

As Passed by the House

125th General Assembly

Regular Session

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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

A BILL

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

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

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 29
3301.0712, 3301.0715, 3302.04, 3307.01, 3313.28, 3313.53, 30
3313.713, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3319.225, 31
3319.227, 3319.23, 3319.26, 3319.283, 3319.29, 3319.291, 3319.31, 32
3319.311, 3319.36, 3319.39, 3319.51, 3333.38, and 5126.021 be 33
amended; that Section 12 of Sub. H.B. 364 of the 124th General 34
Assembly be amended and renumbered as section 3314.021; and that 35
sections 3314.034, 3319.074, 3319.075, 3319.112, 3319.25, 36
3319.261, 3319.27, 3319.303, 3319.56, 3319.57, 3319.60, 3319.61, 37
3319.62, 3319.65, 3333.161, and 3333.36 of the Revised Code be 38
enacted to read as follows: 39

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 40
state board of education shall adopt statewide academic standards 41
for each of grades kindergarten through twelve in reading, 42
writing, and mathematics. Not later than December 31, 2002, the 43
state board shall adopt statewide academic standards for each of 44
grades kindergarten through twelve in science and social studies. 45
The standards shall specify the academic content and skills that 46
students are expected to know and be able to do at each grade 47
level. 48

(2) When academic standards have been completed for any 49
subject area required by this division, the state board shall 50
inform all school districts of the content of those standards. 51

(B) Not later than eighteen months after the completion of 52
academic standards for any subject area required by division (A) 53
of this section, the state board shall adopt a model curriculum 54
for instruction in that subject area for each of grades 55
kindergarten through twelve that is sufficient to meet the needs 56
of students in every community. The model curriculum shall be 57
aligned with the standards to ensure that the academic content and 58
skills specified for each grade level are taught to students. When 59
any model curriculum has been completed, the state board shall 60
inform all school districts of the content of that model 61
curriculum. 62

All school districts may utilize the state standards and the 63
model curriculum established by the state board, together with 64
other relevant resources, examples, or models to ensure that 65
students have the opportunity to attain the academic standards. 66
Upon request, the department of education shall provide technical 67
assistance to any district in implementing the model curriculum. 68

Nothing in this section requires any school district to 69
utilize all or any part of a model curriculum developed under this 70
division. 71

(C) The state board shall develop achievement tests aligned 72
with the academic standards and model curriculum for each of the 73
subject areas and grade levels required by section 3301.0710 of 74
the Revised Code. 75

When any achievement test has been completed, the state board 76
shall inform all school districts of its completion, and the 77
department of education shall make the achievement test available 78
to the districts. School districts shall administer the 79

achievement test beginning in the school year indicated in section 80
3301.0712 of the Revised Code. 81

(D)(1) Not later than July 1, ~~2007~~ 2008, and except as 82
provided in division (D)(3) of this section, the state board shall 83
adopt a diagnostic assessment aligned with the academic standards 84
and model curriculum for each of grades kindergarten through two 85
in reading, writing, and mathematics and for each of grades three 86
through eight in reading, writing, mathematics, science, and 87
social studies. The diagnostic assessment shall be designed to 88
measure student comprehension of academic content and mastery of 89
related skills for the relevant subject area and grade level. Any 90
diagnostic assessment shall not include components to identify 91
gifted students. Blank copies of diagnostic tests shall be public 92
records. 93

(2) When each diagnostic assessment has been completed, the 94
state board shall inform all school districts of its completion 95
and the department of education shall make the diagnostic 96
assessment available to the districts at no cost to the district. 97
School districts shall administer the diagnostic assessment 98
pursuant to section 3301.0715 of the Revised Code beginning the 99
first school year following the development of the assessment. 100

(3) The state board shall not adopt a diagnostic assessment 101
for any subject area and grade level for which the state board 102
develops an achievement test under division (C) of this section. 103

(E) Whenever the state board or the department of education 104
consults with persons for the purpose of drafting or reviewing any 105
standards, diagnostic assessments, achievement tests, or model 106
curriculum required under this section, the state board or the 107
department shall first consult with parents of students in 108
kindergarten through twelfth grade and with active Ohio classroom 109
teachers, other school personnel, and administrators with 110
expertise in the appropriate subject area. Whenever practicable, 111

the state board and department shall consult with teachers 112
recognized as outstanding in their fields. 113

If the department contracts with more than one outside entity 114
for the development of the achievement tests required by this 115
section, the department shall ensure the interchangeability of 116
those tests. 117

(F) The fairness sensitivity review committee, established by 118
rule of the state board of education, shall not allow any question 119
on any achievement test or diagnostic assessment developed under 120
this section or any proficiency test prescribed by former section 121
3301.0710 of the Revised Code, as it existed prior to September 122
11, 2001, to include, be written to promote, or inquire as to 123
individual moral or social values or beliefs. The decision of the 124
committee shall be final. This section does not create a private 125
cause of action. 126

Sec. 3301.0710. The state board of education shall adopt 127
rules establishing a statewide program to test student 128
achievement. The state board shall ensure that all tests 129
administered under the testing program are aligned with the 130
academic standards and model curricula adopted by the state board 131
and are created with input from Ohio parents, Ohio classroom 132
teachers, Ohio school administrators, and other Ohio school 133
personnel pursuant to section 3301.079 of the Revised Code. 134

The testing program shall be designed to ensure that students 135
who receive a high school diploma demonstrate at least high school 136
levels of achievement in reading, writing, mathematics, science, 137
and social studies. 138

(A)(1) The state board shall prescribe all of the following: 139

(a) Two statewide achievement tests, one each designed to 140
measure the level of reading and mathematics skill expected at the 141

end of third grade;	142
(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;	143 144 145
(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;	146 147 148
(d) Two statewide achievement tests, one each designed to measure the level of reading and mathematics skill expected at the end of sixth grade;	149 150 151
(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;	152 153 154
(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.	155 156 157
(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:	158 159 160 161 162 163
(a) An advanced level of skill;	164
(b) An accelerated level of skill;	165
(c) A proficient level of skill;	166
(d) A basic level of skill;	167
(e) A limited level of skill.	168
(B) The tests prescribed under this division shall collectively be known as the Ohio graduation tests. The state	169 170

board shall prescribe five statewide high school achievement 171
tests, one each designed to measure the level of reading, writing, 172
mathematics, science, and social studies skill expected at the end 173
of tenth grade. The state board shall designate a score in at 174
least the range designated under division (A)(2)(c) of this 175
section on each such test that shall be deemed to be a passing 176
score on the test as a condition toward granting high school 177
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 178
of the Revised Code. 179

The state board may enter into a reciprocal agreement with 180
the appropriate body or agency of any other state that has similar 181
statewide achievement testing requirements for receiving high 182
school diplomas, under which any student who has met an 183
achievement testing requirement of one state is recognized as 184
having met the similar achievement testing requirement of the 185
other state for purposes of receiving a high school diploma. For 186
purposes of this section and sections 3301.0711 and 3313.61 of the 187
Revised Code, any student enrolled in any public high school in 188
this state who has met an achievement testing requirement 189
specified in a reciprocal agreement entered into under this 190
division shall be deemed to have attained at least the applicable 191
score designated under this division on each test required by this 192
division that is specified in the agreement. 193

