 2526

Not later than the effective date of the rules adopted under 2527  
this section, the board of education of each school district shall 2528  
establish the structure for one or more local professional 2529  
development committees to be operated by such school district. The 2530  
committee structure so established by a district board shall 2531  
remain in effect unless within thirty days prior to an anniversary 2532  
of the date upon which the current committee structure was 2533  
established, the board provides notice to all affected district 2534  
employees that the committee structure is to be modified. 2535  
Professional development committees may have a district-level or 2536  
building-level scope of operations, and may be established with 2537  
regard to particular grade or age levels for which an educator 2538  
license is designated. 2539

Each professional development committee shall consist of at 2540  
least three classroom teachers employed by the district, one 2541  
principal employed by the district, and one other employee of the 2542  
district appointed by the district superintendent. For committees 2543  
with a building-level scope, the teacher and principal members 2544

shall be assigned to that building, and the teacher members shall 2545  
be elected by majority vote of the classroom teachers assigned to 2546  
that building. For committees with a district-level scope, the 2547  
teacher members shall be elected by majority vote of the classroom 2548  
teachers of the district, and the principal member shall be 2549  
elected by a majority vote of the principals of the district, 2550  
unless there are two or fewer principals employed by the district, 2551  
in which case the one or two principals employed shall serve on 2552  
the committee. If a committee has a particular grade or age level 2553  
scope, the teacher members shall be licensed to teach such grade 2554  
or age levels, and shall be elected by majority vote of the 2555  
classroom teachers holding such a license and the principal shall 2556  
be elected by all principals serving in buildings where any such 2557  
teachers serve. The district superintendent shall appoint a 2558  
replacement to fill any vacancy that occurs on a professional 2559  
development committee, except in the case of vacancies among the 2560  
elected classroom teacher members, which shall be filled by vote 2561  
of the remaining members of the committee so selected. 2562

Terms of office on professional development committees shall 2563  
be prescribed by the district board establishing the committees. 2564  
The conduct of elections for members of professional development 2565  
committees shall be prescribed by the district board establishing 2566  
the committees. A professional development committee may include 2567  
additional members, except that the majority of members on each 2568  
such committee shall be classroom teachers employed by the 2569  
district. Any member appointed to fill a vacancy occurring prior 2570  
to the expiration date of the term for which a predecessor was 2571  
appointed shall hold office as a member for the remainder of that 2572  
term. 2573

The initial meeting of any professional development 2574  
committee, upon election and appointment of all committee members, 2575  
shall be called by a member designated by the district 2576

superintendent. At this initial meeting, the committee shall 2577  
select a chairperson and such other officers the committee deems 2578  
necessary, and shall adopt rules for the conduct of its meetings. 2579  
Thereafter, the committee shall meet at the call of the 2580  
chairperson or upon the filing of a petition with the district 2581  
superintendent signed by a majority of the committee members 2582  
calling for the committee to meet. 2583

(3) In the case of a school district in which an exclusive 2584  
representative has been established pursuant to Chapter 4117. of 2585  
the Revised Code, professional development committees shall be 2586  
established in accordance with any collective bargaining agreement 2587  
in effect in the district that includes provisions for such 2588  
committees. 2589

If the collective bargaining agreement does not specify a 2590  
different method for the selection of teacher members of the 2591  
committees, the exclusive representative of the district's 2592  
teachers shall select the teacher members. 2593

If the collective bargaining agreement does not specify a 2594  
different structure for the committees, the board of education of 2595  
the school district shall establish the structure, including the 2596  
number of committees and the number of teacher and administrative 2597  
members on each committee; the specific administrative members to 2598  
be part of each committee; whether the scope of the committees 2599  
will be district levels, building levels, or by type of grade or 2600  
age levels for which educator licenses are designated; the lengths 2601  
of terms for members; the manner of filling vacancies on the 2602  
committees; and the frequency and time and place of meetings. 2603  
However, in all cases, except as provided in division (C)(4) of 2604  
this section, there shall be a majority of teacher members of any 2605  
professional development committee, there shall be at least five 2606  
total members of any professional development committee, and the 2607  
exclusive representative shall designate replacement members in 2608

the case of vacancies among teacher members, unless the collective 2609  
bargaining agreement specifies a different method of selecting 2610  
such replacements. 2611

(4) Whenever an administrator's coursework plan is being 2612  
discussed or voted upon, the local professional development 2613  
committee shall, at the request of one of its administrative 2614  
members, cause a majority of the committee to consist of 2615  
administrative members by reducing the number of teacher members 2616  
voting on the plan. 2617

(D)(1) The department of education, educational service 2618  
centers, county boards of mental retardation and developmental 2619  
disabilities, regional professional development centers, special 2620  
education regional resource centers, college and university 2621  
departments of education, head start programs, the Ohio SchoolNet 2622  
commission, and the Ohio education computer network may establish 2623  
local professional development committees to determine whether the 2624  
coursework proposed by their employees who are licensed or 2625  
certificated under this section or section 3319.222 of the Revised 2626  
Code meet the requirements of the rules adopted under this 2627  
section. They may establish local professional development 2628  
committees on their own or in collaboration with a school district 2629  
or other agency having authority to establish them. 2630

Local professional development committees established by 2631  
county boards of mental retardation and developmental disabilities 2632  
shall be structured in a manner comparable to the structures 2633  
prescribed for school districts in divisions (C)(2) and (3) of 2634  
this section, as shall the committees established by any other 2635  
entity specified in division (D)(1) of this section that provides 2636  
educational services by employing or contracting for services of 2637  
classroom teachers licensed or certificated under this section or 2638  
section 3319.222 of the Revised Code. All other entities specified 2639  
in division (D)(1) of this section shall structure their 2640

committees in accordance with guidelines which shall be issued by 2641  
the state board. 2642

(2) Any public agency that is not specified in division 2643  
(D)(1) of this section but provides educational services and 2644  
employs or contracts for services of classroom teachers licensed 2645  
or certificated under this section or section 3319.222 of the 2646  
Revised Code may establish a local professional development 2647  
committee, subject to the approval of the department of education. 2648  
The committee shall be structured in accordance with guidelines 2649  
issued by the state board. 2650

**Sec. 3319.225.** (A) No temporary educator license shall be 2651  
issued under this section for employment as a principal after the 2652  
effective date of the rules prescribed by division (A) of section 2653  
3319.27 of the Revised Code. No temporary educator license shall 2654  
be issued under this section for employment as a superintendent or 2655  
in any other administrative position except principal after the 2656  
effective date of the rules prescribed by division (B) of section 2657  
3319.27 of the Revised Code. 2658

(B) Notwithstanding sections 3319.01 and 3319.22 of the 2659  
Revised Code, the board of education of any city, local, or 2660  
exempted village, or joint vocational school district, or the 2661  
governing board of any educational service center may request the 2662  
state board of education to issue a one-year temporary educator 2663  
license valid for being employed as a superintendent, or in any 2664  
other administrative position, to an individual specified by the 2665  
district board. The state board of education may issue the 2666  
educator license if the requesting district board has determined 2667  
both of the following: 2668

~~(A)~~(1) The individual is of good moral character; 2669

~~(B)~~(2) The individual holds at least a baccalaureate degree 2670  
from an accredited institution of higher education in a field 2671



related to finance or administration, or has five years of recent 2672  
work experience in education, management, or administration. 2673

A one-year temporary educator license is valid only in the 2674  
district whose board requested the license. An individual holding 2675  
such a license may be employed as a superintendent or in any other 2676  
administrative position in such district. The state board of 2677  
education may renew such license annually upon request of the 2678  
employing district. 2679

Sec. 3319.227. This section does not apply to any classroom 2680  
teacher required to be a highly qualified teacher pursuant to 2681  
section 3319.074 of the Revised Code. 2682

Notwithstanding any provision to the contrary in this chapter 2683  
or in any educator licensing rule adopted by the state board of 2684  
education under authority granted under this chapter, any 2685  
individual who holds an educator license issued under section 2686  
3319.22 of the Revised Code or a teacher's certificate issued 2687  
under former section 3319.22 of the Revised Code that has 2688  
continuing effect under section 3319.222 of the Revised Code may 2689  
be employed to teach for up to two school years in a grade level 2690  
or in a subject or teaching area for which the individual's 2691  
license or certificate is not valid, as long as the individual 2692  
agrees that during that time the individual will enroll in, 2693  
attend, and complete coursework required by rule of the state 2694  
board for licensure to teach in that grade level or in that 2695  
subject or teaching area. The necessary coursework may be 2696  
completed through classes developed and offered by regional 2697  
professional development providers, such as special education 2698  
regional resource centers, regional professional development 2699  
centers, educational service centers, local education agencies, 2700  
professional organizations, and institutions of higher education, 2701  
provided the coursework is taken for credit in collaboration with 2702

a college or university that has a teacher education program 2703  
approved by the state board. No person shall teach in a grade 2704  
level or subject or teaching area under this section beyond two 2705  
years until the person has completed all coursework and tests 2706  
prescribed by the state board for licensure in that grade level or 2707  
subject or teaching area. 2708

**Sec. 3319.23.** The state board of education shall establish 2709  
standards and courses of study for the preparation of teachers, 2710  
shall provide for the inspection of institutions desiring to 2711  
prepare teachers, shall approve such institutions as maintain 2712  
satisfactory training procedures, and shall properly license the 2713  
graduates of such approved courses and institutions. If the 2714  
standards adopted by the state board under this section require an 2715  
institution also to satisfy the standards of an independent 2716  
accreditation organization, the state board shall permit each 2717  
institution to satisfy the standards of either the national 2718  
council for accreditation of teacher education or the teacher 2719  
education accreditation council. 2720

The standards and courses of study for the preparation of 2721  
teachers together with the standards, rules, and regulations set 2722  
for each kind of license and for the renewal and conversion 2723  
thereof shall be adopted and published by the board in accordance 2724  
with Chapter 119. of the Revised Code ~~and no change therein.~~ 2725  
Notwithstanding division (D) of section 119.03 and division (A)(1) 2726  
of section 119.04 of the Revised Code, any standards, courses of 2727  
study, rules, and regulations, or any amendment or rescission of 2728  
such standards, courses of study, rules, and regulations, adopted 2729  
by the board under this section that necessitate institutions 2730  
offering teacher preparation programs approved by the board to 2731  
revise the curriculum of those programs shall not be effective for 2732  
at least one year from the first day of January next succeeding 2733  
the publication of the said change. 2734

Sec. 3319.25. Any teacher performance assessment entity with 2735  
which the department of education or the state board of education 2736  
contracts or any independent agent with whom such entity, the 2737  
department, or the state board contracts to provide services as a 2738  
teacher performance assessor, trainer of assessors, or assessment 2739  
coordinator is not liable for damages in a civil action concerning 2740  
the actions of such entity or agent made in the conduct of a 2741  
teacher performance assessment unless those actions were conducted 2742  
with malicious purpose, in bad faith, or in a wanton or reckless 2743  
manner. 2744

As used in this section, "teacher performance assessment" 2745  
means an assessment prescribed by the state board of education to 2746  
measure the classroom performance of a teacher who is a candidate 2747  
for a professional educator license based on observations 2748  
conducted by a trained assessor while the teacher is engaged in 2749  
actual classroom instruction. 2750

Sec. 3319.26. (A) The state board of education shall adopt 2751  
rules establishing the standards and requirements for obtaining an 2752  
alternative educator license for teaching in grades seven to 2753  
twelve, or the equivalent, in a designated subject area. However, 2754  
an alternative educator license in the area of intervention 2755  
specialist, as defined by rule of the state board, shall be valid 2756  
for teaching in grades kindergarten to twelve. ~~The~~ 2757

(B)(1) The rules shall require applicants for the license to 2758  
~~hold~~ satisfy the following conditions prior to issuance of the 2759  
license: 2760

(a) Hold a minimum of a baccalaureate degree, ~~to have~~ 2761  
~~successfully completed;~~ 2762

(b) Successfully complete three semester hours or the 2763  
equivalent of college coursework in the developmental 2764

characteristics of adolescent youths and three semester hours or 2765  
the equivalent in teaching methods, ~~and to have passed;~~ 2766

(c) Pass an examination in the subject area for which 2767  
application is being made. ~~An~~ 2768

(2) An alternative educator license shall be valid for two 2769  
years and shall not be renewable. 2770

(3) The rules shall require the holder of an alternative 2771  
educator license, as a condition of continuing to hold the 2772  
license, to show satisfactory progress in taking and successfully 2773  
completing within two years at least twelve additional semester 2774  
hours, or the equivalent, of college coursework in the principles 2775  
and practices of teaching in such topics as student development 2776  
and learning, pupil assessment procedures, curriculum development, 2777  
classroom management, and teaching methodology. 2778

(C) The rules shall provide for the granting of a provisional 2779  
educator license to a holder of an alternative educator license 2780  
upon successfully completing all of the following: 2781

~~(A)~~(1) Two years of teaching under the alternative license; 2782

~~(B)~~(2) The twelve semester hours, or the equivalent, of the 2783  
additional college coursework described in division (B)(3) of this 2784  
section; 2785

~~(C)~~(3) The assessment of ~~subject matter content and~~ 2786  
professional knowledge that is required of other applicants for a 2787  
provisional educator license. The standards for successfully 2788  
completing this assessment and the manner of conducting the 2789  
assessment shall be the same as for any other applicant for a 2790  
provisional educator license. 2791

Sec. 3319.261. An individual who otherwise qualifies for an 2792  
alternative educator license for employment as an intervention 2793  
specialist as authorized under section 3319.26 of the Revised Code 2794

shall be issued such license without successful completion of the 2795  
examination specified in division (B)(1)(c) of section 3319.26 of 2796  
the Revised Code. The individual to whom the alternative educator 2797  
license is issued under this section shall be required to 2798  
successfully complete that examination prior to issuance of a 2799  
provisional educator license as provided in division (C) of 2800  
section 3319.26 of the Revised Code only after completing the 2801  
coursework prescribed in division (B)(3) of that section. 2802

**Sec. 3319.27.** (A) The state board of education shall adopt 2803  
rules that establish an alternative principal license. The rules 2804  
establishing an alternative principal license shall include a 2805  
requirement that an applicant have obtained classroom teaching 2806  
experience. Beginning on the effective date of the rules, the 2807  
state board shall cease to issue temporary educator licenses 2808  
pursuant to section 3319.225 of the Revised Code for employment as 2809  
a principal. Any person who on the effective date of the rules 2810  
holds a valid temporary educator license issued under that section 2811  
and is employed as a principal shall be allowed to continue 2812  
employment as a principal until the expiration of the license. 2813  
Employment of any such person as a principal by a school district 2814  
after the expiration of the temporary educator license shall be 2815  
contingent upon the state board issuing the person an alternative 2816  
principal license in accordance with the rules adopted under this 2817  
division. 2818

(B) The state board shall adopt rules that establish an 2819  
alternative administrator license, which shall be valid for 2820  
employment as a superintendent or in any other administrative 2821  
position except principal. Beginning on the effective date of the 2822  
rules, the state board shall cease to issue temporary educator 2823  
licenses pursuant to section 3319.225 of the Revised Code for 2824  
employment as a superintendent or in any other administrative 2825  
position except principal. Any person who on the effective date of 2826

the rules holds a valid temporary educator license issued under 2827  
that section and is employed as a superintendent or in any other 2828  
administrative position except principal shall be allowed to 2829  
continue employment in that position until the expiration of the 2830  
license. Employment of any such person as a superintendent or in 2831  
any other administrative position except principal by a school 2832  
district after the expiration of the temporary educator license 2833  
shall be contingent upon the state board issuing the person an 2834  
alternative administrator license in accordance with the rules 2835  
adopted under this division. 2836