(C) The state board shall annually designate as follows the 194
dates on which the tests prescribed under this section shall be 195
administered: 196

(1) For the reading test prescribed under division (A)(1)(a) 197
of this section, as follows: 198

(a) One date prior to the thirty-first day of December each 199
school year; 200

(b) At least one date of each school year that is not earlier 201

than Monday of the week containing the eighth <u>first</u> day of March	202
<u>May</u> ;	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 <u>first</u> day of March <u>May</u> ;	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 <u>first</u> day of	215
March <u>May</u> for all tenth grade students and at least one date prior	216
to the thirty-first day of December and at least one date	217
subsequent to that date but prior to the thirty-first day of March	218
of each 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 265
Code, the department shall make the tests available on its ~~website~~ 266
web site for reproduction by districts. In awarding contracts for 267
grading tests, the department shall give preference to Ohio-based 268
entities employing Ohio residents. 269

(2) Adopt rules for the ethical use of tests and prescribing 270
the manner in which the tests prescribed by section 3301.0710 of 271
the Revised Code shall be administered to students. 272

(B) Except as provided in divisions (C) and (J) of this 273
section, the board of education of each city, local, and exempted 274
village school district shall, in accordance with rules adopted 275
under division (A) of this section: 276

(1) Administer the reading test prescribed under division 277
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 278
to all students in the third grade who have not attained the score 279
designated for that test under division (A)(2)(c) of section 280
3301.0710 of the Revised Code and once each summer to students 281
receiving summer remediation services under section 3313.608 of 282
the Revised Code. 283

(2) Administer the mathematics test prescribed under division 284
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 285
annually to all students in the third grade. 286

(3) Administer the tests prescribed under division (A)(1)(b) 287
of section 3301.0710 of the Revised Code at least once annually to 288
all students in the fourth grade. 289

(4) Administer the tests prescribed under division (A)(1)(c) 290
of section 3301.0710 of the Revised Code at least once annually to 291
all students in the fifth grade. 292

(5) Administer the tests prescribed under division (A)(1)(d) 293
of section 3301.0710 of the Revised Code at least once annually to 294

all students in the sixth grade.	295
(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

. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's test performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

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

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

~~(G) Not later than sixty days after any administration of any test prescribed by section 3301.0710 of the Revised Code, the~~ The department shall send to each school district board a list of the individual test scores of all persons taking ~~the~~ any test prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code within sixty days after its administration, but in no case shall the scores be returned later than the fifteenth day of June following the administration. For any tests administered under this section by a joint vocational school district, the department shall also send to each city, local, or exempted village school district a list of the individual test scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(H) Individual test scores on any tests administered under

this section shall be released by a district board only in 452
accordance with section 3319.321 of the Revised Code and the rules 453
adopted under division (A) of this section. No district board or 454
its employees shall utilize individual or aggregate test results 455
in any manner that conflicts with rules for the ethical use of 456
tests adopted pursuant to division (A) of this section. 457

(I) Except as provided in division (G) of this section, the 458
department shall not release any individual test scores on any 459
test administered under this section and shall adopt rules to 460
ensure the protection of student confidentiality at all times. 461

(J) Notwithstanding division (D) of section 3311.52 of the 462
Revised Code, this section does not apply to the board of 463
education of any cooperative education school district except as 464
provided under rules adopted pursuant to this division. 465

(1) In accordance with rules that the state board of 466
education shall adopt, the board of education of any city, 467
exempted village, or local school district with territory in a 468
cooperative education school district established pursuant to 469
divisions (A) to (C) of section 3311.52 of the Revised Code may 470
enter into an agreement with the board of education of the 471
cooperative education school district for administering any test 472
prescribed under this section to students of the city, exempted 473
village, or local school district who are attending school in the 474
cooperative education school district. 475

(2) In accordance with rules that the state board of 476
education shall adopt, the board of education of any city, 477
exempted village, or local school district with territory in a 478
cooperative education school district established pursuant to 479
section 3311.521 of the Revised Code shall enter into an agreement 480
with the cooperative district that provides for the administration 481
of any test prescribed under this section to both of the 482
following: 483

(a) Students who are attending school in the cooperative 484
district and who, if the cooperative district were not 485
established, would be entitled to attend school in the city, 486
local, or exempted village school district pursuant to section 487
3313.64 or 3313.65 of the Revised Code; 488

(b) Persons described in division (B)(8)(b) of this section. 489

Any testing of students pursuant to such an agreement shall 490
be in lieu of any testing of such students or persons pursuant to 491
this section. 492

(K)(1) Any chartered nonpublic school may participate in the 493
testing program by administering any of the tests prescribed by 494
section 3301.0710 or 3301.0712 of the Revised Code if the chief 495
administrator of the school specifies which tests the school 496
wishes to administer. Such specification shall be made in writing 497
to the superintendent of public instruction prior to the first day 498
of August of any school year in which tests are administered and 499
shall include a pledge that the nonpublic school will administer 500
the specified tests in the same manner as public schools are 501
required to do under this section and rules adopted by the 502
department. 503

(2) The department of education shall furnish the tests 504
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 505
to any chartered nonpublic school electing to participate under 506
this division. 507

(L)(1) The superintendent of the state school for the blind 508
and the superintendent of the state school for the deaf shall 509
administer the tests described by section 3301.0710 of the Revised 510
Code. Each superintendent shall administer the tests in the same 511
manner as district boards are required to do under this section 512
and rules adopted by the department of education and in conformity 513
with division (C)(1)(a) of this section. 514

(2) The department of education shall furnish the tests 515
described by section 3301.0710 of the Revised Code to each 516
superintendent. 517

(M) Notwithstanding division (E) of this section, a school 518
district may use a student's failure to attain a score in at least 519
the basic range on the mathematics test described by division 520
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 521
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 522
of section 3301.0710 of the Revised Code as a factor in retaining 523
that student in the current grade level. 524

(N)(1) ~~All~~ The tests required by section 3301.0710 of the 525
Revised Code shall become public records pursuant to section 526
149.43 of the Revised Code on the first day of July following the 527
school year that the test was administered, except that the 528
reading test prescribed under division (A)(1)(a) of section 529
3301.0710 of the Revised Code shall become a public record on the 530
sixteenth day of July following the school year that the test was 531
administered. 532

(2) The department may field test proposed test questions 533
with samples of students to determine the validity, reliability, 534
or appropriateness of test questions for possible inclusion in a 535
future year's test. The department also may use anchor questions 536
on tests to ensure that different versions of the same test are of 537
comparable difficulty. 538

Field test questions and anchor questions shall not be 539
considered in computing test scores for individual students. Field 540
test questions and anchor questions may be included as part of the 541
administration of any test required by section 3301.0710 of the 542
Revised Code. 543

(3) Any field test question or anchor question administered 544
under division (N)(2) of this section shall not be a public 545

record. Such field test questions and anchor questions shall be 546
redacted from any tests which are released as a public record 547
pursuant to division (N)(1) of this section. 548

(O) As used in this section, "three-year average" and 549
"graduation rate" have the same meanings as in section 3302.01 of 550
the Revised Code. 551

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 552
3301.0711 of the Revised Code, the state board of education shall 553
continue to prescribe and the department of education and each 554
school district shall continue to administer any proficiency test 555
in accordance with those former sections, as they existed prior to 556
September 11, 2001, until the applicable test is no longer 557
required to be administered as indicated on the chart below. When 558
any achievement test has been developed and made available in 559
accordance with section 3301.079 of the Revised Code, such 560
achievement test shall be administered to students under sections 561
3301.0710 and 3301.0711 of the Revised Code beginning in the 562
school year indicated on the chart below. School districts shall 563
continue to provide intervention services as required under former 564
division (D) of section 3301.0711 of the Revised Code, as it 565
existed prior to September 11, 2001, to students who fail to 566
attain a score in the proficient range on a fourth grade 567
proficiency test. 568

Proficiency	Last	Achievement	First	
Test	administration	Test	administration	569
	in school year		in school year	570
	beginning		beginning	571
	July 1 of		July 1 of	572
		3rd grade	2003	573
		reading test		574
		3rd grade	2004	575
		mathematics test		

4th grade	2003	4th grade	2004	576
reading test		reading test		
4th grade	2004	4th grade	2005	577
mathematics test		mathematics test		
4th grade	2003	4th grade	2004	578
writing test		writing test		
4th grade	2004	5th grade	2006	579
science test		science test		
4th grade	2004	5th grade social	2006	580
citizenship test		studies test		
		5th grade	2004	581
		reading test		
		5th grade	2005	582
		mathematics test		
6th grade	2004	6th grade	2005	583
reading test		reading test		
6th grade	2004	6th grade	2005	584
mathematics test		mathematics test		
6th grade	2004	7th grade	2006	585
writing test		writing test		
		7th grade	2005	586
		reading test		
		7th grade	2004	587
		mathematics test		
6th grade	2004	8th grade	2006	588
science test		science test		
6th grade	2004	8th grade social	2007 <u>2006</u>	589
citizenship test		studies test		
		8th grade	2004	590
		reading test		
		8th grade	2004	591
		mathematics test		
9th grade	2002, except as	Ohio graduation	2002	592

reading test	provided in	test in reading		
	division (B) of			
	this section			
9th grade	2002, except as	Ohio graduation	2002	593
mathematics test	provided in	test in		
	division (B) of	mathematics		
	this section			
9th grade	2002, except as	Ohio graduation	2004	594
writing test	provided in	test in writing		
	division (B) of			
	this section			
9th grade	2002, except as	Ohio graduation	2004	595
science test	provided in	test in science		
	division (B) of			
	this section			
9th grade	2002, except as	Ohio graduation	2004	596
citizenship test	provided in	test in social		
	division (B) of	studies		
	this section			

(B) Notwithstanding division (A) of this section, the state 597
board shall continue to prescribe and school districts and 598
chartered nonpublic schools shall continue to administer ninth 599
grade proficiency tests in reading, writing, mathematics, science, 600
and citizenship to students who enter ninth grade prior to July 1, 601
2003, for as long as those students remain eligible under section 602
3313.614 of the Revised Code to receive their high school diplomas 603
based on passage of those ninth grade proficiency tests. 604

Sec. 3301.0715. (A) Except as provided in division (E) of 605
this section, the board of education of each city, local, and 606
exempted village school district shall administer each applicable 607
diagnostic assessment developed and provided to the district in 608
accordance with section 3301.079 of the Revised Code to the 609

following: 610

(1) Each student enrolled in a building subject to division 611
(E) of section 3302.04 of the Revised Code; 612

(2) Any student who transfers into the district or to a 613
different school within the district if each applicable diagnostic 614
assessment was not administered by the district or school the 615
student previously attended in the current school year, within 616
thirty days after the date of transfer. If the district or school 617
into which the student transfers cannot determine whether the 618
student has taken any applicable diagnostic assessment in the 619
current school year, the district or school may administer the 620
diagnostic assessment to the student. 621

(3) Each kindergarten student, within not later than six 622
weeks after the first day of school. For the purpose of division 623
(A)(3) of this section, the district shall administer the 624
kindergarten readiness assessment provided by the department of 625
education. The district may administer the readiness assessment to 626
a student prior to the student's enrollment in kindergarten, but 627
in no case shall the results of the readiness assessment be used 628
to prohibit the student from enrolling in kindergarten. 629

(4) Each student enrolled in first or second grade. 630

(B) Each district board shall administer each diagnostic 631
assessment as the board deems appropriate. However, the board 632
shall administer any diagnostic assessment at least once annually 633
to all students in the appropriate grade level. A district board 634
may administer any diagnostic assessment in the fall and spring of 635
a school year to measure the amount of academic growth 636
attributable to the instruction received by students during that 637
school year. 638

(C) Each district board shall utilize and score any 639

diagnostic assessment administered under division (A) of this 640
section in accordance with rules established by the department. 641
Except as required by division (B)(1)(o) of section 3301.0714 of 642
the Revised Code, neither the state board of education nor the 643
department shall require school districts to report the results of 644
diagnostic assessments for any students to the department or to 645
make any such results available in any form to the public. After 646
the administration of any diagnostic assessment, each district 647
shall provide a student's completed diagnostic assessment, the 648
results of such assessment, and any other accompanying documents 649
used during the administration of the assessment to the parent of 650
that student upon the parent's request. 651

(D) Each district board shall provide intervention services 652
to students whose diagnostic assessments show that they are 653
failing to make satisfactory progress toward attaining the 654
academic standards for their grade level. 655

(E) Any district that made adequate yearly progress, as 656
defined in section 3302.01 of the Revised Code, in the immediately 657
preceding school year may assess student progress in grades one 658
through eight using a diagnostic assessment other than the 659
diagnostic assessment required by division (A) of this section. 660

(F) A district board may administer any diagnostic assessment 661
provided to the district in accordance with section 3301.079 of 662
the Revised Code to any student enrolled in a building that is not 663
subject to division (A)(1) of this section. Any district electing 664
to administer diagnostic assessments to students under this 665
division shall provide intervention services to any such student 666
whose diagnostic assessment shows unsatisfactory progress toward 667
attaining the academic standards for the student's grade level. 668

Sec. 3302.04. (A) The department of education shall establish 669
a system of intensive, ongoing support for the improvement of 670

school districts and school buildings. The system shall give 671
priority to districts and buildings that have been declared to be 672
under an academic watch or in a state of academic emergency under 673
section 3302.03 of the Revised Code and shall include services 674
provided to districts and buildings through regional service 675
providers, such as educational service centers, regional 676
professional development centers, and special education regional 677
resource centers. 678