**Sec. 3319.283.** (A) The board of education of any school 2837  
district may employ an individual who is not certificated or 2838  
licensed as required by Chapter 3319. of the Revised Code, but who 2839  
meets the following qualifications, as a teacher in the schools of 2840  
the district: 2841

(1) The individual is a veteran of the armed forces of the 2842  
United States and was honorably discharged within three years of 2843  
~~the effective date of this amendment June 30, 1997;~~ 2844

(2) While in the armed forces the individual had meaningful 2845  
teaching or other instructional experience; 2846

(3) The individual holds at least a baccalaureate degree. 2847

(B) An individual employed under this section shall be deemed 2848  
to hold a teaching certificate or educator license for the 2849  
purposes of state and federal law and rules and regulations and 2850  
school district policies, rules, and regulations. ~~Such individuals~~ 2851  
However, an individual employed under this section is not a highly 2852  
qualified teacher for purposes of the school district's compliance 2853  
with section 3319.074 of the Revised Code. Each individual 2854  
employed under this section shall meet the requirement to 2855  
successfully complete fifteen hours, or the equivalent, of 2856  
coursework every five years that is approved by the local 2857

professional development committee as is required of other 2858  
teachers licensed in accordance with Chapter 3319. of the Revised 2859  
Code. 2860

(C) The superintendent of public instruction may revoke the 2861  
right of an individual employed under division (A) of this section 2862  
to teach if, after an investigation and an adjudication conducted 2863  
pursuant to Chapter 119. of the Revised Code, the superintendent 2864  
finds that the person is not competent to teach the subject the 2865  
person has been employed to teach or did not fulfill the 2866  
requirements of division (A) of this section. No individual whose 2867  
right to teach has been revoked under this division shall teach in 2868  
a public school, and no board of education may engage such an 2869  
individual to teach in the schools of its district. 2870

Notwithstanding division (B) of this section, a board of 2871  
education is not required to comply with the provisions of 2872  
sections 3319.11 and 3319.16 of the Revised Code with regard to 2873  
termination of employment if the superintendent, after an 2874  
investigation and an adjudication, has revoked the individual's 2875  
right to teach. 2876

**Sec. 3319.29.** Each application for any license or certificate 2877  
pursuant to ~~section~~ sections 3319.22 to ~~3319.28~~ 3319.27 of the 2878  
Revised Code or for any permit pursuant to section 3319.301 or 2879  
3319.303 of the Revised Code, or renewal or duplicate of such a 2880  
license, certificate, or permit, shall be accompanied by the 2881  
payment of a fee in the amount established under division (A) of 2882  
section 3319.51 of the Revised Code. Any fees received under this 2883  
section shall be paid into the state treasury to the credit of the 2884  
state board of education licensure fund established under division 2885  
(B) of section 3319.51 of the Revised Code. 2886

Any person applying for or holding a license, certificate, or 2887  
permit pursuant to this section and sections 3319.22 to ~~3319.28~~ 2888

3319.27 or section 3319.301 or 3319.303 of the Revised Code is 2889  
subject to sections 3123.41 to 3123.50 of the Revised Code and any 2890  
applicable rules adopted under section 3123.63 of the Revised Code 2891  
and sections 3319.31 and 3319.311 of the Revised Code. 2892

**Sec. 3319.291.** (A) ~~Except for a certificate of the type~~ 2893  
~~described in division (B) of section 3319.281 of the Revised Code,~~ 2894  
~~when~~ When any person initially applies for any certificate, 2895  
license, or permit described in division (B) of section 3301.071 2896  
~~or,~~ in section 3301.074, 3319.088, or 3319.29, or in division (A) 2897  
of section 3319.303 of the Revised Code, the state board of 2898  
education shall require the person to submit with the application 2899  
two complete sets of fingerprints and written permission that 2900  
authorizes the superintendent of public instruction to forward the 2901  
fingerprints to the bureau of criminal identification and 2902  
investigation pursuant to division (F) of section 109.57 of the 2903  
Revised Code and that authorizes that bureau to forward the 2904  
fingerprints to the federal bureau of investigation for purposes 2905  
of obtaining any criminal records that the federal bureau 2906  
maintains on the person. 2907

(B) The state board of education or the superintendent of 2908  
public instruction may request the superintendent of the bureau of 2909  
criminal identification and investigation to do either or both of 2910  
the following: 2911

(1) Investigate and determine whether the bureau has any 2912  
information, gathered pursuant to division (A) of section 109.57 2913  
of the Revised Code, pertaining to any person submitting 2914  
fingerprints and written permission under this section; 2915

(2) Obtain any criminal records that the federal bureau of 2916  
investigation has on the person. 2917

**Sec. 3319.303.** (A) The state board of education shall adopt 2918



rules establishing standards and requirements for obtaining a 2919  
pupil-activity program permit for any individual who does not hold 2920  
a valid educator license, certificate, or permit issued by the 2921  
state board under section 3319.22, 3319.26, 3319.27, or 3319.302 2922  
of the Revised Code. The permit issued under this section shall be 2923  
valid for coaching, supervising, or directing a pupil-activity 2924  
program under section 3313.53 of the Revised Code. Subject to the 2925  
provisions of section 3319.31 of the Revised Code, a permit issued 2926  
under this section shall be valid for three years and shall be 2927  
renewable. 2928

(B) The state board shall adopt rules applicable to 2929  
individuals who hold valid educator licenses, certificates, or 2930  
permits issued by the state board under section 3319.22, 3319.26, 2931  
3319.27, or 3319.302 of the Revised Code setting forth standards 2932  
to assure any such individual's competence to direct, supervise, 2933  
or coach a pupil-activity program. The rules adopted under this 2934  
division shall not be more stringent than the standards set forth 2935  
in rules applicable to individuals who do not hold such licenses, 2936  
certificates, or permits adopted under division (A) of this 2937  
section. 2938

**Sec. 3319.31.** (A) As used in this section and sections 2939  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 2940  
means a certificate, license, or permit described in division (B) 2941  
of section 3301.071 ~~or~~, in section 3301.074, 3319.088, 3319.29, or 2942  
3319.302, or in division (A) of section 3319.303 of the Revised 2943  
Code. 2944

(B) For any of the following reasons, the state board of 2945  
education, in accordance with Chapter 119. and section 3319.311 of 2946  
the Revised Code, may refuse to issue a license to an applicant, 2947  
may limit a license it issues to an applicant, or may suspend, 2948  
revoke, or limit a license that has been issued to any person: 2949

(1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position;	2950 2951 2952
(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:	2953 2954
(a) A felony;	2955
(b) A violation of section 2907.04 or 2907.06 or division (A) or (B) of section 2907.07 of the Revised Code;	2956 2957
(c) An offense of violence;	2958
(d) A theft offense, as defined in section 2913.01 of the Revised Code;	2959 2960
(e) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor;	2961 2962
(f) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e) of this section.	2963 2964 2965
(C) The state board may take action under division (B) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.	2966 2967 2968 2969
(D) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.	2970 2971 2972
<b>Sec. 3319.311.</b> (A) The state board of education, or the superintendent of public instruction on behalf of the board, may investigate any information received about a person that reasonably appears to be a basis for action under section 3319.31 of the Revised Code. The board shall contract with the office of the Ohio attorney general to conduct any investigation of that	2973 2974 2975 2976 2977 2978

nature. The board shall pay for the costs of the contract only 2979  
from moneys in the state board of education licensure fund 2980  
established under division (B) of section 3319.51 of the Revised 2981  
Code. All information obtained during an investigation is 2982  
confidential and is not a public record under section 149.43 of 2983  
the Revised Code. If an investigation is conducted under this 2984  
division regarding information received about a person and no 2985  
action is taken against the person under this section or section 2986  
3319.31 of the Revised Code within two years of the completion of 2987  
the investigation, all records of the investigation shall be 2988  
expunged. 2989

(B) The superintendent of public instruction shall review the 2990  
results of each investigation of a person conducted under division 2991  
(A) of this section and shall determine, on behalf of the state 2992  
board, whether the results warrant initiating action under section 2993  
3319.31 of the Revised Code. The superintendent shall advise the 2994  
board of such determination at a meeting of the board. Within 2995  
fourteen days of the next meeting of the board, any member of the 2996  
board may ask that the question of initiating action under section 2997  
3319.31 of the Revised Code be placed on the board's agenda for 2998  
that next meeting. Prior to initiating that action against any 2999  
person, the person's name and any other personally identifiable 3000  
information shall remain confidential. 3001

(C) The board shall take no action against a person under 3002  
section 3319.31 of the Revised Code without providing the person 3003  
with written notice of the charges and with an opportunity for a 3004  
hearing in accordance with Chapter 119. of the Revised Code. ~~For~~ 3005

(D) For purposes of the an investigation under division (A) 3006  
of this section or a hearing under division (C) of this section, 3007  
the board, or the superintendent on behalf of the board, may 3008  
administer oaths, order the taking of depositions, issue 3009  
subpoenas, and compel the attendance of witnesses and the 3010

production of books, accounts, papers, records, documents, and 3011  
testimony. The issuance of subpoenas under this division may be by 3012  
certified mail or personal delivery to the person. 3013

~~(D)~~(E) The superintendent, on behalf of the board, may enter 3014  
into a consent agreement with a person against whom action is 3015  
being taken under section 3319.31 of the Revised Code. The board 3016  
may adopt rules governing the superintendent's action under this 3017  
division. 3018

~~(E)~~(F) The board automatically may suspend any license 3019  
without a prior hearing if the license holder is convicted of or 3020  
pleads guilty to one or more of the following offenses or a 3021  
violation of an ordinance of a municipal corporation or a law of 3022  
another state that is substantially comparable to one of the 3023  
following offenses: aggravated murder; murder; aggravated arson; 3024  
aggravated robbery; aggravated burglary; voluntary manslaughter; 3025  
felonious assault; kidnapping; rape; sexual battery; gross sexual 3026  
imposition; or unlawful sexual conduct with a minor. A suspension 3027  
under this division is effective on the date of the conviction or 3028  
guilty plea. 3029

For a suspension under this division, the board, in 3030  
accordance with section 119.07 of the Revised Code, shall issue a 3031  
written order of suspension to the license holder by certified 3032  
mail or in person and shall afford the person a hearing upon 3033  
request. If the person does not request a hearing within the time 3034  
limits established by that section, the board shall enter a final 3035  
order revoking the person's license. An order of suspension under 3036  
this division is not subject to suspension by a court during the 3037  
pendency of an appeal filed under section 119.12 of the Revised 3038  
Code. 3039

An order of suspension under this division shall remain in 3040  
effect, unless reversed on appeal, until the final order of the 3041  
board, issued pursuant to this section and Chapter 119. of the 3042

Revised Code, becomes effective. The board shall issue a final 3043  
order within sixty days of the date of an order of suspension 3044  
under this division or a hearing on an order of suspension, 3045  
whichever is later. If the board fails to issue a final order by 3046  
that deadline, the order of suspension is dissolved. No 3047  
dissolution of an order of suspension under this division shall 3048  
invalidate a subsequent final order of the board. 3049

~~(F)~~(G) No surrender of a license shall be effective until the 3050  
board takes action to accept the surrender unless the surrender is 3051  
pursuant to a consent agreement entered into under division ~~(D)~~(E) 3052  
of this section. 3053

**Sec. 3319.36.** (A) No treasurer of a board of education or 3054  
educational service center shall draw a check for the payment of a 3055  
teacher for services until the teacher files with the treasurer 3056  
both of the following: 3057

(1) Such reports as are required by the state board of 3058  
education, the school district board of education, or the 3059  
superintendent of schools; 3060

(2) Except for a teacher who is engaged pursuant to section 3061  
3319.301 of the Revised Code, a written statement from the city, 3062  
exempted village, or local school district superintendent or the 3063  
educational service center superintendent that the teacher has 3064  
filed with the treasurer a legal educator license ~~or internship~~ 3065  
~~certificate~~, or true copy of it, to teach the subjects or grades 3066  
taught, with the dates of its validity. The state board of 3067  
education shall prescribe the record and administration for such 3068  
filing of educator licenses ~~and internship certificates~~ in 3069  
educational service centers. 3070

(B) Notwithstanding division (A) of this section, the 3071  
treasurer may pay either of the following: 3072

(1) Any teacher for services rendered during the first two 3073  
months of the teacher's initial employment with the school 3074  
district or educational service center, provided such teacher is 3075  
the holder of a bachelor's degree or higher and has filed with the 3076  
state board of education an application for the issuance of a 3077  
provisional or professional educator license. 3078

(2) Any substitute teacher for services rendered while 3079  
conditionally employed under section 3319.101 of the Revised Code. 3080

(C) Upon notice to the treasurer given by the state board of 3081  
education or any superintendent having jurisdiction that reports 3082  
required of a teacher have not been made, the treasurer shall 3083  
withhold the salary of the teacher until the required reports are 3084  
completed and furnished. 3085

**Sec. 3319.39.** (A)(1) Except as provided in division (F)(2)(b) 3086  
of section 109.57 of the Revised Code ~~and division (I) of this~~ 3087  
~~section~~, the appointing or hiring officer of the board of 3088  
education of a school district, the governing board of an 3089  
educational service center, or of a chartered nonpublic school 3090  
shall request the superintendent of the bureau of criminal 3091  
identification and investigation to conduct a criminal records 3092  
check with respect to any applicant who has applied to the school 3093  
district, educational service center, or school for employment in 3094  
any position as a person responsible for the care, custody, or 3095  
control of a child. If the applicant does not present proof that 3096  
the applicant has been a resident of this state for the five-year 3097  
period immediately prior to the date upon which the criminal 3098  
records check is requested or does not provide evidence that 3099  
within that five-year period the superintendent has requested 3100  
information about the applicant from the federal bureau of 3101  
investigation in a criminal records check, the appointing or 3102  
hiring officer shall request that the superintendent obtain 3103

information from the federal bureau of investigation as a part of 3104  
the criminal records check for the applicant. If the applicant 3105  
presents proof that the applicant has been a resident of this 3106  
state for that five-year period, the appointing or hiring officer 3107  
may request that the superintendent include information from the 3108  
federal bureau of investigation in the criminal records check. 3109

(2) A person required by division (A)(1) of this section to 3110  
request a criminal records check shall provide to each applicant a 3111  
copy of the form prescribed pursuant to division (C)(2) of section 3112  
109.572 of the Revised Code, provide to each applicant a standard 3113  
impression sheet to obtain fingerprint impressions prescribed 3114  
pursuant to division (C)(2) of section 109.572 of the Revised 3115  
Code, obtain the completed form and impression sheet from each 3116  
applicant, and forward the completed form and impression sheet to 3117  
the superintendent of the bureau of criminal identification and 3118  
investigation at the time the person requests a criminal records 3119  
check pursuant to division (A)(1) of this section. 3120