(B) When a school district has been notified by the 679
department pursuant to division (A) of section 3302.03 of the 680
Revised Code that the district or a building within the district 681
has failed to make adequate yearly progress for two consecutive 682
school years, the district shall develop a three-year continuous 683
improvement plan for the district or building containing each of 684
the following: 685

(1) An analysis of the reasons for the failure of the 686
district or building to meet any of the applicable performance 687
indicators established under section 3302.02 of the Revised Code 688
that it did not meet and an analysis of the reasons for its 689
failure to make adequate yearly progress; 690

(2) Specific strategies that the district or building will 691
use to address the problems in academic achievement identified in 692
division (B)(1) of this section; 693

(3) Identification of the resources that the district will 694
allocate toward improving the academic achievement of the district 695
or building; 696

(4) A description of any progress that the district or 697
building made in the preceding year toward improving its academic 698
achievement; 699

(5) An analysis of how the district is utilizing the 700

professional development standards adopted by the state board 701
pursuant to section 3319.61 of the Revised Code; 702

(6) Strategies that the district or building will use to 703
improve the cultural competency, as defined pursuant to section 704
3319.61 of the Revised Code, of teachers and other educators. 705

No three-year continuous improvement plan shall be developed 706
or adopted pursuant to this division unless at least one public 707
hearing is held within the affected school district or building 708
concerning the final draft of the plan. Notice of the hearing 709
shall be given two weeks prior to the hearing by publication in 710
one newspaper of general circulation within the territory of the 711
affected school district or building. Copies of the plan shall be 712
made available to the public. 713

(C) When a school district or building has been notified by 714
the department pursuant to division (A) of section 3302.03 of the 715
Revised Code that the district or building is under an academic 716
watch or in a state of academic emergency, the district or 717
building shall be subject to any rules establishing intervention 718
in academic watch or emergency school districts or buildings. 719

(D)(1) Within one hundred twenty days after any school 720
district or building is declared to be in a state of academic 721
emergency under section 3302.03 of the Revised Code, the 722
department may initiate a site evaluation of the building or 723
school district. 724

(2) If any school district that is declared to be in a state 725
of academic emergency or in a state of academic watch under 726
section 3302.03 of the Revised Code or encompasses a building that 727
is declared to be in a state of academic emergency or in a state 728
of academic watch fails to demonstrate to the department 729
satisfactory improvement of the district or applicable buildings 730
or fails to submit to the department any information required 731

under rules established by the state board of education, prior to 732
approving a three-year continuous improvement plan under rules 733
established by the state board of education, the department shall 734
conduct a site evaluation of the school district or applicable 735
buildings to determine whether the school district is in 736
compliance with minimum standards established by law or rule. 737

(3) Site evaluations conducted under divisions (D)(1) and (2) 738
of this section shall include, but not be limited to, the 739
following: 740

(a) Determining whether teachers are assigned to subject 741
areas for which they are licensed or certified; 742

(b) Determining pupil-teacher ratios; 743

(c) Examination of compliance with minimum instruction time 744
requirements for each school day and for each school year; 745

(d) Determining whether materials and equipment necessary to 746
implement the curriculum approved by the school district board are 747
available; 748

(e) Examination of whether the teacher and principal 749
evaluation system reflects the evaluation system guidelines 750
adopted by the state board of education under section 3319.112 of 751
the Revised Code; 752

(f) Examination of the adequacy of efforts to improve the 753
cultural competency, as defined pursuant to section 3319.61 of the 754
Revised Code, of teachers and other educators. 755

(E) This division applies only to school districts that 756
operate a school building that fails to make adequate yearly 757
progress for two or more consecutive school years. 758

(1) For any school building that fails to make adequate 759
yearly progress for two consecutive school years, the district 760
shall do all of the following: 761

(a) Provide written notification of the academic issues that 762
resulted in the building's failure to make adequate yearly 763
progress to the parent or guardian of each student enrolled in the 764
building. The notification shall also describe the actions being 765
taken by the district or building to improve the academic 766
performance of the building and any progress achieved toward that 767
goal in the immediately preceding school year. 768

(b) If the building receives funds under Title 1, Part A of 769
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 770
6311 to 6339, from the district, in accordance with section 771
3313.97 of the Revised Code, offer all students enrolled in the 772
building the opportunity to enroll in an alternative building 773
within the district that is not in school improvement status as 774
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 775
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 776
the district shall spend an amount equal to twenty per cent of the 777
funds it receives under Title I, Part A of the "Elementary and 778
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 779
provide transportation for students who enroll in alternative 780
buildings under this division, unless the district can satisfy all 781
demand for transportation with a lesser amount. If an amount equal 782
to twenty per cent of the funds the district receives under Title 783
I, Part A of the "Elementary and Secondary Education Act of 1965," 784
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 785
transportation, the district shall grant priority over all other 786
students to the lowest achieving students among the subgroup 787
described in division (F)(3) of section 3302.01 of the Revised 788
Code in providing transportation. Any district that does not 789
receive funds under Title I, Part A of the "Elementary and 790
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall 791
not be required to provide transportation to any student who 792
enrolls in an alternative building under this division. 793

(2) For any school building that fails to make adequate 794
yearly progress for three consecutive school years, the district 795
shall do both of the following: 796

(a) If the building receives funds under Title 1, Part A of 797
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 798
6311 to 6339, from the district, in accordance with section 799
3313.97 of the Revised Code, provide all students enrolled in the 800
building the opportunity to enroll in an alternative building 801
within the district that is not in school improvement status as 802
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 803
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 804
the district shall provide transportation for students who enroll 805
in alternative buildings under this division to the extent 806
required under division (E)(2) of this section. 807

(b) If the building receives funds under Title 1, Part A of 808
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 809
6311 to 6339, from the district, offer supplemental educational 810
services to students who are enrolled in the building and who are 811
in the subgroup described in division (F)(3) of section 3302.01 of 812
the Revised Code. 813

The district shall spend a combined total of an amount equal 814
to twenty per cent of the funds it receives under Title I, Part A 815
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 816
6311 to 6339, to provide transportation for students who enroll in 817
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 818
this section and to pay the costs of the supplemental educational 819
services provided to students under division (E)(2)(b) of this 820
section, unless the district can satisfy all demand for 821
transportation and pay the costs of supplemental educational 822
services for those students who request them with a lesser amount. 823
~~In allocating the funds the district receives under Title I, Part~~ 824
~~A of the "Elementary and Secondary Education Act of 1965," 20~~ 825

U.S.C. ~~6311 to 6339~~, between the requirements of divisions 826
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 827
shall spend at least an amount equal to five per cent of ~~such the~~ 828
funds it receives under Title I, Part A of the "Elementary and 829
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 830
provide transportation for students who enroll in alternative 831
buildings under division (E)(1)(b) or (E)(2)(a) of this section, 832
unless the district can satisfy all demand for transportation with 833
a lesser amount, and at least an amount equal to five per cent of 834
~~such the~~ funds it receives under Title I, Part A of the 835
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 836
to 6339, to pay the costs of the supplemental educational services 837
provided to students under division (E)(2)(b) of this section, 838
unless the district can pay the costs of such services for all 839
students requesting them with a lesser amount. If an amount equal 840
to twenty per cent of the funds the district receives under Title 841
I, Part A of the "Elementary and Secondary Education Act of 1965," 842
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 843
transportation under divisions (E)(1)(b) and (E)(2)(a) of this 844
section and to pay the costs of all of the supplemental 845
educational services provided to students under division (E)(2)(b) 846
of this section, the district shall grant priority over all other 847
students in providing transportation and in paying the costs of 848
supplemental educational services to the lowest achieving students 849
among the subgroup described in division (F)(3) of section 3302.01 850
of the Revised Code. 851

Any district that does not receive funds under Title I, Part 852
A of the "Elementary and Secondary Education Act of 1965," 20 853
U.S.C. 6311 to 6339, shall not be required to provide 854
transportation to any student who enrolls in an alternative 855
building under division (E)(2)(a) of this section or to pay the 856
costs of supplemental educational services provided to any student 857
under division (E)(2)(b) of this section. 858

No student who enrolls in an alternative building under 859
division (E)(2)(a) of this section shall be eligible for 860
supplemental educational services under division (E)(2)(b) of this 861
section. 862

(3) For any school building that fails to make adequate 863
yearly progress for four consecutive school years, the district 864
shall continue to comply with division (E)(2) of this section and 865
shall implement at least one of the following options with respect 866
to the building: 867

(a) Institute a new curriculum that is consistent with the 868
statewide academic standards adopted pursuant to division (A) of 869
section 3301.079 of the Revised Code; 870

(b) Decrease the degree of authority the building has to 871
manage its internal operations; 872

(c) Appoint an outside expert to make recommendations for 873
improving the academic performance of the building. The district 874
may request the department to establish a state intervention team 875
for this purpose pursuant to division (G) of this section. 876

(d) Extend the length of the school day or year; 877

(e) Replace the building principal or other key personnel; 878

(f) Reorganize the administrative structure of the building. 879

(4) For any school building that fails to make adequate 880
yearly progress for five consecutive school years, the district 881
shall continue to comply with division (E)(2) of this section and 882
shall develop a plan during the next succeeding school year to 883
improve the academic performance of the building, which shall 884
include at least one of the following options: 885

(a) Reopen the school as a community school under Chapter 886
3314. of the Revised Code; 887

(b) Replace personnel; 888

(c) Contract with a nonprofit or for-profit entity to operate the building;	889 890
(d) Turn operation of the building over to the department;	891
(e) Other significant restructuring of the building's governance.	892 893
(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.	894 895 896 897 898
(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.	899 900 901 902 903
(F) This division applies only to school districts that fail to make adequate yearly progress for two or more consecutive school years.	904 905 906
(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.	907 908 909 910 911 912
(2) If a school district fails to make adequate yearly progress for three consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) of this section.	913 914 915 916
(3) If a school district fails to make adequate yearly progress for four consecutive school years, the department shall	917 918

take at least one of the following corrective actions with respect 919
to the district: 920

(a) Withhold a portion of the funds the district is entitled 921
to receive under Title I, Part A of the "Elementary and Secondary 922
Education Act of 1965," 20 U.S.C. 6311 to 6339; 923

(b) Direct the district to replace key district personnel; 924

(c) Institute a new curriculum that is consistent with the 925
statewide academic standards adopted pursuant to division (A) of 926
section 3301.079 of the Revised Code; 927

(d) Establish alternative forms of governance for individual 928
school buildings within the district; 929

(e) Appoint a trustee to manage the district in place of the 930
district superintendent and board of education. 931

The department shall conduct individual audits of a sampling 932
of districts subject to this division to determine compliance with 933
the corrective actions taken by the department. 934

(4) If a school district fails to make adequate yearly 935
progress for five consecutive school years, the department shall 936
continue to monitor implementation of the corrective action taken 937
under division (F)(3) of this section with respect to the 938
district. 939

(5) If a school district fails to make adequate yearly 940
progress for six consecutive school years, the department shall 941
take at least one of the corrective actions identified in division 942
(F)(3) of this section with respect to the district, provided that 943
the corrective action the department takes is different from the 944
corrective action previously taken under division (F)(3) of this 945
section with respect to the district. 946

(G) The department may establish a state intervention team to 947
evaluate all aspects of a school district or building, including 948

management, curriculum, instructional methods, resource 949
allocation, and scheduling. Any such intervention team shall be 950
appointed by the department and shall include teachers and 951
administrators recognized as outstanding in their fields. The 952
intervention team shall make recommendations regarding methods for 953
improving the performance of the district or building. 954

The department shall not approve a district's request for an 955
intervention team under division (E)(3) of this section if the 956
department cannot adequately fund the work of the team, unless the 957
district agrees to pay for the expenses of the team. 958

(H) The department shall conduct individual audits of a 959
sampling of community schools established under Chapter 3314. of 960
the Revised Code to determine compliance with this section. 961

(I) The state board shall adopt rules for implementing this 962
section. 963

Sec. 3307.01. As used in this chapter: 964

(A) "Employer" means the board of education, school district, 965
governing authority of any community school established under 966
Chapter 3314. of the Revised Code, college, university, 967
institution, or other agency within the state by which a teacher 968
is employed and paid. 969

(B) "Teacher" means all of the following: 970

(1) Any person paid from public funds and employed in the 971
public schools of the state under any type of contract described 972
in section 3319.08 of the Revised Code in a position for which the 973
person is required to have a license issued pursuant to sections 974
3319.22 to 3319.31 of the Revised Code; 975

(2) Any person employed as a teacher by a community school 976
pursuant to Chapter 3314. of the Revised Code; 977

(3) ~~Any person holding an internship certificate issued under~~ 978

~~section 3319.28 of the Revised Code and employed in a public~~ 979
~~school in this state;~~ 980

~~(4)~~ Any person having a license issued pursuant to sections 981
3319.22 to 3319.31 of the Revised Code and employed in a public 982
school in this state in an educational position, as determined by 983
the state board of education, under programs provided for by 984
federal acts or regulations and financed in whole or in part from 985
federal funds, but for which no licensure requirements for the 986
position can be made under the provisions of such federal acts or 987
regulations; 988

~~(5)~~(4) Any other teacher or faculty member employed in any 989
school, college, university, institution, or other agency wholly 990
controlled and managed, and supported in whole or in part, by the 991
state or any political subdivision thereof, including Central 992
state university, Cleveland state university, the university of 993
Toledo, and the medical college of Ohio at Toledo; 994

~~(6)~~(5) The educational employees of the department of 995
education, as determined by the state superintendent of public 996
instruction. 997

In all cases of doubt, the state teachers retirement board 998
shall determine whether any person is a teacher, and its decision 999
shall be final. 1000