(3) An applicant who receives pursuant to division (A)(2) of 3121  
this section a copy of the form prescribed pursuant to division 3122  
(C)(1) of section 109.572 of the Revised Code and a copy of an 3123  
impression sheet prescribed pursuant to division (C)(2) of that 3124  
section and who is requested to complete the form and provide a 3125  
set of fingerprint impressions shall complete the form or provide 3126  
all the information necessary to complete the form and shall 3127  
provide the impression sheet with the impressions of the 3128  
applicant's fingerprints. If an applicant, upon request, fails to 3129  
provide the information necessary to complete the form or fails to 3130  
provide impressions of the applicant's fingerprints, the board of 3131  
education of a school district, governing board of an educational 3132  
service center, or governing authority of a chartered nonpublic 3133  
school shall not employ that applicant for any position for which 3134  
a criminal records check is required pursuant to division (A)(1) 3135

of this section. 3136

(B)(1) Except as provided in rules adopted by the department 3137  
of education in accordance with division (E) of this section and 3138  
as provided in division (B)(3) of this section, no board of 3139  
education of a school district, no governing board of an 3140  
educational service center, and no governing authority of a 3141  
chartered nonpublic school shall employ a person as a person 3142  
responsible for the care, custody, or control of a child if the 3143  
person previously has been convicted of or pleaded guilty to any 3144  
of the following: 3145

(a) A violation of section 2903.01, 2903.02, 2903.03, 3146  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3147  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3148  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3149  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3150  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3151  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3152  
2925.06, or 3716.11 of the Revised Code, a violation of section 3153  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 3154  
violation of section 2919.23 of the Revised Code that would have 3155  
been a violation of section 2905.04 of the Revised Code as it 3156  
existed prior to July 1, 1996, had the violation been committed 3157  
prior to that date, or a violation of section 2925.11 of the Revised 3158  
Code that is not a minor drug possession offense, or felonious 3159  
sexual penetration in violation of former section 2907.12 of the 3160  
Revised Code; 3161

(b) A violation of an existing or former law of this state, 3162  
another state, or the United States that is substantially 3163  
equivalent to any of the offenses or violations described in 3164  
division (B)(1)(a) of this section. 3165

(2) A board, governing board of an educational service 3166  
center, or a governing authority of a chartered nonpublic school 3167



may employ an applicant conditionally until the criminal records 3168  
check required by this section is completed and the board or 3169  
governing authority receives the results of the criminal records 3170  
check. If the results of the criminal records check indicate that, 3171  
pursuant to division (B)(1) of this section, the applicant does 3172  
not qualify for employment, the board or governing authority shall 3173  
release the applicant from employment. 3174

(3) No board and no governing authority of a chartered 3175  
nonpublic school shall employ a teacher who previously has been 3176  
convicted of or pleaded guilty to any of the offenses listed in 3177  
section 3319.31 of the Revised Code. 3178

(C)(1) Each board and each governing authority of a chartered 3179  
nonpublic school shall pay to the bureau of criminal 3180  
identification and investigation the fee prescribed pursuant to 3181  
division (C)(3) of section 109.572 of the Revised Code for each 3182  
criminal records check conducted in accordance with that section 3183  
upon the request pursuant to division (A)(1) of this section of 3184  
the appointing or hiring officer of the board or governing 3185  
authority. 3186

(2) A board and the governing authority of a chartered 3187  
nonpublic school may charge an applicant a fee for the costs it 3188  
incurs in obtaining a criminal records check under this section. A 3189  
fee charged under this division shall not exceed the amount of 3190  
fees the board or governing authority pays under division (C)(1) 3191  
of this section. If a fee is charged under this division, the 3192  
board or governing authority shall notify the applicant at the 3193  
time of the applicant's initial application for employment of the 3194  
amount of the fee and that, unless the fee is paid, the board or 3195  
governing authority will not consider the applicant for 3196  
employment. 3197

(D) The report of any criminal records check conducted by the 3198  
bureau of criminal identification and investigation in accordance 3199

with section 109.572 of the Revised Code and pursuant to a request 3200  
under division (A)(1) of this section is not a public record for 3201  
the purposes of section 149.43 of the Revised Code and shall not 3202  
be made available to any person other than the applicant who is 3203  
the subject of the criminal records check or the applicant's 3204  
representative, the board or governing authority requesting the 3205  
criminal records check or its representative, and any court, 3206  
hearing officer, or other necessary individual involved in a case 3207  
dealing with the denial of employment to the applicant. 3208

(E) The department of education shall adopt rules pursuant to 3209  
Chapter 119. of the Revised Code to implement this section, 3210  
including rules specifying circumstances under which the board or 3211  
governing authority may hire a person who has been convicted of an 3212  
offense listed in division (B)(1) or (3) of this section but who 3213  
meets standards in regard to rehabilitation set by the department. 3214

(F) Any person required by division (A)(1) of this section to 3215  
request a criminal records check shall inform each person, at the 3216  
time of the person's initial application for employment, of the 3217  
requirement to provide a set of fingerprint impressions and that a 3218  
criminal records check is required to be conducted and 3219  
satisfactorily completed in accordance with section 109.572 of the 3220  
Revised Code if the person comes under final consideration for 3221  
appointment or employment as a precondition to employment for the 3222  
school district, educational service center, or school for that 3223  
position. 3224

(G) As used in this section: 3225

(1) "Applicant" means a person who is under final 3226  
consideration for appointment or employment in a position with a 3227  
board of education, governing board of an educational service 3228  
center, or a chartered nonpublic school as a person responsible 3229  
for the care, custody, or control of a child, except that 3230  
"applicant" does not include a person already employed by a board 3231

or chartered nonpublic school in a position of care, custody, or 3232  
control of a child who is under consideration for a different 3233  
position with such board or school. 3234

(2) "Teacher" means a person holding an educator license, 3235  
~~internship certificate,~~ or permit issued under section 3319.22, 3236  
~~3319.28,~~ or 3319.301 of the Revised Code and teachers in a 3237  
chartered nonpublic school. 3238

(3) "Criminal records check" has the same meaning as in 3239  
section 109.572 of the Revised Code. 3240

(4) "Minor drug possession offense" has the same meaning as 3241  
in section 2925.01 of the Revised Code. 3242

(H) If the board of education of a local school district 3243  
adopts a resolution requesting the assistance of the educational 3244  
service center in which the local district has territory in 3245  
conducting criminal records checks of substitute teachers under 3246  
this section, the appointing or hiring officer of such educational 3247  
service center shall serve for purposes of this section as the 3248  
appointing or hiring officer of the local board in the case of 3249  
hiring substitute teachers for employment in the local district. 3250

~~(I) The requirements of this section shall not apply to a 3251  
person holding a certificate of the type described in section 3252  
3319.281 of the Revised Code who applies to a school district or 3253  
school for employment in an adult instruction position under which 3254  
that person is not responsible for the care, custody, or control 3255  
of a child. 3256~~

**Sec. 3319.51.** (A) The state board of education shall annually 3257  
establish the amount of the fees required to be paid under 3258  
division (B) of section 3301.071 and, under sections 3301.074, 3259  
3319.088, 3319.29, and 3319.302, and under division (A) of section 3260  
3319.303 of the Revised Code. The amount of these fees shall be 3261

such that they, along with any appropriation made to the fund 3262  
established under division (B) of this section, will be sufficient 3263  
to cover the annual estimated cost of administering the sections 3264  
of law listed under division (B) of this section. 3265

(B) There is hereby established in the state treasury the 3266  
state board of education licensure fund, which shall be used by 3267  
the state board of education solely to pay the cost of 3268  
administering sections 3301.071, 3301.074, 3319.088, 3319.22, 3269  
~~3319.28,~~ 3319.29, 3319.291, 3319.301, 3319.302, 3319.303, and 3270  
3319.31 of the Revised Code. The fund shall consist of the amounts 3271  
paid into the fund pursuant to division (B) of section 3301.071 3272  
~~and,~~ sections 3301.074, 3319.088, 3319.29, and 3319.302, and 3273  
division (A) of section 3319.303 of the Revised Code and any 3274  
appropriations to the fund by the general assembly. 3275

Sec. 3319.56. The department of education shall identify 3276  
promising practices in Ohio and throughout the country for 3277  
engaging teachers certified by the national board for professional 3278  
teaching standards and other master teachers, as defined by the 3279  
educator standards board pursuant to section 3319.61 of the 3280  
Revised Code, in ways that add value beyond their own classrooms. 3281  
Practices identified by the department as promising may include 3282  
placing national board certified and master teachers in key roles 3283  
in peer review programs; having such teachers serve as coaches, 3284  
mentors, and trainers for other teachers; or having such teachers 3285  
develop curricula or instructional integration strategies. 3286

Once the department has identified promising practices, the 3287  
department shall inform all school districts of the practices by 3288  
posting such information on the department's world wide web site. 3289

Sec. 3319.57. (A) A grant program is hereby established under 3290  
which the department of education shall award grants to assist 3291

<u>certain schools in a city, exempted village, local, or joint</u>	3292
<u>vocational school district in implementing one of the following</u>	3293
<u>innovations:</u>	3294
<u>(1) The use of instructional specialists to mentor and</u>	3295
<u>support classroom teachers;</u>	3296
<u>(2) The use of building managers to supervise the</u>	3297
<u>administrative functions of school operation so that a school</u>	3298
<u>principal can focus on supporting instruction, providing</u>	3299
<u>instructional leadership, and engaging teachers as part of the</u>	3300
<u>instructional leadership team;</u>	3301
<u>(3) The reconfiguration of school leadership structure in a</u>	3302
<u>manner that allows teachers to serve in leadership roles so that</u>	3303
<u>teachers may share the responsibility for making and implementing</u>	3304
<u>school decisions;</u>	3305
<u>(4) The adoption of new models for restructuring the school</u>	3306
<u>day or school year, such as including teacher planning and</u>	3307
<u>collaboration time as part of the school day;</u>	3308
<u>(5) The creation of smaller schools or smaller units within</u>	3309
<u>larger schools for the purpose of facilitating teacher</u>	3310
<u>collaboration to improve and advance the professional practice of</u>	3311
<u>teaching;</u>	3312
<u>(6) The implementation of "grow your own" recruitment</u>	3313
<u>strategies that are designed to assist individuals who show a</u>	3314
<u>commitment to education become licensed teachers, to assist</u>	3315
<u>experienced teachers obtain licensure in subject areas for which</u>	3316
<u>there is need, and to assist teachers in becoming principals;</u>	3317
<u>(7) The provision of better conditions for new teachers, such</u>	3318
<u>as reduced teaching load and reduced class size;</u>	3319
<u>(8) The provision of incentives to attract qualified</u>	3320
<u>mathematics, science, or special education teachers;</u>	3321

(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 3322  
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(10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 3325  
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(11) The implementation of a program to increase the subject matter competency of veteran teachers. 3327  
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(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 3329  
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(1) Be hard to staff, as defined by the department. 3332

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage for the fiscal year in which the grant is awarded). 3333  
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For purposes of division (B)(2) of this section, "state share percentage" shall be as calculated under section 3317.022 of the Revised Code, in the case of a city, local, or exempted village school district, or as calculated under section 3317.16 of the Revised Code, in the case of a joint vocational school district. 3337  
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(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section. 3342  
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(D) The state board of education shall adopt rules for the administration of this grant program. 3346  
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**Sec. 3319.60.** There is hereby established the educator standards board. The board shall develop and recommend to the state board of education standards for entering and continuing in 3348  
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the teaching and principalship professions and standards for 3351  
educator professional development. 3352

(A) The board shall consist of the following members 3353  
appointed by the state board of education within sixty days of the 3354  
effective date of this section: 3355

(1) Eight persons employed as teachers in a school district. 3356  
Two persons appointed under this division shall be employed as 3357  
teachers in a secondary school, two persons shall be employed as 3358  
teachers in a middle school, two persons shall be employed as 3359  
teachers in an elementary school, one person shall be employed as 3360  
a teacher in a pre-kindergarten classroom, and one person shall be 3361  
a teacher who serves on a local professional development committee 3362  
pursuant to section 3319.22 of the Revised Code. At least one 3363  
person appointed under this division shall hold a teaching 3364  
certificate or license issued by the national board for 3365  
professional teaching standards. The Ohio education association 3366  
shall submit a list of twelve nominees for these appointments and 3367  
the state board shall appoint six members to the educator 3368  
standards board from that list. The Ohio federation of teachers 3369  
shall submit a list of four nominees for these appointments and 3370  
the state board shall appoint two members to the educator 3371  
standards board from that list. If there is an insufficient number 3372  
of nominees from both lists to satisfy the membership requirements 3373  
of this division, the state board shall request additional 3374  
nominees who satisfy those requirements. 3375

(2) One person employed as a teacher in a chartered, 3376  
nonpublic school. Stakeholder groups selected by the state board 3377  
shall submit a list of two nominees for this appointment. 3378

(3) Four persons employed as school administrators in a 3379  
school district. Of the four persons appointed under this 3380  
division, one person shall be employed as a secondary school 3381  
principal, one person shall be employed as a middle school 3382

principal, one person shall be employed as an elementary school 3383  
principal, and one person shall be employed as a school district 3384  
superintendent. The buckeye association of school administrators 3385  
shall submit a list of two nominees for the school district 3386  
superintendent, the Ohio association of elementary school 3387  
administrators shall submit a list of two nominees for the 3388  
elementary school principal, and the Ohio association of secondary 3389  
school administrators shall submit a list of two nominees for the 3390  
middle school principal and a list of two nominees for the 3391  
secondary school principal. 3392

(4) One person who is a member of a school district board of 3393  
education. The Ohio school boards association shall submit a list 3394  
of two nominees for this appointment. 3395

(5) Three persons employed by institutions of higher 3396  
education that offer teacher preparation programs approved under 3397  
section 3319.23 of the Revised Code. One person appointed under 3398  
this division shall be employed by an institution of higher 3399  
education that has a certificate of authorization under Chapter 3400  
1713. of the Revised Code; one person shall be employed by a state 3401  
university, as defined in section 3345.011 of the Revised Code, or 3402  
a university branch; and one person shall be employed by a state 3403  
community college, community college, or technical college. Of the 3404  
two persons appointed under this division from an institution of 3405  
higher education that has a certificate of authorization under 3406  
Chapter 1713. of the Revised Code and from a state university or 3407  
university branch, one shall be employed in a college of education 3408  
and one shall be employed in a college of arts and sciences. The 3409  
chancellor of the Ohio board of regents shall submit a list of two 3410  
nominees for each of these appointments. 3411

(6) The superintendent of public instruction or a designee of 3412  
the superintendent, the chancellor of the Ohio board of regents or 3413  
a designee of the chancellor, and the chairpersons of the 3414



education committees of the senate and house of representatives 3415  
shall serve as nonvoting, ex officio members. 3416

(B) Initial terms of office for nine members shall be for two 3417  
years and three years for eight members, beginning on the day all 3418  
members are appointed to the board. At the first meeting of the 3419  
board, members shall draw lots to determine the length of the term 3420  
each member shall serve. Thereafter terms of office shall be for 3421  
two years. Each member shall hold office from the date of the 3422  
member's appointment until the end of the term for which the 3423  
member was appointed. At the first meeting, appointed members 3424  
shall select a chairperson and a vice-chairperson. Vacancies on 3425  
the board shall be filled in the same manner as the original 3426  
appointments. Any member appointed to fill a vacancy occurring 3427  
prior to the expiration of the term for which the member's 3428  
predecessor was appointed shall hold office for the remainder of 3429  
such term. Any member shall continue in office subsequent to the 3430  
expiration date of the member's term until the member's successor 3431  
takes office, or until a period of sixty days has elapsed, 3432  
whichever occurs first. The terms of office of members are 3433  
renewable. 3434

(C) Members shall receive no compensation for their services. 3435

(D) The board shall establish guidelines for its operation. 3436  
These guidelines shall permit the creation of standing 3437  
subcommittees when necessary. The board shall determine the 3438  
membership of any subcommittee it creates. The board may select 3439  
persons who are not members of the board to participate in the 3440  
deliberations of any subcommittee as representatives of 3441  
stakeholder groups, but no such person shall vote on any issue 3442  
before the subcommittee. 3443

Sec. 3319.61. (A) The educator standards board, in 3444  
consultation with the Ohio board of regents, shall do all of the 3445

<u>following:</u>	3446
<u>(1) Develop state standards for teachers and principals that</u>	3447
<u>reflect what teachers and principals are expected to know and be</u>	3448
<u>able to do at all stages of their careers. These standards shall</u>	3449
<u>be aligned with the statewide academic content standards for</u>	3450
<u>students adopted pursuant to section 3301.079 of the Revised Code,</u>	3451
<u>be primarily based on educator performance instead of years of</u>	3452
<u>experience or certain courses completed, and rely on</u>	3453
<u>evidence-based factors.</u>	3454
<u>(a) The standards for teachers shall reflect the following</u>	3455
<u>additional criteria:</u>	3456
<u>(i) Alignment with the interstate new teacher assessment and</u>	3457
<u>support consortium standards;</u>	3458
<u>(ii) Differentiation among novice, experienced, and advanced</u>	3459
<u>teachers;</u>	3460
<u>(iii) Reliance on competencies that can be measured;</u>	3461
<u>(iv) Reliance on content knowledge, teaching skills,</u>	3462
<u>discipline-specific teaching methods, and requirements for</u>	3463
<u>professional development;</u>	3464
<u>(v) Alignment with a career-long system of professional</u>	3465
<u>development and evaluation that ensures teachers receive the</u>	3466
<u>support and training needed to achieve the teaching standards as</u>	3467
<u>well as reliable feedback about how well they meet the standards.</u>	3468
<u>(b) The standards for principals shall be aligned with the</u>	3469
<u>interstate school leaders licensing consortium standards.</u>	3470
<u>(2) Develop standards for the renewal of educator licenses</u>	3471
<u>under section 3319.22 of the Revised Code;</u>	3472
<u>(3) Develop standards for educator professional development.</u>	3473
<u>(B) The educator standards board shall incorporate indicators</u>	3474
<u>of cultural competency into the standards developed under division</u>	3475

(A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students. 3476  
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(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups. 3483  
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(D) In developing the standards under division (A) of this section, the educator standards board shall ensure that teachers and principals have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students. 3487  
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(E) The standards for educator professional development developed under division (A)(3) of this section shall include standards that address the crucial link between academic achievement and mental health issues. 3493  
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(F) The educator standards board shall also perform the following functions: 3497  
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(1) Collaborate with colleges and universities that offer teacher preparation programs approved pursuant to section 3319.23 of the Revised Code to align teacher and principal preparation courses with the standards developed under division (A) of this section and with student academic content standards adopted under section 3301.079 of the Revised Code. The educator standards board shall study the model developed by the college of food, agricultural, and environmental sciences and the college of 3499  
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education of the Ohio state university for aligning teacher 3507  
preparation programs in agricultural education with recognized 3508  
standards for this purpose. 3509

(2) Monitor compliance with the teacher and principal 3510  
standards developed under division (A) of this section and make 3511  
recommendations to the state board of education for appropriate 3512  
corrective action if such standards are not met; 3513

(3) Research, develop, and recommend policies on the 3514  
professions of teaching and school administration; 3515

(4) Recommend policies to close the achievement gap between 3516  
students of different subgroups; 3517

(5) Define a "master teacher" in a manner that can be used 3518  
uniformly by all school districts. It is the intent of the general 3519  
assembly that when defining "master teacher," the educator 3520  
standards board shall adopt multiple, equal-weighted criteria to 3521  
use in determining whether a person is a master teacher. Such 3522  
criteria may include, but shall not be limited to, attainment of a 3523  
master's degree in an appropriate subject area, completion of 3524  
other educational levels or professional development courses, 3525  
certification by the national board for professional teaching 3526  
standards, or demonstration of a leadership role in the teacher's 3527  
school building. The board shall determine the number of criteria 3528  
that a teacher shall satisfy to be recognized as a master teacher, 3529  
which shall not be the total number of criteria adopted by the 3530  
board. 3531

(G) The educator standards board shall submit recommendations 3532  
of standards developed under division (A) of this section to the 3533  
state board of education within one year after the educator 3534  
standards board first convenes. The state board of education shall 3535  
review those recommendations at the state board's regular meeting 3536  
that next succeeds the date that the recommendations are submitted 3537

to the state board. At that meeting, the state board of education 3538  
shall vote to either adopt standards based on those 3539  
recommendations or request that the educator standards board 3540  
reconsider its recommendations. The state board of education shall 3541  
articulate reasons for requesting reconsideration of the 3542  
recommendations but shall not direct the content of the 3543  
recommendations. The educator standards board shall reconsider its 3544  
recommendations if the state board of education so requests, may 3545  
revise the recommendations, and shall resubmit the 3546  
recommendations, whether revised or not, to the state board not 3547  
later than two weeks prior to the state board's regular meeting 3548  
that next succeeds the meeting at which the state board requested 3549  
reconsideration of the initial recommendations. The state board of 3550  
education shall review the recommendations as resubmitted by the 3551  
educator standards board at the state board's regular meeting that 3552  
next succeeds the meeting at which the state board requested 3553  
reconsideration of the initial recommendations and may adopt the 3554  
standards as resubmitted or, if the resubmitted standards have not 3555  
addressed the state board's concerns, the state board may modify 3556  
the standards prior to adopting them. The final responsibility to 3557  
determine whether to adopt standards as described in division (A) 3558  
of this section and the content of those standards, if adopted, 3559  
belongs solely to the state board of education. 3560

**Sec. 3319.62.** The department of education shall establish the 3561  
state office of educator standards within the center for the 3562  
teaching profession to provide administrative services to the 3563  
educator standards board. The department may employ a director for 3564  
the office and such other staff as are necessary for the operation 3565  
of the office. When appropriate, current employees of the 3566  
department shall conduct the operation of the office. 3567

**Sec. 3319.65.** The state board of education shall establish a 3568

credential review board. The credential review board shall carry 3569  
out any functions assigned to it by the state board with respect 3570  
to assessing individuals pursuing alternative routes to educator 3571  
licensure and out of state educators seeking licensure in Ohio. 3572  
The credential review board may also carry out any other duties 3573  
the state board considers appropriate. 3574

**Sec. 3333.161.** (A) As used in this section: 3575

(1) "Articulation agreement" means an agreement between two 3576  
or more state institutions of higher education to facilitate the 3577  
transfer of students and credits between such institutions. 3578

(2) "State institution of higher education" and "state 3579  
university" have the same meanings as in section 3345.011 of the 3580  
Revised Code. 3581

(3) "Two year college" includes a community college, state 3582  
community college, technical college, and university branch. 3583

(B) Not later than April 15, 2005, the Ohio board of regents 3584  
shall adopt rules establishing a statewide system for articulation 3585  
agreements among state institutions of higher education for 3586  
transfer students pursuing teacher education programs. The rules 3587  
shall require an articulation agreement between institutions to 3588  
include all of the following: 3589

(1) The development of a transfer module for teacher 3590  
education that includes introductory level courses that are 3591  
evaluated as appropriate by faculty employed by the state 3592  
institutions of higher education that are parties to the 3593  
articulation agreement; 3594

(2) A foundation of general studies courses that have been 3595  
identified as part of the transfer module for teacher education 3596  
and have been evaluated as appropriate for the preparation of 3597  
teachers and consistent with the academic content standards 3598

<u>adopted under section 3301.079 of the Revised Code;</u>	3599
<u>(3) A clear identification of university faculty who are partnered with two year college faculty;</u>	3600 3601
<u>(4) The publication of the articulation agreement that is available to all students, faculty, and staff.</u>	3602 3603
<u>Sec. 3333.36. The chancellor of the Ohio board of regents may allocate up to seventy thousand dollars in each fiscal year to make payments to the Columbus program in intergovernmental issues, an Ohio internship program at Kent state university, for scholarships of up to two thousand dollars for each student enrolled in the program. The chancellor may utilize any funds appropriated to the board of regents that the chancellor determines to be available for purposes of this section.</u>	3604 3605 3606 3607 3608 3609 3610 3611
<b>Sec. 3333.38.</b> (A) As used in this section:	3612
(1) "Institution of higher education" includes all of the following:	3613 3614
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	3615 3616
(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;	3617 3618 3619
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	3620 3621 3622
(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.	3623 3624 3625
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12,	3626 3627

3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 3628  
5910.032, and 5919.34 of the Revised Code and any other 3629  
post-secondary student financial assistance supported by state 3630  
funds. 3631

(B) An individual who is convicted of, pleads guilty to, or 3632  
is adjudicated a delinquent child for one of the following 3633  
violations shall be ineligible to receive any student financial 3634  
assistance supported by state funds at an institution of higher 3635  
education for two calendar years from the time the individual 3636  
applies for assistance of that nature: 3637

(1) A violation of section 2917.02 or 2917.03 of the Revised 3638  
Code; 3639

(2) A violation of section 2917.04 of the Revised Code that 3640  
is a misdemeanor of the fourth degree ~~and occurs within the~~ 3641  
~~proximate area where four or more others are acting in a course of~~ 3642  
~~conduct in violation of section 2917.11 of the Revised Code;~~ 3643

(3) A violation of section 2917.13 of the Revised Code that 3644  
is a misdemeanor of the fourth or first degree and occurs within 3645  
the proximate area where four or more others are acting in a 3646  
course of conduct in violation of section 2917.11 of the Revised 3647  
Code. 3648

(C) If an individual is convicted of, pleads guilty to, or is 3649  
adjudicated a delinquent child for committing a violation of 3650  
section ~~2907.02~~ 2917.02 or ~~2907.03~~ 2917.03 of the Revised Code, 3651  
and if the individual is enrolled in a state-supported institution 3652  
of higher education, the institution in which the individual is 3653  
enrolled shall immediately dismiss the individual. No 3654  
state-supported institution of higher education shall admit an 3655  
individual of that nature for one academic year after the 3656  
individual applies for admission to a state-supported institution 3657  
of higher education. This division does not limit or affect the 3658



ability of a state-supported institution of higher education to 3659  
suspend or otherwise discipline its students. 3660

**Sec. 5126.021.** As used in this section, "immediate family" 3661  
means parents, brothers, sisters, spouses, sons, daughters, 3662  
mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, 3663  
sons-in-law, and daughters-in-law. 3664

(A) The following individuals shall not serve as members of 3665  
county boards of mental retardation and developmental 3666  
disabilities: 3667

(1) Elected public officials, except for township trustees, 3668  
township clerks, and those excluded from the definition of public 3669  
official or employee in division (B) of section 102.01 of the 3670  
Revised Code; 3671

(2) Members of the immediate family of another board member; 3672

(3) Board employees and members of the immediate family of 3673  
board employees; 3674

(4) Former board employees within one calendar year of the 3675  
termination of employment with the board on which the former 3676  
employee would serve. 3677

(B) A person may not serve as a member of a county board of 3678  
mental retardation and developmental disabilities when either the 3679  
person or a member of the person's immediate family is a board 3680  
member of a contract agency of that county board unless there is 3681  
no conflict of interest. In no circumstance shall a member of a 3682  
county board vote on any matter before the board concerning a 3683  
contract agency of which the member or a member of the member's 3684  
immediate family is also a board member or an employee. All 3685  
questions relating to the existence of a conflict of interest 3686  
shall be submitted to the local prosecuting attorney and the Ohio 3687  
ethics commission for resolution. 3688

(C) No employee of an agency contracting with a county board 3689  
of mental retardation and developmental disabilities or member of 3690  
the immediate family of such an employee shall serve as a board 3691  
member or an employee of the county board except that a county 3692  
board may, pursuant to a resolution adopted by the board, employ a 3693  
member of the immediate family of an employee of an agency 3694  
contracting with the board. 3695

(D) No person shall serve as a member or employee of a county 3696  
board of mental retardation and developmental disabilities if a 3697  
member of the person's immediate family serves as a county 3698  
commissioner of the county served by the board unless the person 3699  
was a member or employee prior to October 31, 1980. 3700

(E) A county board of mental retardation and developmental 3701  
disabilities shall not contract with an agency whose board 3702  
includes a county commissioner of the county served by the county 3703  
board ~~or an employee of the same county board.~~ 3704

(F) Notwithstanding any provision of the Revised Code to the 3705  
contrary, including applicable provisions of sections 102.03, 3706  
102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a 3707  
county board of mental retardation and developmental disabilities 3708  
also may be a member of the governing board of an agency or a 3709  
political subdivision, including the board of education of a 3710  
school district. The county board of mental retardation and 3711  
developmental disabilities may contract with the governing board 3712  
of an agency or political subdivision whose member is also an 3713  
employee of the county board, provided that in no circumstances 3714  
shall such employee of the county board vote on any matter before 3715  
the governing board of the agency or political subdivision 3716  
concerning a county board contract or participate in any 3717  
discussion or debate regarding that contract. 3718

**Section 2.** That existing sections 3301.079, 3301.0710, 3719

3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 3720  
3307.01, 3313.28, 3313.33, 3313.53, 3313.713, 3318.031, 3319.09, 3721  
3319.11, 3319.111, 3319.22, 3319.225, 3319.227, 3319.23, 3319.26, 3722  
3319.283, 3319.29, 3319.291, 3319.31, 3319.311, 3319.36, 3319.39, 3723  
3319.51, 3333.38, and 5126.021, and existing Section 12 of Sub. 3724  
H.B. 364 of the 124th General Assembly, and sections 3301.801, 3725  
3314.12, and 3319.28 of the Revised Code are hereby repealed. 3726

**Section 3.** The Legislative Office of Education Oversight 3727  
shall conduct a study of minimum starting salaries for teachers 3728  
with bachelor degrees. The Office shall, in consultation with 3729  
Ohio's education stakeholders, identify a select number of states 3730  
that are demographically and economically similar to Ohio, 3731  
including states that because of geographic proximity compete with 3732  
Ohio for new teachers. For the state of Ohio and each of the 3733  
selected states, the Office shall determine the minimum 3734  
compensation levels for beginning teachers, calculate the average 3735  
compensation for beginning teachers, and project, based on recent 3736  
history and current economic conditions, the average compensation 3737  
for beginning teachers in the 2007-2008 academic year. The Office 3738  
shall also compare the selected states to Ohio. 3739

The Office shall submit the final results of this study to 3740  
the Governor and members of the General Assembly not later than 3741  
September 30, 2004. 3742

**Section 4.** As used in this section, "career ladder program" 3743  
means a performance-based multilevel system of teaching positions 3744  
or compensation levels within a school district or district 3745  
building. 3746

The Educator Standards Board established by this act and the 3747  
Department of Education jointly shall develop a proposal for a 3748  
career ladder program. The Educator Standards Board and the 3749

Department also shall determine the estimated cost of implementing 3750  
the proposal and how the Department would reallocate its resources 3751  
to cover the costs of implementation. Within eighteen months after 3752  
the Educator Standards Board convenes for its initial meeting, the 3753  
Board and the Department shall make a report to the General 3754  
Assembly describing their proposal for a career ladder program, 3755  
including estimated costs for implementation and the manner in 3756  
which the Department would pay for those costs. 3757