"Teacher" does not include any academic or administrative 1001
employee of a public institution of higher education, as defined 1002
in section 3305.01 of the Revised Code, who participates in an 1003
alternative retirement plan established under Chapter 3305. of the 1004
Revised Code. 1005

(C) "Member" means any person included in the membership of 1006
the state teachers retirement system, which shall consist of all 1007
teachers and contributors as defined in divisions (B) and (D) of 1008
this section and all disability benefit recipients, as defined in 1009

section 3307.50 of the Revised Code. However, for purposes of this 1010
chapter, the following persons shall not be considered members: 1011

(1) A student, intern, or resident who is not a member while 1012
employed part-time by a school, college, or university at which 1013
the student, intern, or resident is regularly attending classes; 1014

(2) A person denied membership pursuant to section 3307.24 of 1015
the Revised Code; 1016

(3) An other system retirant, as defined in section 3307.35 1017
of the Revised Code, or a superannuate; 1018

(4) An individual employed in a program established pursuant 1019
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 1020
U.S.C.A. 1501. 1021

(D) "Contributor" means any person who has an account in the 1022
teachers' savings fund or defined contribution fund. 1023

(E) "Beneficiary" means any person eligible to receive, or in 1024
receipt of, a retirement allowance or other benefit provided by 1025
this chapter. 1026

(F) "Year" means the year beginning the first day of July and 1027
ending with the thirtieth day of June next following, except that 1028
for the purpose of determining final average salary under the plan 1029
described in sections 3307.50 to 3307.79 of the Revised Code, 1030
"year" may mean the contract year. 1031

(G) "Local district pension system" means any school teachers 1032
pension fund created in any school district of the state in 1033
accordance with the laws of the state prior to September 1, 1920. 1034

(H) "Employer contribution" means the amount paid by an 1035
employer, as determined by the employer rate, including the normal 1036
and deficiency rates, contributions, and funds wherever used in 1037
this chapter. 1038

(I) "Five years of service credit" means employment covered 1039

under this chapter and employment covered under a former 1040
retirement plan operated, recognized, or endorsed by a college, 1041
institute, university, or political subdivision of this state 1042
prior to coverage under this chapter. 1043

(J) "Actuary" means the actuarial consultant to the state 1044
teachers retirement board, who shall be either of the following: 1045

(1) A member of the American academy of actuaries; 1046

(2) A firm, partnership, or corporation of which at least one 1047
person is a member of the American academy of actuaries. 1048

(K) "Fiduciary" means a person who does any of the following: 1049

(1) Exercises any discretionary authority or control with 1050
respect to the management of the system, or with respect to the 1051
management or disposition of its assets; 1052

(2) Renders investment advice for a fee, direct or indirect, 1053
with respect to money or property of the system; 1054

(3) Has any discretionary authority or responsibility in the 1055
administration of the system. 1056

(L)(1) Except as provided in this division, "compensation" 1057
means all salary, wages, and other earnings paid to a teacher by 1058
reason of the teacher's employment, including compensation paid 1059
pursuant to a supplemental contract. The salary, wages, and other 1060
earnings shall be determined prior to determination of the amount 1061
required to be contributed to the teachers' savings fund or 1062
defined contribution fund under section 3307.26 of the Revised 1063
Code and without regard to whether any of the salary, wages, or 1064
other earnings are treated as deferred income for federal income 1065
tax purposes. 1066

(2) Compensation does not include any of the following: 1067

(a) Payments for accrued but unused sick leave or personal 1068
leave, including payments made under a plan established pursuant 1069

to section 124.39 of the Revised Code or any other plan	1070
established by the employer;	1071
(b) Payments made for accrued but unused vacation leave,	1072
including payments made pursuant to section 124.13 of the Revised	1073
Code or a plan established by the employer;	1074
(c) Payments made for vacation pay covering concurrent	1075
periods for which other salary, compensation, or benefits under	1076
this chapter are paid;	1077
(d) Amounts paid by the employer to provide life insurance,	1078
sickness, accident, endowment, health, medical, hospital, dental,	1079
or surgical coverage, or other insurance for the teacher or the	1080
teacher's family, or amounts paid by the employer to the teacher	1081
in lieu of providing the insurance;	1082
(e) Incidental benefits, including lodging, food, laundry,	1083
parking, or services furnished by the employer, use of the	1084
employer's property or equipment, and reimbursement for	1085
job-related expenses authorized by the employer, including moving	1086
and travel expenses and expenses related to professional	1087
development;	1088
(f) Payments made by the employer in exchange for a member's	1089
waiver of a right to receive any payment, amount, or benefit	1090
described in division (L)(2) of this section;	1091
(g) Payments by the employer for services not actually	1092
rendered;	1093
(h) Any amount paid by the employer as a retroactive increase	1094
in salary, wages, or other earnings, unless the increase is one of	1095
the following:	1096
(i) A retroactive increase paid to a member employed by a	1097
school district board of education in a position that requires a	1098
license designated for teaching and not designated for being an	1099

administrator issued under section 3319.22 of the Revised Code 1100
that is paid in accordance with uniform criteria applicable to all 1101
members employed by the board in positions requiring the licenses; 1102

(ii) A retroactive increase paid to a member employed by a 1103
school district board of education in a position that requires a 1104
license designated for being an administrator issued under section 1105
3319.22 of the Revised Code that is paid in accordance with 1106
uniform criteria applicable to all members employed by the board 1107
in positions requiring the licenses; 1108

(iii) A retroactive increase paid to a member employed by a 1109
school district board of education as a superintendent that is 1110
also paid as described in division (L)(2)(h)(i) of this section; 1111

(iv) A retroactive increase paid to a member employed by an 1112
employer other than a school district board of education in 1113
accordance with uniform criteria applicable to all members 1114
employed by the employer. 1115

(i) Payments made to or on behalf of a teacher that are in 1116
excess of the annual compensation that may be taken into account 1117
by the retirement system under division (a)(17) of section 401 of 1118
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1119
401(a)(17), as amended. For a teacher who first establishes 1120
membership before July 1, 1996, the annual compensation that may 1121
be taken into account by the retirement system shall be determined 1122
under division (d)(3) of section 13212 of the "Omnibus Budget 1123
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1124

(j) Payments made under division (B), (C), or (E) of section 1125
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1126
No. 3 of the 119th general assembly, Section 3 of Amended 1127
Substitute Senate Bill No. 164 of the 124th general assembly, or 1128
Amended Substitute House Bill No. 405 of the 124th general 1129
assembly; 1130

(k) Anything of value received by the teacher that is based 1131
on or attributable to retirement or an agreement to retire. 1132

(3) The retirement board shall determine by rule both of the 1133
following: 1134

(a) Whether particular forms of earnings are included in any 1135
of the categories enumerated in this division; 1136

(b) Whether any form of earnings not enumerated in this 1137
division is to be included in compensation. 1138

Decisions of the board made under this division shall be 1139
final. 1140

(M) "Superannuate" means both of the following: 1141

(1) A former teacher receiving from the system a retirement 1142
allowance under section 3307.58 or 3307.59 of the Revised Code; 1143