**Section 5.** The Department of Education and the Ohio Board of 3758  
Regents shall develop a proposal for a pilot program between a 3759  
school district and a college or university that is approved to 3760  
offer teacher preparation programs pursuant to section 3319.23 of 3761  
the Revised Code. The pilot program shall encourage the college or 3762  
university's faculty to spend more time in the school district's 3763  
buildings and classrooms and engage in other clinical experiences. 3764  
In addition, participation in the pilot program shall require a 3765  
college or university to provide incentives for faculty to share 3766  
what they have learned from the pilot program with their 3767  
colleagues through publications and other learning experiences. 3768

The Department of Education shall study, using an appropriate 3769  
research method, the effectiveness of the pilot program, if 3770  
implemented, and shall report its findings to the General Assembly 3771  
within one year after the program is implemented. 3772

**Section 6.** The Educator Standards Board established by this 3773  
act shall work with the Ohio Teacher Education and Licensure 3774  
Advisory Commission to transition the duties formerly performed by 3775  
the Commission to the Educator Standards Board. 3776

**Section 7.** Within ninety days of the effective date of this 3777  
section, the Ohio Department of Education shall develop a 3778  
definition of a "hard to staff" school. In defining this term, the 3779

Department shall examine whether a school:	3780
(A) Has difficulty recruiting and retaining high quality school personnel, as determined by the Department;	3781 3782
(B) Has a high number of teachers who are teaching out-of-field, as determined by the Department;	3783 3784
(C) Has high student poverty, as determined by the Department;	3785 3786
(D) Has a high number of students who do not attain at least a proficient score on the tests prescribed in section 3301.0710 or 3301.0712 of the Revised Code;	3787 3788 3789
(E) Has a significant achievement gap among various groups of students.	3790 3791
In addition, the Department shall consider definitions and models used by other states.	3792 3793
The Department shall identify schools that meet the definition developed under this section and shall publish the list of those schools on the Department's web site.	3794 3795 3796
<b>Section 8.</b> At such time as sufficient funding is available, the Department of Education shall develop a pilot project in not fewer than two school districts selected by the Department, each of which contain a "hard to staff" school as that term is defined by the Department. One of the selected districts shall be an urban school district and one shall be a rural school district.	3797 3798 3799 3800 3801 3802
The Department shall study, using an appropriate research method, the effectiveness of the pilot project and shall report its findings to the General Assembly within one year after the pilot project is implemented.	3803 3804 3805 3806
The selected districts shall use any funds allocated under the pilot project for one or more of the following purposes:	3807 3808

(A) The use of instructional specialists to mentor and support classroom teachers;	3809 3810
(B) The use of building managers to supervise the administrative functions of school operation so that a school principal can focus on supporting instruction, providing instructional leadership, and engaging teachers as part of the instructional leadership team;	3811 3812 3813 3814 3815
(C) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions;	3816 3817 3818 3819
(D) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;	3820 3821 3822
(E) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;	3823 3824 3825 3826
(F) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals;	3827 3828 3829 3830 3831
(G) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;	3832 3833
(H) The provision of incentives to attract qualified mathematics, science, or special education teachers;	3834 3835
(I) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;	3836 3837 3838

(J) The implementation of a program to increase the cultural competency of both new and veteran teachers; 3839  
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(K) The implementation of a program to increase the subject matter competency of veteran teachers. 3841  
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**Section 9.** Section 3314.034 of the Revised Code, as enacted 3843  
by this act, shall not affect any investigation by the Department 3844  
of Education into the alleged improper enrollment of students by 3845  
an Internet- or computer-based community school that is pending on 3846  
the effective date of this section. If the Department concludes 3847  
after any such investigation that no improper enrollment of 3848  
students has occurred, the Department shall make any necessary 3849  
payments to the Internet- or computer-based community school so 3850  
that the Internet- or computer-based community school receives the 3851  
full amount calculated for it for the 2003-2004 school year under 3852  
section 3314.08 of the Revised Code. If the Department concludes 3853  
that an improper enrollment of students has occurred, all 3854  
provisions of law regarding the recovery of funds owed to the 3855  
state shall apply. 3856

**Section 10.** Upon the effective date of this section, the 3857  
State Board of Education shall forthwith begin procedures for the 3858  
adoption of a rule that complies with section 3319.303 of the 3859  
Revised Code, as enacted by this act, so that the rule is 3860  
effective at the earliest possible date provided for by law. 3861

**Section 11.** Representatives from the College of Food, 3862  
Agricultural, and Environmental Sciences and the College of 3863  
Education of The Ohio State University shall make a presentation 3864  
to the Educator Standards Board established by this act. The 3865  
presentation shall familiarize the Educator Standards Board with 3866  
the model developed by the College of Food, Agricultural, and 3867  
Environmental Sciences and the College of Education for aligning 3868

teacher preparation programs in agricultural education with 3869  
recognized standards and instruct the Board about how to apply 3870  
that model to aligning teacher preparation programs in Ohio with 3871  
standards developed by the Board pursuant to section 3319.61 of 3872  
the Revised Code, as enacted by this act. 3873

**Section 12.** That Sections 11, 12, 13, and 14 of Am. Sub. H.B. 3874  
3 of the 125th General Assembly be amended to read as follows: 3875

**Sec. 11.** The Legislative Office of Education Oversight shall 3876  
conduct a study that evaluates the correlation between students' 3877  
race and class and academic achievement, ~~particularly.~~ To the 3878  
extent possible, the Office shall use existing data on district 3879  
wealth to make a variety of comparisons, including comparing the 3880  
academic achievement of low-income, African-American and Hispanic 3881  
students with that of middle-class, white students. In conducting 3882  
the study, the Office shall use at least five years of data 3883  
collected and maintained by the Ohio Department of Education. The 3884  
study shall focus on the academic achievement of students in the 3885  
fourth, sixth, and ninth grades. The Office shall submit the final 3886  
results of the study to the General Assembly not later than 3887  
September 30, 2004. 3888

**Sec. 12.** The Legislative Office of Education Oversight shall 3889  
conduct a study of the intervention services required to be 3890  
provided by school districts under sections 3301.0711, 3313.608, 3891  
and 3313.6012 of the Revised Code. If any diagnostic assessment is 3892  
administered by school districts in accordance with section 3893  
3301.0715 of the Revised Code in the school year beginning July 1, 3894  
2003, the Office also shall include the intervention services 3895  
required by that section in the study. In conducting the study, 3896  
the Office shall examine each of the following issues: 3897

(A) The types of intervention services that districts are 3898



currently providing to students; 3899

(B) The manner in which the Department of Education informs 3900  
districts of their obligation to provide intervention services and 3901  
assists the districts in developing appropriate intervention 3902  
strategies; 3903

(C) The manner in which the Department tracks compliance by 3904  
school districts with requirements to provide intervention 3905  
services; 3906

(D) The cost to districts of providing intervention services; 3907

(E) Whether there are any intervention services that 3908  
districts are not providing due to insufficient funding. 3909

The Office shall issue a written report of its findings to 3910  
the General Assembly not later than ~~December~~ March 31, ~~2004~~ 2005. 3911

**Sec. 13.** The Legislative Office of Education Oversight shall 3912  
conduct a study of the performance of students in the Class of 3913  
2007 on the Ohio Graduation Tests prescribed by division (B) of 3914  
section 3301.0710 of the Revised Code to determine how well 3915  
students meet the statewide academic standards developed pursuant 3916  
to section 3301.079 of the Revised Code. The study shall include 3917  
all students who enter the ninth grade in the school year 3918  
beginning July 1, 2003; the Office shall not exclude from any 3919  
analysis students who leave school prior to graduation. In 3920  
conducting the study, the Office shall determine the number of 3921  
such students who attain a score at the proficient level on all 3922  
five of the Ohio Graduation Tests by June 30, 2007. To the extent 3923  
possible, the Office also shall determine the number of such 3924  
students who satisfy the alternative conditions described in 3925  
section 3313.615 of the Revised Code for meeting the testing 3926  
requirement to be eligible for a diploma. The Office shall issue 3927  
annual written reports in June 2006 and June 2007 to the General 3928

Assembly, and shall issue a final, comprehensive written report of 3929  
its findings to the General Assembly not later than ~~December 31,~~ 3930  
~~2007~~ June 30, 2008. 3931

**Sec. 14.** The Legislative Office of Education Oversight shall 3932  
conduct a study that reviews the progress of school districts and 3933  
the Department of Education in hiring highly qualified teachers in 3934  
the core subject areas of English, reading, language arts, 3935  
mathematics, science, foreign language, civics and government, 3936  
economics, arts, history, and geography, as required by Title I of 3937  
the "No Child Left Behind Act," Pub. L. No. 107-110. The study 3938  
shall evaluate, over a five-year period, all of the following: 3939

(A) The progress of individual school districts in complying 3940  
with the highly qualified teacher requirement; 3941

(B) Whether the definition of "highly qualified teacher" 3942  
adopted by the State Board of Education complies with the "No 3943  
Child Left Behind Act"; 3944

(C) The efforts of the Department of Education in assisting 3945  
school districts to comply with the "No Child Left Behind Act's" 3946  
requirement, and in monitoring the progress of school districts in 3947  
ensuring highly qualified teachers are employed in core subject 3948  
areas. 3949

The Office shall submit three interim reports of its findings 3950  
to the General Assembly. The first interim report, due September 3951  
30, 2005, shall evaluate compliance with the highly qualified 3952  
teacher requirement in the 2002-2003 and 2003-2004 school years, 3953  
~~the.~~ The second interim report, due September 30, 2006, shall 3954  
evaluate compliance with the requirement in the 2004-2005 school 3955  
year, ~~and the.~~ The third interim report, due September 30, 2007, 3956  
shall evaluate compliance with the requirement in the 2005-2006 3957  
school year. A final report shall be submitted to the General 3958  
Assembly, not later than September 30, 2008, that evaluates 3959

compliance in the 2006-2007 school year and the prior four school years. 3960  
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**Section 13.** That existing Sections 11, 12, 13, and 14 of Am. Sub. H.B. 3 of the 125th General Assembly are hereby repealed. 3962  
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**Section 14.** That Sections 41.03, 41.05, 41.10, 41.19, 41.33, 146, and 152 of Am. Sub. H.B. 95 of the 125th General Assembly be amended to read as follows: 3964  
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**Sec. 41.03. PROFESSIONAL DEVELOPMENT** 3967

The foregoing appropriation item 200-410, Professional Development, shall be used to fund professional development programs in Ohio. The Ohio Department of Education shall, where possible, incorporate cultural competency as a component of professional development and actively promote the development of cultural competency in the operation of its professional development programs. As used in this section, "cultural competency" has the meaning specified by the Educator Standards Board under section 3319.61 of the Revised Code. 3968  
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Of the foregoing appropriation item 200-410, Professional Development, \$5,200,000 in fiscal year 2004 shall be used by the Department of Education to support a statewide comprehensive system of regional professional development centers that support local educators' ability to foster academic achievement in the students they serve. Of the foregoing appropriation item 200-410, Professional Development, \$5,200,000 in fiscal year 2005 shall be used by the regional education delivery system. Before releasing these funds in fiscal year 2005, the Department of Education shall submit a spending plan to the Controlling Board. The release of the funds is contingent on Controlling Board approval of the spending plan. Both the regional professional development centers in fiscal year 2004 and the regional education delivery system in 3977  
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fiscal year 2005 shall include training that assists educators, 3990  
school leadership, and technical assistance providers in 3991  
understanding and implementing standards-based education, data 3992  
analysis, and development of assessment systems for quality 3993  
instruction. 3994

Of the foregoing appropriation item 200-410, Professional 3995  
Development, \$7,079,625 in fiscal year 2004 and \$7,329,625 in 3996  
fiscal year 2005 shall be used by the Department of Education to 3997  
provide grants to pay \$2,000 of the application fee in order to 3998  
assist teachers from public and chartered nonpublic schools 3999  
applying for the first time to the National Board for Professional 4000  
Teaching Standards for professional teaching certificates or 4001  
licenses that the board offers. This set aside shall also be used 4002  
to recognize and reward teachers who become certified by the 4003  
National Board for Professional Teaching Standards pursuant to 4004  
section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal 4005  
year of this set aside may be used by the Department to pay for 4006  
costs associated with activities to support candidates through the 4007  
application and certification process. 4008

These moneys shall be used to pay up to the first 500 4009  
applications in fiscal year 2004 and the first 400 applications in 4010  
fiscal year 2005 received by the Department. 4011

Of the foregoing appropriation item 200-410, Professional 4012  
Development, up to \$10,442,358 in each fiscal year shall be 4013  
allocated for entry year programs. These funds shall be used to 4014  
support mentoring services and performance assessments of 4015  
beginning teachers in school districts and chartered nonpublic 4016  
schools. 4017

Of the foregoing appropriation item 200-410, Professional 4018  
Development, up to \$188,090 in each fiscal year shall be used to 4019  
provide technical assistance and grants for districts to develop 4020  
local knowledge/skills-based compensation systems. Each district 4021

receiving grants shall issue an annual report to the Department of 4022  
Education detailing the use of the funds and the impact of the 4023  
system developed by the district. 4024

Of the foregoing appropriation item 200-410, Professional 4025  
Development, up to \$670,000 in each fiscal year shall be used for 4026  
training and professional development of school administrators, 4027  
school treasurers, and school business officials. 4028

Of the foregoing appropriation item 200-410, Professional 4029  
Development, \$144,000 in each fiscal year shall be used by the 4030  
Department of Education to develop a supply and demand report that 4031  
describes the availability of quality educators and critical 4032  
educator shortage areas in Ohio. 4033

Of the foregoing appropriation item 200-410, Professional 4034  
Development, \$1,056,000 in each fiscal year shall be used for 4035  
educator recruitment programs targeting special need areas, 4036  
including recruiting highly qualified minority candidates into 4037  
teaching, recruiting prospective mathematics and science teachers, 4038  
and targeting other areas of special need. 4039

Of the foregoing appropriation item 200-410, Professional 4040  
Development, \$60,000 in fiscal year 2004 and \$70,000 in fiscal 4041  
year 2005 shall be used to support the Ohio University Leadership 4042  
Program. 4043

Of the foregoing appropriation item 200-410, Professional 4044  
Development, \$4,650,000 in ~~each~~ fiscal year 2004 shall be 4045  
allocated by the Department of Education on a per pupil basis, to 4046  
school districts in academic emergency at any time in 2003, and 4047  
\$4,650,000 in fiscal year 2005 shall be allocated by the 4048  
Department of Education, on a per pupil basis, to school districts 4049  
with a three-year average graduation rate of not more than 4050  
seventy-five per cent. As used in this section, "three-year 4051  
average" and "graduation rate" have the meanings specified in 4052

section 3302.01 of the Revised Code. These funds shall be used by 4053  
the districts to provide an equivalent of five days of ongoing 4054  
embedded professional development for classroom teachers who 4055  
provide instruction in the subject areas of reading, writing, 4056  
mathematics, science, or social studies to students enrolled in 4057  
the ninth or tenth grade. This professional development shall 4058  
focus on developing subject competency, developing cultural 4059  
competency, developing skills for analyzing test data, and 4060  
developing data-based intervention strategies to prepare students 4061  
below grade level to pass the Ohio Graduation Test. Districts 4062  
shall submit a research-based, professional development plan for 4063  
five days of embedded professional development to the Department 4064  
of Education prior to receiving funds. The plan shall detail how 4065  
ninth and tenth grade teachers will learn and implement classroom 4066  
strategies for students to reach state standards in mathematics, 4067  
reading, writing, social studies, and science. 4068

**Sec. 41.05. SCHOOL IMPROVEMENT INITIATIVES** 4069

Of the foregoing appropriation item 200-431, School 4070  
Improvement Initiatives, \$10,505,625 in each fiscal year shall be 4071  
used to provide technical assistance to school districts that are 4072  
declared to be in a state of academic watch or academic emergency 4073  
under section 3302.03 of the Revised Code to provide support to 4074  
districts in the development and implementation of their 4075  
continuous improvement plans as required in section 3302.04 of the 4076  
Revised Code and to provide technical assistance and support in 4077  
accordance with Title I of the "No Child Left Behind Act of 2001," 4078  
115 Stat. 1425, 20 U.S.C. 6317. 4079

Of the foregoing appropriation item 200-431, School 4080  
Improvement Initiatives, up to \$350,000 in each fiscal year shall 4081  
be used to reduce the dropout rate by addressing the academic and 4082  
social problems of inner-city students through Project GRAD. 4083

Of the foregoing appropriation item 200-431, School  
Improvement Initiatives, \$50,000 in each fiscal year shall be used  
to support LEAF.

READING/WRITING/MATH IMPROVEMENT 4087

Of the foregoing appropriation item 200-433,  
Reading/Writing/Math Improvement, up to \$12,675,000 in each fiscal  
year shall be used for professional development in literacy for  
classroom teachers, administrators, and literacy specialists, and  
to provide intensive summer training for mathematics teachers.

Of the foregoing appropriation item 200-433,  
Reading/Writing/Math Improvement, \$250,000 in each fiscal year  
shall be used to continue the Waterford Early Reading Program.

Of the foregoing appropriation item 200-433,  
Reading/Writing/Math Improvement, up to \$1,000,000 in each fiscal  
year shall be used by the Department of Education to fund the  
Reading Recovery Training Network, to cover the cost of release  
time for the teacher trainers, and to provide grants to districts  
to implement other reading improvement programs on a pilot basis.  
Funds from this appropriation item also may be used to conduct  
evaluations of the impact and effectiveness of Reading Recovery  
and other reading improvement programs.

The remainder of appropriation item 200-433,  
Reading/Writing/Math Improvement, shall be used to support  
standards-based classroom reading and writing instruction and  
reading intervention and the design/development of standards-based  
literacy curriculum materials; to support literacy professional  
development partnerships between the Department of Education,  
higher education institutions, the literacy specialists project,  
the Ohio principals' literacy network, regional literacy teams,  
literacy networks, and school districts.

STUDENT ASSESSMENT 4114

Of the foregoing appropriation item 200-437, Student 4115  
Assessment, \$500,000 in fiscal year 2004 and \$100,000 in fiscal 4116  
year 2005 shall be used by the Department of Education to train 4117  
school district personnel to score the practice version of the 4118  
Ohio Graduation Test to be taken by students enrolled in the ninth 4119  
grade in school districts that are in academic watch or academic 4120  
emergency or that have a three-year average graduation rate of not 4121  
more than seventy-five per cent pursuant to sections 3301.0710 and 4122  
3301.0711 of the Revised Code. As used in this section, 4123  
"three-year average" and "graduation rate" have the same meanings 4124  
as in section 3302.01 of the Revised Code. 4125

The remainder of appropriation item 200-437, Student 4126  
Assessment, shall be used to develop, field test, print, 4127  
distribute, score, report results, and support other associated 4128  
costs for the tests required under sections 3301.0710 and 4129  
3301.0711 of the Revised Code and for similar purposes as required 4130  
by section 3301.27 of the Revised Code. 4131

ACCOUNTABILITY/REPORT CARDS 4132

The foregoing appropriation item 200-439, 4133  
Accountability/Report Cards, shall be used for the development of 4134  
an accountability system that includes the preparation and 4135  
distribution of school report cards pursuant to section 3302.03 of 4136  
the Revised Code. 4137

AMERICAN SIGN LANGUAGE 4138

Of the foregoing appropriation item 200-441, American Sign 4139  
Language, up to \$136,943 in each fiscal year shall be used to 4140  
implement pilot projects for the integration of American Sign 4141  
Language deaf language into the kindergarten through twelfth-grade 4142  
curriculum. 4143

The remainder of the appropriation shall be used by the 4144  
Department of Education to provide supervision and consultation to 4145



school districts in dealing with parents of children who are deaf 4146  
or hard of hearing, in integrating American Sign Language as a 4147  
foreign language, and in obtaining interpreters and improving 4148  
their skills. 4149

CHILD CARE LICENSING 4150

The foregoing appropriation item 200-442, Child Care 4151  
Licensing, shall be used by the Department of Education to license 4152  
and to inspect preschool and school-age child care programs in 4153  
accordance with sections 3301.52 to 3301.59 of the Revised Code. 4154

OHIOREADS ADMIN/VOLUNTEER SUPPORT 4155

The foregoing appropriation item 200-445, OhioReads 4156  
Admin/Volunteer Support, may be allocated by the OhioReads Office 4157  
in the Department of Education at the direction of the OhioReads 4158  
Council for volunteer coordinators in public school buildings, to 4159  
educational service centers for costs associated with volunteer 4160  
coordination, for background checks for volunteers, to evaluate 4161  
the OhioReads Program, and for operating expenses associated with 4162  
administering the program. 4163

**Sec. 41.10. ADULT LITERACY EDUCATION** 4164

The foregoing appropriation item 200-509, Adult Literacy 4165  
Education, shall be used to support adult basic and literacy 4166  
education instructional programs and the State Literacy Resource 4167  
Center Program. 4168

Of the foregoing appropriation item 200-509, Adult Literacy 4169  
Education, up to \$519,188 in each fiscal year shall be used for 4170  
the support and operation of the State Literacy Resource Center. 4171

Of the foregoing appropriation item 200-509, Adult Literacy 4172  
Education, \$146,250 in each fiscal year shall be used to support 4173  
initiatives for English as a second language programs in 4174  
combination with citizenship. Funding shall be provided to 4175

organizations that received such funds during fiscal year 2003 4176  
from appropriation item 200-570, School Improvement Incentive 4177  
Grants. 4178

The remainder of the appropriation shall be used to continue 4179  
to satisfy the state match and maintenance of effort requirements 4180  
for the support and operation of the Department of 4181  
Education-administered instructional grant program for adult basic 4182  
and literacy education in accordance with the department's state 4183  
plan for adult basic and literacy education as approved by the 4184  
State Board of Education and the Secretary of the United States 4185  
Department of Education. 4186

AUXILIARY SERVICES 4187

The foregoing appropriation item 200-511, Auxiliary Services, 4188  
shall be used by the Department of Education for the purpose of 4189  
implementing section 3317.06 of the Revised Code. Of the 4190  
appropriation, up to \$1,462,500 in each fiscal year may be used 4191  
for payment of the Post-Secondary Enrollment Options Program for 4192  
nonpublic students pursuant to section 3365.10 of the Revised 4193  
Code. 4194

STUDENT INTERVENTION SERVICES 4195

Of the foregoing appropriation item 200-513, Student 4196  
Intervention Services, \$3,700,000 in fiscal year 2004 ~~and~~ 4197  
~~\$5,900,000 in fiscal year 2005~~ shall be allocated by the 4198  
Department of Education, on a per pupil basis, to school districts 4199  
in academic emergency at any time in 2003, and \$5,900,000 in 4200  
fiscal year 2005 shall be allocated by the Department of 4201  
Education, on a per pupil basis, to school districts with a 4202  
three-year average graduation rate of not more than seventy-five 4203  
per cent. As used in this section, "three-year average" and 4204  
"graduation rate" have the meanings specified in section 3302.01 4205  
of the Revised Code. Districts shall use these funds for salaries, 4206

materials, and training to provide after-school, in-school, 4207  
Saturday school, summer school, or other related intervention 4208  
programs to students as specified in division (D)(2) of section 4209  
3301.0711 of the Revised Code. In fiscal year 2004 these programs 4210  
shall be provided to students enrolled in the ninth grade. In 4211  
fiscal year 2005, these programs shall be provided to students 4212  
enrolled in the ninth and tenth grades. At the end of each fiscal 4213  
year, the school districts receiving these funds shall report to 4214  
the Department of Education the number of students who were 4215  
offered intervention, the number of students who participated, and 4216  
the number of students who completed the intervention program, and 4217  
shall provide an evaluation of the impact of the intervention on 4218  
students. 4219

Of the foregoing appropriation item 200-513, Student 4220  
Intervention Services, \$150,000 in each fiscal year shall be used 4221  
for Read Baby Read. 4222

The remainder of appropriation item 200-513, Student 4223  
Intervention Services, shall be used to assist districts providing 4224  
the intervention services specified in section 3313.608 of the 4225  
Revised Code. The Department of Education shall establish 4226  
guidelines for the use and distribution of these moneys. School 4227  
districts receiving funds from this appropriation shall report to 4228  
the Department of Education on how funds were used. 4229

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 4230

Of the foregoing appropriation item 200-514, Postsecondary 4231  
Adult Career-Technical Education, \$40,000 in each fiscal year 4232  
shall be used for the statewide coordination of the activities of 4233  
the Ohio Young Farmers. 4234

The remainder of appropriation item 200-514, Postsecondary 4235  
Adult Career-Technical Education, shall be used by the State Board 4236  
of Education to provide postsecondary adult career-technical 4237

education under sections 3313.52 and 3313.53 of the Revised Code. 4238

DISADVANTAGED PUPIL IMPACT AID 4239

The Department of Education shall pay Disadvantaged Pupil 4240  
Impact Aid (DPIA) in fiscal years 2004 and 2005 in accordance with 4241  
section 3317.029 of the Revised Code to each school district that 4242  
did not receive any DPIA allocation in fiscal year 2003 because 4243  
its DPIA index in that fiscal year was less than 0.35 and it did 4244  
not qualify for a DPIA guarantee payment. However, the Department 4245  
shall calculate each such district's DPIA index and DPIA student 4246  
count in each fiscal year based solely on Ohio Works First data 4247  
certified for the district by the Department of Job and Family 4248  
Services. Each district receiving payment under this paragraph 4249  
shall comply with all expenditure guidelines and restrictions of 4250  
section 3317.029 of the Revised Code. 4251

Notwithstanding the distribution formula outlined in section 4252  
3317.029 of the Revised Code, each school district that received a 4253  
DPIA allocation in fiscal year 2003 shall receive an additional 4254  
two per cent in ~~Disadvantaged Pupil Impact Aid (DPIA)~~ DPIA funding 4255  
in fiscal year 2004 over what was received in fiscal year 2003 4256  
unless the district ~~receives~~ received DPIA funding from the DPIA 4257  
guarantee provision pursuant to division (B) of section 3317.029 4258  
of the Revised Code in fiscal year 2003. For such a district, its 4259  
DPIA funding in fiscal year 2004 shall equal the amount of DPIA 4260  
funding the district received in fiscal year 2003. 4261

Notwithstanding the distribution formula outlined in section 4262  
3317.029 of the Revised Code, each school district that received a 4263  
DPIA allocation in fiscal year 2003 shall receive an additional 4264  
two per cent in DPIA funding in fiscal year 2005 over what was 4265  
received in fiscal year 2004 unless the district ~~receives~~ received 4266  
DPIA funding from the DPIA guarantee provision pursuant to 4267  
division (B) of section 3317.029 of the Revised Code in fiscal 4268  
year 2003. For such a district, its DPIA funding in fiscal year 4269

2005 shall equal the amount of DPIA funding the district received 4270  
in fiscal year 2004. 4271

School districts whose DPIA allocations are calculated under 4272  
the preceding two paragraphs must continue to comply with all 4273  
expenditure guidelines and restrictions outlined in divisions (F), 4274  
(G), (I), and (K) of section 3317.029 of the Revised Code by 4275  
assuming a two per cent increase in funds for each program 4276  
outlined in divisions (C), (D), and (E) of section 3317.029 of the 4277  
Revised Code and by assuming a DPIA index equivalent to the index 4278  
calculated in fiscal year 2003. 4279

The Department of Education shall pay all-day, everyday 4280  
kindergarten funding to all school districts in each fiscal year 4281  
that qualified for and provided the service in fiscal year 2003 4282  
pursuant to section 3317.029 of the Revised Code. ~~School districts~~ 4283  
~~and community schools that did not have a DPIA allocation in~~ 4284  
~~fiscal year 2003 shall not receive an allocation in fiscal year~~ 4285  
~~2004 or fiscal year 2005.~~ 4286

Of the foregoing appropriation item 200-520, Disadvantaged 4287  
Pupil Impact Aid, up to \$3,800,000 in each fiscal year shall be 4288  
used for school breakfast programs. Of this amount, up to 4289  
\$1,000,000 shall be used in each fiscal year by the Department of 4290  
Education for the purpose of increasing participation in child 4291  
nutrition programs, particularly school breakfast and summer 4292  
meals. The Department shall collaborate with the Children's Hunger 4293  
Alliance in the outreach effort. The remainder of the 4294  
appropriation shall be used to partially reimburse school 4295  
buildings within school districts that are required to have a 4296  
school breakfast program pursuant to section 3313.813 of the 4297  
Revised Code, at a rate decided by the Department. 4298

Of the foregoing appropriation item 200-520, Disadvantaged 4299  
Pupil Impact Aid, \$4,500,000 in fiscal year 2004 and \$6,000,000 in 4300  
fiscal year 2005 shall be used to operate the school choice 4301

program in the Cleveland Municipal School District pursuant to 4302  
sections 3313.974 to 3313.979 of the Revised Code. 4303

Of the portion of the funds distributed to the Cleveland 4304  
Municipal School District under this section, up to \$11,901,887 in 4305  
each fiscal year shall be used to operate the school choice 4306  
program in the Cleveland Municipal School District pursuant to 4307  
sections 3313.974 to 3313.979 of the Revised Code. 4308

**Sec. 41.19. HEAD START PLUS/HEAD START 4309**

There is hereby established the Title IV-A Head Start Program 4310  
to be administered by the Department of Education in accordance 4311  
with an interagency agreement entered into with the Department of 4312  
Job and Family Services under division (A)(2) of section 5101.801 4313  
of the Revised Code. The program shall provide benefits and 4314  
services to TANF eligible individuals pursuant to the requirements 4315  
of section 5101.801 of the Revised Code. Upon approval by the 4316  
Department of Job and Family Services, the Department of Education 4317  
shall adopt policies and procedures establishing program 4318  
requirements for eligibility, services, fiscal accountability, and 4319  
other criteria necessary to comply with the provisions of Title 4320  
IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 4321  
301, as amended. 4322