(2) A former teacher receiving a benefit from the system 1144
under a plan established under section 3307.81 of the Revised 1145
Code, except that "superannuate" does not include a former teacher 1146
who is receiving a benefit based on disability under a plan 1147
established under section 3307.81 of the Revised Code. 1148

For purposes of sections 3307.35 and 3307.353 of the Revised 1149
Code, "superannuate" also means a former teacher receiving from 1150
the system a combined service retirement benefit paid in 1151
accordance with section 3307.57 of the Revised Code, regardless of 1152
which retirement system is paying the benefit. 1153

Sec. 3313.28. The treasurer of a board of education, at the 1154
expiration of the treasurer's term of office, shall deliver to the 1155
treasurer's successor all books and papers in the treasurer's 1156
hands relating to the affairs of the district, including educator 1157
licenses ~~and internship certificates~~, and copies thereof, and 1158
reports of school statistics, filed by teachers. 1159

Sec. 3313.53. (A) As used in this section: 1160

(1) "Licensed individual" means an individual who holds a valid educator license, certificate, or permit issued by the state board of education under section 3319.22, 3319.26, 3319.27, or 3319.302 of the Revised Code. 1161
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(2) "Nonlicensed individual" means an individual who does not hold a valid educator license, certificate, or permit issued by the state board of education under section 3319.22, 3319.26, 3319.27, or 3319.302 of the Revised Code. 1165
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(B) The board of education of any city, exempted village, or local school district may establish and maintain in connection with the public school systems: 1169
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~~(A)(1)~~ Manual training, industrial arts, domestic science, and commercial departments; 1172
1173

~~(B)(2)~~ Agricultural, industrial, vocational, and trades schools. 1174
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Such board may pay from the public school funds, as other school expenses are paid, the expenses of establishing and maintaining such departments and schools and of directing, supervising, and coaching the pupil-activity programs in music, language, arts, speech, government, athletics, and any others directly related to the curriculum. 1176
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(C) The board of education of any city, exempted village, or local school district may employ a nonlicensed individual to direct, supervise, or coach a pupil-activity program pursuant to 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 1182
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~~the Revised Code. The state board shall also adopt rules~~ 1190
~~applicable to licensed individuals, setting forth standards to~~ 1191
~~assure any such individual's competence to direct, supervise, or~~ 1192
~~coach a pupil activity program and that shall not be more~~ 1193
~~stringent than the standards set forth in rules applicable to~~ 1194
~~nonlicensed individuals. A~~ 1195

(D) A nonlicensed individual who meets the standards adopted 1196
by the state board holds a valid pupil-activity program permit may 1197
be ~~se~~ employed under division (C) of this section only after the 1198
school district's board of education adopts a resolution stating 1199
that it has offered such position to those employees of the 1200
district who ~~have a license issued under section 3319.22 of the~~ 1201
~~Revised Code~~ are licensed individuals and no such employee 1202
qualified to fill the position has accepted it, and has then 1203
advertised the position as available to any licensed individual 1204
~~with such a license~~ who is qualified to fill it and who is not 1205
employed by the board, and no such person has applied for and 1206
accepted the position. A nonlicensed individual so employed is a 1207
nonteaching employee and is not an educational assistant as 1208
defined in section 3319.088 of the Revised Code. As used in this 1209
~~paragraph~~ division and division (C) of this section, 1210
pupil-activity program does not include any class or course 1211
required or offered for credit toward a pupil's promotion to the 1212
next grade or for graduation, or any activity conducted as a part 1213
of or required for such a class or course. A nonlicensed 1214
individual employed under this section may perform only the duties 1215
of the director, supervisor, or coach of the pupil-activity 1216
program for which the nonlicensed individual is employed. 1217

The board shall fix the compensation of the nonlicensed 1218
individual so employed, which shall be the same amount as the 1219
position was offered to the district's licensed employees, and 1220
execute a written contract with the nonlicensed individual for a 1221

term not to exceed one year. The contract shall specify the 1222
compensation, duration, and other terms of employment, and the 1223
compensation shall not be reduced unless such reduction is a part 1224
of a uniform plan affecting the entire district. ~~No~~ 1225

If the state board suspends, revokes, or limits the 1226
pupil-activity program permit of a nonlicensed individual, the 1227
school district board may terminate or suspend the employment 1228
contract of that individual. Otherwise, no contract issued under 1229
this section shall be terminated or suspended except pursuant to 1230
the procedure established by division (C) of section 3319.081 of 1231
the Revised Code. 1232

Sec. 3313.713. (A) As used in this section: 1233

(1) "Drug ~~prescribed by a physician~~" means a drug ~~described,~~ 1234
as defined in section 4729.01 of the Revised Code, that is to be 1235
administered pursuant to the instructions of the ~~prescribing~~ 1236
~~physician prescriber,~~ whether or not required by law to be sold 1237
only upon a prescription. 1238

(2) "Federal law" means the "~~Education For All Handicapped~~ 1239
~~Children~~ Individuals with Disabilities Education Act of 1975 1240
1997," ~~89 111 Stat. 775 37,~~ 20 U.S.C. ~~1401 1400,~~ as amended. 1241

(3) "Prescriber" has the same meaning as in section 4729.01 1242
of the Revised Code. 1243

(B) The board of education of each city, local, exempted 1244
village, and joint vocational school district, shall, not later 1245
than one hundred twenty days after ~~the effective date of this~~ 1246
~~section~~ September 20, 1984, adopt a policy on the authority of its 1247
employees, when acting in situations other than those governed by 1248
sections 2305.23, 2305.231, and 3313.712 of the Revised Code, to 1249
administer drugs prescribed ~~by physicians~~ to students enrolled in 1250
the schools of the district. The policy shall provide either that: 1251

(1) Except as otherwise required by federal law, no person 1252
employed by the board shall, in the course of such employment, 1253
administer any drug prescribed ~~by a physician~~ to any student 1254
enrolled in the schools of the district. 1255

(2) Designated persons employed by the board are authorized 1256
to administer to a student a drug prescribed ~~by a physician~~ for 1257
the student. Except as otherwise provided by federal law, the 1258
board's policy may provide that certain drugs or types of drugs 1259
shall not be administered or that no employee, or no employee 1260
without appropriate training, shall use certain procedures, such 1261
as injection, to administer a drug to a student. 1262

(C) No drug prescribed ~~by a physician~~ for a student shall be 1263
administered pursuant to federal law or a policy adopted under 1264
division (B) of this section until the following occur: 1265

(1) The board, or a person designated by the board, receives 1266
a written request, signed by the parent, guardian, or other person 1267
having care or charge of the student, that the drug be 1268
administered to the student. 1269

(2) The board, or a person designated by the board, receives 1270
a statement, signed by the ~~physician who prescribed the drug~~ 1271
prescriber, that includes all of the following information: 1272