The foregoing appropriation item 200-663, Head Start 4323  
Plus/Head Start, shall be used to reimburse Title IV-A Head Start 4324  
Plus and Title IV-A Head Start programs for services to children. 4325  
The Department of Education shall administer the Title IV-A Head 4326  
Start Plus and Title IV-A Head Start programs in accordance with 4327  
an interagency agreement between the Departments of Education and 4328  
Job and Family Services. Title IV-A Head Start Plus and Title IV-A 4329  
Head Start providers shall meet all requirements as outlined in 4330  
section 3301.311 of the Revised Code. The Department of Education 4331  
shall adopt policies and procedures to establish a procedure for 4332

approving Title IV-A Head Start Plus and Title IV-A Head Start agencies. 4333  
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Of the foregoing appropriation item 200-663, Head Start Plus/Head Start, up to \$57,170,000 in fiscal year 2004 shall be used to support the Title IV-A Head Start program. Up to two percent of this amount may be used by the Department of Education to provide associated program support and technical assistance. 4335  
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Of the foregoing appropriation item 200-663, Head Start Plus/Head Start, up to ~~\$83,457,126~~ \$86,600,000 in fiscal year 2005 shall be used to support the Title IV-A Head Start Plus initiative. Title IV-A Head Start Plus shall provide up to 10,000 slots of full-day, full-year programming for children at least three years of age and not kindergarten age eligible. The program shall meet the child care needs of low-income families who meet eligibility requirements established in rules and administrative orders adopted by the Ohio Department of Job and Family Services and provide early education and comprehensive services as provided through the Head Start program before the enactment of this act. 4340  
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Of the foregoing appropriation item 200-663, Head Start Plus/Head Start, up to ~~\$22,763,177~~ \$19,584,000 in fiscal year 2005 shall be used to support the Title IV-A Head Start program. This funding shall be used to support up to 4,000 slots of traditional half-day center-based, home-based, combination, or locally-designed option, Title IV-A Head Start services. 4351  
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Of the foregoing appropriation line item 200-663, Head Start Plus/Head Start, up to ~~\$1,963,697~~ \$2,000,000 in fiscal year 2005 may be used by the Department of Education to provide associated program support and technical assistance. 4357  
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For purposes of this section, "eligible child" means a child who is at least three years of age, has not entered kindergarten, and is not of compulsory school age whose family earns not more 4361  
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than 100 ~~per-cent~~ percent of the federal poverty level, except as 4364  
otherwise provided in the following paragraph. 4365

The Department of Education, in consultation with Title IV-A 4366  
Head Start agencies and, beginning in July 1, 2004, Title IV-A 4367  
Head Start Plus agencies, shall establish criteria under which 4368  
these agencies may apply to the Department for a waiver to include 4369  
as "eligible children" those children from families earning up to 4370  
the level of eligibility established for child care subsidy by the 4371  
Department of Job and Family Services who otherwise qualify as 4372  
"eligible children" under the preceding paragraph. 4373

In fiscal year 2004, in order to serve children whose 4374  
families receive child care subsidy and whose incomes do not 4375  
exceed the income eligibility requirement for child care subsidy, 4376  
Title IV-A Head Start agencies may enroll children whose families 4377  
receive this child care subsidy from the Ohio Department of Job 4378  
and Family Services, if they partner with child care centers or 4379  
family day\_care homes, where appropriate. This provision is to 4380  
meet the child care needs of low-income families who are working, 4381  
in training or education programs, or participating in Ohio Works 4382  
First approved activities. 4383

The Department of Education shall conduct a head count of the 4384  
number of children served by Head Start agencies under this 4385  
program in December 2003 and in December 2004. Any funding 4386  
appropriated to this program in fiscal year 2005, which the 4387  
Department of Education projects is not necessary to provide 4388  
services to children enrolled as of the head count taken in 4389  
December 2004 shall be returned to the Department of Job and 4390  
Family Services for use as child care assistance. 4391

The Department of Education shall provide an annual report to 4392  
the Governor, the Speaker of the House of Representatives, the 4393  
President of the Senate, the State Board of Education, Title IV-A 4394  
Head Start Plus and Title IV-A Head Start providers, and other 4395



interested parties regarding the Title IV-A Head Start Plus and 4396  
Title IV-A Head Start program and performance indicators as 4397  
outlined by the Department of Education. 4398

AUXILIARY SERVICES REIMBURSEMENT 4399

Notwithstanding section 3317.064 of the Revised Code, if the 4400  
unobligated cash balance is sufficient, the Treasurer of State 4401  
shall transfer \$1,500,000 in fiscal year 2004 within thirty days 4402  
after ~~the effective date of this section~~ June 26, 2003, and 4403  
\$1,500,000 in fiscal year 2005 by August 1, 2004, from the 4404  
Auxiliary Services Personnel Unemployment Compensation Fund to the 4405  
Department of Education's Auxiliary Services Reimbursement Fund 4406  
(Fund 598). 4407

**Sec. 41.33.** (A) As used in this section: 4408

(1) "Entitled to attend school" means entitled to attend 4409  
school in a school district under section 3313.64 and 3313.65 of 4410  
the Revised Code. 4411

(2) "Formula ADM" and "category six special education ADM" 4412  
have the same meanings as in section 3317.02 of the Revised Code. 4413

(3) "Individualized education program" has the same meaning 4414  
as in section 3323.01 of the Revised Code. 4415

(4) "Parent" has the same meaning as in section 3313.64 of 4416  
the Revised Code. 4417

(5) "Qualified special education child" is a child for whom 4418  
all of the following conditions apply: 4419

(a) The school district in which the child is entitled to 4420  
attend school has identified the child as autistic; 4421

(b) The school district in which the child is entitled to 4422  
attend school has developed an individualized education program 4423  
under Chapter 3323. of the Revised Code for the child; 4424

(c) The child either: 4425

(i) Was enrolled in the school district in which the child is 4426  
entitled to attend school in any grade from preschool through 4427  
twelve in the school year prior to the year in which a scholarship 4428  
under this section is first sought for the child; 4429

(ii) Is eligible to enter school in any grade preschool 4430  
through twelve in the school district in which the child is 4431  
entitled to attend school in the school year in which a 4432  
scholarship under this section is first sought for the child. 4433

(6) "Registered private provider" means a nonpublic school or 4434  
other nonpublic entity that has been approved by the Department of 4435  
Education to participate in the program established under this 4436  
section. 4437

(B) There is hereby established the Pilot Project Special 4438  
Education Scholarship Program. Under the program, in fiscal years 4439  
2004 and 2005, the Department of Education shall pay a scholarship 4440  
to the parent of each qualified special education child upon 4441  
application of that parent pursuant to procedures and deadlines 4442  
established by rule of the State Board of Education. Each 4443  
scholarship shall be used only to pay tuition for the child on 4444  
whose behalf the scholarship is awarded to attend a special 4445  
education program that implements the child's individualized 4446  
education program and that is operated by a school district other 4447  
than the school district in which the child is entitled to attend 4448  
school ~~or, by another public entity, to either of which under law~~ 4449  
~~the parent is required to pay tuition on behalf of the child, or~~ 4450  
by a registered private provider. Each scholarship shall be in an 4451  
amount not to exceed the lesser of the tuition charged for the 4452  
child by the special education program or fifteen thousand 4453  
dollars. The purpose of the scholarship is to permit the parent of 4454  
a qualified special education child the choice to send the child 4455

to a special education program, instead of, ~~or in addition to,~~ the 4456  
one operated by or for the school district in which the child is 4457  
entitled to attend school, to receive the services prescribed in 4458  
the child's individualized education program once the 4459  
individualized education program is finalized. A scholarship under 4460  
this section shall not be awarded to the parent of a child while 4461  
the child's individualized education program is being developed by 4462  
the school district in which the child is entitled to attend 4463  
school, or while any administrative or judicial mediation or 4464  
proceedings with respect to the content of the child's 4465  
individualized education program are pending. A scholarship under 4466  
this section shall not be awarded to the parent of a child who 4467  
attends a public special education program under a contract, 4468  
compact, or other bilateral agreement between the school district 4469  
in which the child is entitled to attend school and another school 4470  
district or other public provider or to the parent of a child who 4471  
attends a community school established under Chapter 3314. of the 4472  
Revised Code. A child attending a special education program with a 4473  
scholarship under this section shall continue to be entitled to 4474  
transportation to and from that program in the manner prescribed 4475  
by law. 4476

(C)(1) Notwithstanding anything to the contrary in the 4477  
Revised Code, a child for whom a scholarship is awarded under this 4478  
section shall be counted in the formula ADM and the category six 4479  
special education ADM of the district in which the child is 4480  
entitled to attend school and not in the formula ADM and the 4481  
category six special education ADM of any other school district. 4482

(2) In each fiscal year, the Department shall deduct from the 4483  
amounts paid to each school district under Chapter 3317. of the 4484  
Revised Code, and, if necessary, sections 321.24 and 323.156 of 4485  
the Revised Code, the aggregate amount of scholarships awarded 4486  
under this section for qualified special education children 4487

included in the formula ADM and category six special education ADM 4488  
of that school district as provided in division (C)(1) of this 4489  
section. The scholarships deducted shall be considered as an 4490  
approved special education and related services expense for the 4491  
purpose of the school district's compliance with division (C)(5) 4492  
of section 3317.022 of the Revised Code. 4493

(3) From time to time, the Department shall make a payment to 4494  
the parent of each qualified special education child for whom a 4495  
scholarship has been awarded under this section. The scholarship 4496  
amount shall be proportionately reduced in the case of any such 4497  
child who is not enrolled in the special education program for 4498  
which a scholarship was awarded under this section for the entire 4499  
school year. The Department shall make no payments to the parent 4500  
of a child while any administrative or judicial mediation or 4501  
proceedings with respect to the content of the child's 4502  
individualized education program are pending. 4503

(D) A scholarship shall not be paid to a parent for payment 4504  
of tuition owed to a nonpublic entity unless that entity is a 4505  
registered private provider. The Department shall approve entities 4506  
that meet the standards established by rule of the State Board for 4507  
the program established under this section. 4508

(E) The State Board shall adopt rules in accordance with 4509  
Chapter 119. of the Revised Code prescribing procedures necessary 4510  
to implement this section, including, but not limited to, 4511  
procedures and deadlines for parents to apply for scholarships, 4512  
standards for registered private providers, and procedures for 4513  
approval of entities as registered private providers. The Board 4514  
shall adopt the rules so that the program established under this 4515  
section is operational by January 1, 2004. 4516

(F) The Legislative Office of Education Oversight shall 4517  
conduct a formative evaluation of the program established under 4518  
this section and shall report its findings to the General Assembly 4519

not later than March 1, 2005. In conducting the evaluation, the 4520  
Office shall to the extent possible gather comments from parents 4521  
who have been awarded scholarships under the program, school 4522  
district officials, representatives of registered private 4523  
providers, educators, and representatives of educational 4524  
organizations for inclusion in the report required under this 4525  
section. 4526

**Sec. 146.** (A) ~~In September of 2003~~ (1) Within thirty days 4527  
after the effective date of this amendment, each school district 4528  
that has been declared to be under an academic watch or in a state 4529  
of academic emergency pursuant to section 3302.03 of the Revised 4530  
Code at any time in 2003 or that has a three-year average 4531  
graduation rate of not more than seventy-five per cent shall 4532  
administer a half-length practice version of ~~each~~ the reading and 4533  
mathematics Ohio Graduation ~~Test~~ Tests prescribed by division (B) 4534  
of section 3301.0710 of the Revised Code to all ninth grade 4535  
students enrolled in the district. ~~Each~~ The district also shall 4536  
assess all ninth grade students in each subject area of writing, 4537  
science, and social studies to determine the students' 4538  
preparedness for the Ohio Graduation Tests in those subject areas. 4539  
The manner in which these assessments are conducted may be 4540  
determined by the district, school, or individual teachers. 4541

(2) In September of 2004, each school district that has been 4542  
declared to be under an academic watch or in a state of academic 4543  
emergency pursuant to section 3302.03 of the Revised Code or that 4544  
has a three-year average graduation rate of not more than 4545  
seventy-five per cent shall administer a half-length practice 4546  
version of each Ohio Graduation Test to all ninth grade students 4547  
enrolled in the district, except that if the Department of 4548  
Education has made a full-length practice version of any Ohio 4549  
Graduation Test available to the district, the district shall 4550  
administer the full-length practice version of the test instead. 4551

(3) Each district shall determine the dates, times, and 4552  
method of administering the tests and assessments required by 4553  
division (A) of this section to students and shall score the tests 4554  
and assessments. 4555

(B) ~~Each~~ In the 2003-2004 school year, each district declared 4556  
to be in a state of academic emergency pursuant to section 3302.03 4557  
of the Revised Code at any time in 2003 and, in the 2004-2005 4558  
school year, each district that has a three-year average 4559  
graduation rate of not more than seventy-five per cent shall 4560  
determine for each high school in the district whether the school 4561  
shall be required to provide intervention services in accordance 4562  
with this division to any students who took the tests or 4563  
assessments required by division (A) of this section. In 4564  
determining which high schools shall provide intervention services 4565  
based upon available funding, the district shall consider each 4566  
school's graduation rate and scores on the ~~practice~~ tests or 4567  
assessments. 4568

Each high school selected to provide intervention services 4569  
under this division shall provide intervention services to 4570  
students whose ~~practice~~ test or assessment results indicate that 4571  
they are failing to make satisfactory progress toward being able 4572  
to attain scores at the proficient level on the Ohio Graduation 4573  
Tests. Intervention services shall be provided in any skill in 4574  
which a student demonstrates unsatisfactory progress and shall be 4575  
commensurate with the student's test or assessment performance. 4576  
Schools shall provide the intervention services prior to the end 4577  
of the school year, during the summer following the ninth grade, 4578  
in the next succeeding school year, or at any combination of those 4579  
times. 4580

(C) As used in this section, "three-year average" and 4581  
"graduation rate" have the same meanings as in section 3302.01 of 4582  
the Revised Code. 4583

<b>Sec. 152.</b> (A) There is hereby created the Ohio Autism Task	4584
Force consisting of the following members:	4585
(1) All of the following persons to be appointed by the	4586
Governor:	4587
(a) A person diagnosed with autism;	4588
(b) Four persons who are parents of children diagnosed with	4589
autism;	4590
(c) A special education administrator of an Ohio school	4591
district;	4592
(d) A representative of the Ohio Association of County Boards	4593
of Mental Retardation and Developmental Disabilities;	4594
(e) A representative of the Ohio Developmental Disabilities	4595
Council;	4596
(f) A representative of the Autism Society of Ohio;	4597
(g) A developmental pediatrician who is a member of the Ohio	4598
Association of Pediatricians;	4599
(h) Two representatives from private schools in Ohio that	4600
provide special education services to children diagnosed with	4601
autism;	4602
(i) Two representatives from Ohio hospitals that provide	4603
services to children diagnosed with autism.	4604
(2) Two members of the House of Representatives, one from the	4605
majority party and one from the minority party, appointed by the	4606
Speaker of the House of Representatives;	4607
(3) Two members of the Senate, one from the majority party	4608
and one from the minority party, appointed by the President of the	4609
Senate;	4610
(4) The Director of Mental Retardation and Developmental	4611

Disabilities or the Director's designee;	4612
(5) The Director of Job and Family Services or the Director's designee;	4613 4614
(6) The Superintendent of Public Instruction or the Superintendent's designee;	4615 4616
(7) The Director of Health or the Director's designee.	4617
(B) All appointments and designations to the Task Force shall be made not later than thirty days after the effective date of this section. Any vacancy that occurs on the Task Force shall be filled in the same manner as the original appointment. The members of the Task Force shall serve without compensation.	4618 4619 4620 4621 4622
(C) The initial meeting of the Task Force shall be held not later than sixty days after the effective date of this section. At its initial meeting, the Task Force shall elect from its membership a chairperson and other officers it considers necessary. Thereafter, the Task Force shall meet on the call of the chairperson.	4623 4624 4625 4626 4627 4628
(D) The Department of Mental Retardation and Developmental Disabilities shall provide meeting facilities and other support as necessary for the Task Force.	4629 4630 4631
(E) The Task Force shall study and make recommendations regarding both of the following:	4632 4633
<del>(1)The</del> <u>(1) The</u> growing incidence of autism in Ohio;	4634
<del>(2)Ways</del> <u>(2) Ways</u> to improve the delivery in this state of autism services.	4635 4636
(F) Not later than <del>one year after the effective date of this section</del> <u>November 26, 2004</u> , the Task Force shall submit a written report of its recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate.	4637 4638 4639 4640
(G) On submission of its report, the Task Force shall cease	4641



to exist. 4642

**Section 15.** That existing Sections 41.03, 41.05, 41.10, 4643  
41.19, 41.33, 146, and 152 of Am. Sub. H.B. 95 of the 125th 4644  
General Assembly are hereby repealed. 4645

**Section 16.** (A) As used in this section: 4646

(1) "All-day kindergarten" and "kindergarten through third 4647  
grade ADM" have the same meanings as in section 3317.029 of the 4648  
Revised Code. 4649

(2) "DPIA reduction factor," "entitled to attend school," and 4650  
"SF-3 payment" have the same meanings as in section 3314.08 of the 4651  
Revised Code. 4652

(3) "Guarantee payment" means the total amount of 4653  
disadvantaged pupil impact aid paid, under section 3317.029 of the 4654  
Revised Code and Section 41.10 of Am. Sub. H.B. 95 of the 125th 4655  
General Assembly, as amended, to a school district that is 4656  
guaranteed to receive such aid equal to the amount the district 4657  
received in fiscal year 1998 pursuant to division (B) of section 4658  
3317.023 of the Revised Code as it existed at that time. 4659

(4) "OWF student count" means the five-year average of the 4660  
total number of children ages five to seventeen residing in a 4661  
school district whose families receive assistance under the Ohio 4662  
Works First program, based on data most recently certified by the 4663  
Department of Job and Family Services. 4664

(B) Notwithstanding divisions (C)(4), (C)(5), (D)(5), and 4665  
(D)(6) of section 3314.08 and section 3314.13 of the Revised Code, 4666  
in fiscal years 2004 and 2005 the Department of Education shall 4667  
pay disadvantaged pupil impact aid to community schools in 4668  
accordance with this section. This section stipulates the General 4669  
Assembly's intent for paying DPIA to community schools in 4670  
recognition of the 2% DPIA increase granted to school districts in 4671

each of those years by Section 41.10 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended.

(C)(1) In each of fiscal years 2004 and 2005, the Department shall pay each community school a per pupil amount for each student enrolled in the community school who meets both of the following criteria:

(a) The student is entitled to attend school in a school district that received a DPIA guarantee payment under division (B) of section 3317.029 of the Revised Code in fiscal year 2003;

(b) The student's family receives assistance under the Ohio Works First program.

(2) Subject to division (E) of this section, the per pupil payment in each fiscal year under division (C)(1) of this section shall equal the quotient of the DPIA guarantee payment to the school district where the student is entitled to attend school divided by that district's OWF student count, adjusted by any DPIA reduction factor of the community school.

(D)(1) In each of fiscal years 2004 and 2005, the Department shall pay each community school a per pupil amount for each student enrolled in the community school who meets both of the following criteria:

(a) The student is entitled to attend school in a school district that either received a DPIA safety and remediation payment under division (C) of section 3317.029 of the Revised Code in fiscal year 2003 or, if it did not, receives a safety and remediation payment under that division in the current fiscal year pursuant to the first paragraph under the heading "DISADVANTAGED PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended;

(b) The student's family receives assistance under the Ohio Works First program.

(2) Except as provided in division (D)(4) of this section, 4703  
and subject to division (E) of this section, the per pupil payment 4704  
in fiscal year 2004 under division (D)(1) of this section shall 4705  
equal the following quotient, adjusted by any DPIA reduction 4706  
factor of the community school: 4707

(a) The fiscal year 2003 DPIA safety and remediation payment 4708  
under division (C) of section 3317.029 of the Revised Code to the 4709  
school district where the student is entitled to attend school, 4710  
times 102%; divided by 4711

(b) That district's OWF student count. 4712

(3) Except as provided in division (D)(4) of this section, 4713  
and subject to division (E) of this section, the per pupil payment 4714  
in fiscal year 2005 under division (D)(1) of this section shall 4715  
equal the following quotient, adjusted by any DPIA reduction 4716  
factor of the community school: 4717

(a) The product calculated under division (D)(2)(a) of this 4718  
section for the school district where the student is entitled to 4719  
attend school, times 102%; divided by 4720

(b) That district's OWF student count. 4721

(4) Subject to division (E) of this section, for each 4722  
community school student who is entitled to attend school in a 4723  
school district that receives a DPIA safety and remediation 4724  
payment under division (C) of section 3317.029 of the Revised Code 4725  
pursuant to the first paragraph under the heading "DISADVANTAGED 4726  
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4727  
125th General Assembly, as amended, the per pupil payment in each 4728  
fiscal year under division (D)(1) of this section shall equal the 4729  
quotient of the safety and remediation payment to the school 4730  
district for the current fiscal year divided by that district's 4731  
OWF student count, adjusted by any DPIA reduction factor of the 4732  
community school. 4733

(E) Payments under divisions (C) and (D) of this section 4734  
shall be calculated based on Ohio Works First data certified to 4735  
the Department of Education by the Department of Job and Family 4736  
Services and community schools in the spring of the fiscal year. 4737  
However, for each community school that operated in the prior 4738  
fiscal year, the Department of Education shall make estimated 4739  
payments based on data certified for the prior fiscal year until 4740  
data is certified in the spring, and shall recalculate the 4741  
payments for the entire fiscal year after the data is certified in 4742  
the spring. For each community school commencing its first year of 4743  
operation, the Department shall not make payments under those 4744  
divisions in the community school's first fiscal year until the 4745  
spring of the fiscal year, after the community school and the 4746  
Department of Job and Family Services have certified the Ohio 4747  
Works First data. 4748

(F)(1) In each of fiscal years 2004 and 2005, the Department 4749  
of Education shall pay each community school a per pupil amount 4750  
for each student enrolled in the community school who meets all of 4751  
the following criteria: 4752

(a) The student is entitled to attend school in a school 4753  
district that either received a DPIA class-size reduction payment 4754  
under division (E) of section 3317.029 of the Revised Code in 4755  
fiscal year 2003 or, if it did not, receives a class-size 4756  
reduction payment under that division in the current fiscal year 4757  
pursuant to the first paragraph under the heading "DISADVANTAGED 4758  
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4759  
125th General Assembly, as amended; 4760

(b) The student is enrolled in the community school in 4761  
kindergarten or first, second, or third grade; 4762

(c) The student is not receiving special education and 4763  
related services under an individualized education program, as 4764

defined in section 3323.01 of the Revised Code. 4765

(2) Except as provided in divisions (F)(4) and (5) of this 4766  
section, the per pupil payment in fiscal year 2004 under division 4767  
(F)(1) of this section shall equal the following quotient, 4768  
adjusted by any DPIA reduction factor of the community school: 4769

(a) The fiscal year 2003 DPIA class-size reduction payment 4770  
under division (E) of section 3317.029 of the Revised Code to the 4771  
school district where the student is entitled to attend school, 4772  
times 102%; divided by 4773

(b) That district's fiscal year 2004 kindergarten through 4774  
third grade ADM. 4775

(3) Except as provided in divisions (F)(4) and (5) of this 4776  
section, the per pupil payment in fiscal year 2005 under division 4777  
(F)(1) of this section shall equal the following quotient, 4778  
adjusted by any DPIA reduction factor of the community school: 4779

(a) The product calculated under division (F)(2)(a) of this 4780  
section for the school district where the student is entitled to 4781  
attend school, times 102%; divided by 4782

(b) That district's fiscal year 2005 kindergarten through 4783  
third grade ADM. 4784

(4) Except as provided in division (F)(5) of this section, 4785  
for each community school student who is entitled to attend school 4786  
in a school district that receives a DPIA class-size reduction 4787  
payment under division (E) of section 3317.029 of the Revised Code 4788  
pursuant to the first paragraph under the heading "DISADVANTAGED 4789  
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4790  
125th General Assembly, as amended, the per pupil payment in each 4791  
fiscal year under division (F)(1) of this section shall equal the 4792  
quotient of the class-size reduction payment to the school 4793  
district for the current fiscal year divided by that district's 4794  
kindergarten through third grade ADM for the current fiscal year, 4795

adjusted by any DPIA reduction factor of the community school. 4796

(5) The Department shall pay only 50% of the per pupil 4797  
payment prescribed in divisions (F)(2), (3), and (4) of this 4798  
section for each qualifying community school student who is 4799  
enrolled in a kindergarten class that is not all-day kindergarten. 4800

(G)(1) In each of fiscal years 2004 and 2005, the Department 4801  
shall pay each community school a per pupil amount for each 4802  
student enrolled in the community school who meets both of the 4803  
following criteria: 4804

(a) The student is entitled to attend school in a school 4805  
district that was eligible in fiscal year 2003 to receive an 4806  
all-day kindergarten payment under division (D) of section 4807  
3317.029 of the Revised Code or Section 44.12 of Am. Sub. H.B. 94 4808  
of the 124th General Assembly if it offered all-day kindergarten, 4809  
regardless of whether the district actually received a payment 4810  
under either section for all-day kindergarten; 4811

(b) The student is enrolled in the community school in 4812  
all-day kindergarten. 4813

(2) Except as provided in division (G)(4) of this section, 4814  
the per pupil payment in fiscal year 2004 under division (G)(1) of 4815  
this section shall equal the following quotient: 4816

(a) The fiscal year 2003 DPIA all-day kindergarten payment to 4817  
the school district where the student is entitled to attend 4818  
school, times 102%; divided by 4819

(b) The number of students entitled to attend school in that 4820  
district who are enrolled in all-day kindergarten in the school 4821  
district or in a community school in fiscal year 2004. 4822

(3) Except as provided in division (G)(4) of this section, 4823  
the per pupil payment in fiscal year 2005 under division (G)(1) of 4824  
this section shall equal the following quotient: 4825

(a) The product calculated under division (G)(2)(a) of this section for the school district where the student is entitled to attend school, times 102%; divided by

(b) The number of students entitled to attend school in that district who are enrolled in all-day kindergarten in the school district or in a community school in fiscal year 2005.

(4) For each community school student enrolled in all-day kindergarten who is entitled to attend school in a district that was eligible in fiscal year 2003 to receive an all-day kindergarten payment under division (D) of section 3317.029 of the Revised Code or Section 44.12 of Am. Sub. H.B. 94 of the 124th General Assembly if it offered all-day kindergarten, but did not actually receive a payment under either section for all-day kindergarten, the per pupil amount under division (G)(1) shall be:

(a) In fiscal year 2004, one-half of the formula amount prescribed by section 3317.012 of the Revised Code for fiscal year 2003, times 102%;

(b) In fiscal year 2005, the product calculated under division (G)(4)(a) of this section, times 102%.

(H) The Department shall deduct each per pupil payment to a community school under divisions (C) to (F) of this section from the SF-3 payment to the school district in which the student is entitled to attend school. With respect to all-day kindergarten payments under division (G) of this section:

(1) If the student for whom payment is made is entitled to attend school in a district that received an all-day kindergarten payment in fiscal year 2003, the Department shall deduct the payment from the SF-3 payment to the school district.

(2) If the student for whom payment is made is entitled to attend school in a district that was eligible to receive an

all-day kindergarten payment in fiscal year 2003 if it offered 4856  
all-day kindergarten, but did not receive an all-day kindergarten 4857  
payment that year, the Department shall pay the community school 4858  
from the amount appropriated to the Department in appropriation 4859  
item 200-520, Disadvantaged Pupil Impact Aid. 4860

(I) For purposes of determining the number of students for 4861  
which divisions (C) and (D) of this section apply in either fiscal 4862  
year, community schools and the Department of Job and Family 4863  
Services shall comply with division (K) of section 3314.08 of the 4864  
Revised Code. 4865

(J) The Department of Education shall adjust payments under 4866  
this section to reflect any enrollment of students in community 4867  
schools for less than the equivalent of a full school year, as 4868  
required by division (L) of section 3314.08 and division (D) of 4869  
section 3314.13 of the Revised Code. The Department shall apply 4870  
division (N) of section 3314.08 of the Revised Code to payments 4871  
under this section. 4872

**Section 17.** Sections 41.03, 41.05, 41.10, 41.19, 41.33, and 4873  
146 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended 4874  
in this act, and Section 16 of this act, and the items of law of 4875  
which those sections as amended or enacted in this act are 4876  
composed, are not subject to the referendum. Therefore, under Ohio 4877  
Constitution, Article II, Section 1d and section 1.471 of the 4878  
Revised Code, Sections 41.03, 41.05, 41.10, 41.19, 41.33, and 146 4879  
of Am. Sub. H.B. 95 of the 125th General Assembly, as amended in 4880  
this act, and Section 16 of this act, and the items of law of 4881  
which those sections as amended or enacted in this act are 4882  
composed, go into immediate effect when this act becomes law. 4883

**Section 18.** Section 3301.0710 of the Revised Code is 4884  
presented in this act as a composite of the section as amended by 4885



both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General 4886  
Assembly. The General Assembly, applying the principle stated in 4887  
division (B) of section 1.52 of the Revised Code that amendments 4888  
are to be harmonized if reasonably capable of simultaneous 4889  
operation, finds that the composite is the resulting version of 4890  
the section in effect prior to the effective date of the section 4891  
as presented in this act. 4892

**Section 19.** Section 3301.0711 of the Revised Code is 4893  
presented in this act as a composite of the section as amended by 4894  
both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General 4895  
Assembly. The General Assembly, applying the principle stated in 4896  
division (B) of section 1.52 of the Revised Code that amendments 4897  
are to be harmonized if reasonably capable of simultaneous 4898  
operation, finds that the composite is the resulting version of 4899  
the section in effect prior to the effective date of the section 4900  
as presented in this act. 4901

**Section 20.** Section 3301.0714 of the Revised Code is 4902  
presented in this act as a composite of the section as amended by 4903  
both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General 4904  
Assembly. The General Assembly, applying the principle stated in 4905  
division (B) of section 1.52 of the Revised Code that amendments 4906  
are to be harmonized if reasonably capable of simultaneous 4907  
operation, finds that the composite is the resulting version of 4908  
the section in effect prior to the effective date of the section 4909  
as presented in this act. 4910

**Section 21.** Section 3318.031 of the Revised Code is presented 4911  
in this act as a composite of the section as amended by both Sub. 4912  
H.B. 248 and H.B. 675 of the 124th General Assembly. The General 4913  
Assembly, applying the principle stated in division (B) of section 4914  
1.52 of the Revised Code that amendments are to be harmonized if 4915

reasonably capable of simultaneous operation, finds that the 4916  
composite is the resulting version of the section in effect prior 4917  
to the effective date of the section as presented in this act. 4918

**Section 22.** Section 3319.39 of the Revised Code is presented 4919  
in this act as a composite of the section as amended by Am. Sub. 4920  
H.B. 445, Am. Sub. S.B. 269, and Am. Sub. S.B. 230 of the 121st 4921  
General Assembly. The General Assembly, applying the principle 4922  
stated in division (B) of section 1.52 of the Revised Code that 4923  
amendments are to be harmonized if reasonably capable of 4924  
simultaneous operation, finds that the composite is the resulting 4925  
version of the section in effect prior to the effective date of 4926  
the section as presented in this act. 4927