(a) The name and address of the student; 1273

(b) The school and class in which the student is enrolled; 1274

(c) The name of the drug and the dosage to be administered; 1275

(d) The times or intervals at which each dosage of the drug 1276
is to be administered; 1277

(e) The date the administration of the drug is to begin; 1278

(f) The date the administration of the drug is to cease; 1279

(g) Any severe adverse reactions that should be reported to 1280

the ~~physician~~ prescriber and one or more phone numbers at which 1281
the ~~physician~~ prescriber can be reached in an emergency; 1282

(h) Special instructions for administration of the drug, 1283
including sterile conditions and storage. 1284

(3) The parent, guardian, or other person having care or 1285
charge of the student agrees to submit a revised statement signed 1286
by the ~~physician who prescribed the drug~~ prescriber to the board 1287
or a person designated by the board if any of the information 1288
provided by the ~~physician~~ prescriber pursuant to division (C)(2) 1289
of this section changes. 1290

(4) The person authorized by the board to administer the drug 1291
receives a copy of the statement required by division (C)(2) or 1292
(3) of this section. 1293

(5) The drug is received by the person authorized to 1294
administer the drug to the student for whom the drug is prescribed 1295
in the container in which it was dispensed by the ~~prescribing~~ 1296
~~physician~~ prescriber or a licensed pharmacist. 1297

(6) Any other procedures required by the board are followed. 1298

(D) If a drug ~~prescribed by a physician~~ is administered to a 1299
student, the board of education shall acquire and retain copies of 1300
the written requests required by division (C)(1) and the 1301
statements required by divisions (C)(2) and (3) of this section 1302
and shall ensure that by the next school day following the receipt 1303
of any such statement a copy is given to the person authorized to 1304
administer drugs to the student for whom the statement has been 1305
received. The board, or a person designated by the board, shall 1306
establish a location in each school building for the storage of 1307
drugs to be administered under this section and federal law. All 1308
such drugs shall be stored in that location in a locked storage 1309
place, except that drugs that require refrigeration may be kept in 1310
a refrigerator in a place not commonly used by students. 1311

(E) No person who has been authorized by a board of education 1312
to administer a drug and has a copy of the most recent statement 1313
required by division (C)(2) or (3) of this section given to the 1314
person in accordance with division (D) of this section prior to 1315
administering the drug is liable in civil damages for 1316
administering or failing to administer the drug, unless such 1317
person acts in a manner that constitutes gross negligence or 1318
wanton or reckless misconduct. 1319

(F) ~~Whenever a~~ A board of education ~~is required to~~ may 1320
designate a person or persons to perform any function or functions 1321
in connection with a drug policy adopted under this section, ~~the~~ 1322
~~board may designate such persons~~ either by name or by position, 1323
training, qualifications, or similar distinguishing factors. 1324

Nothing in this section shall be construed to require a 1325
person employed by a board of education to administer a drug to a 1326
student unless the board's policy adopted in compliance with this 1327
section establishes such a requirement. A board shall not require 1328
an employee to administer a drug to a student if the employee 1329
objects, on the basis of religious convictions, to administering 1330
the drug. 1331

A policy adopted by a board of education pursuant to this 1332
section may be changed, modified, or revised by action of the 1333
board. 1334

Nothing in this section affects the application of section 1335
2305.23, 2305.231, or 3313.712 of the Revised Code to the 1336
administration of emergency care or treatment to a student. 1337

Sec. 12 3314.021. (A) This section applies to any entity that 1338
is exempt from taxation under ~~Section~~ section 501(c)(3) of the 1339
Internal Revenue Code and that satisfies the conditions specified 1340
in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 1341

Revised Code but does not satisfy the condition specified in 1342
division (C)(1)(f)(i) of that section. 1343

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 1344
of the Revised Code, an entity described in division (A) of this 1345
section may ~~succeed~~ do both of the following without obtaining the 1346
department of education's approval of its sponsorship under 1347
division (B)(1) of section 3314.015 of the Revised Code: 1348

(1) Succeed the board of trustees of a state university 1349
located in the ~~Pilot Project Area~~ pilot project area or that 1350
board's designee as the sponsor of a community school established 1351
under ~~Chapter 3314. of the Revised Code, and may this chapter;~~ 1352

(2) Continue to sponsor such that school ~~for the remainder of~~ 1353
in conformance with the term ~~terms~~ of the contract between the 1354
board of trustees or its designee and the governing authority of 1355
the community school and ~~may~~ renew that contract as provided in 1356
division (E) of section 3314.03 of the Revised Code. ~~Such~~ 1357

(C) The entity that succeeds the board of trustees or the 1358
board's designee as sponsor of a community school under division 1359
(B) of this section also may enter into ~~new~~ contracts to sponsor 1360
~~additional~~ other community schools located in any challenged 1361
school district, without obtaining the department's approval of 1362
its sponsorship under division (B)(1) of section 3314.015 of the 1363
Revised Code, subject to the restriction of the paragraph 1364
following division (C)(1)(f)(iii) of section 3314.02 of the 1365
Revised Code and as long as it ~~satisfies~~ the contracts conform 1366
with and the entity complies with all the other requirements of 1367
~~Chapter 3314. of the Revised Code except for the requirement~~ 1368
~~prescribed in division (C)(1)(f)(i) of section 3314.02 of the~~ 1369
~~Revised Code~~ this chapter. 1370

Sec. 3314.034. (A) No internet- or computer-based community 1371

school shall enter into a contract with a nonpublic school to use 1372
or rent any facility space at the nonpublic school for the 1373
provision of instructional services to students enrolled in the 1374
internet- or computer-based community school. 1375

(B) If, on the effective date of this section, an internet- 1376
or computer-based community school has a contract with a nonpublic 1377
school as described in division (A) of this section, the 1378
department of education shall not make any payments under section 1379
3314.08 of the Revised Code to the internet- or computer-based 1380
community school for any student who is enrolled in the internet- 1381
or computer-based community school and receives any instructional 1382
services from the internet- or computer-based community school at 1383
the nonpublic school. 1384

Sec. 3318.031. (A) The Ohio school facilities commission 1385
shall consider student and staff safety and health when reviewing 1386
design plans for classroom facility construction projects proposed 1387
under this chapter. After consulting with appropriate education, 1388
health, and law enforcement personnel, the commission may require 1389
as a condition of project approval under either section 3318.03 or 1390
division (B)(1) of section 3318.41 of the Revised Code such 1391
changes in the design plans as the commission believes will 1392
advance or improve student and staff safety and health in the 1393
proposed classroom facility. 1394

To carry out its duties under this ~~section~~ division, the 1395
commission shall review and, if necessary, amend any construction 1396
and design standards used in its project approval process, 1397
including standards for location and number of exits, standards 1398
for lead safety in classroom facilities constructed before 1978 in 1399
which services are provided to children under six years of age, 1400
and location of restrooms, with a focus on advancing student and 1401

staff safety and health.	1402
<u>(B) When reviewing design standards for classroom facility</u>	1403
<u>construction projects proposed under this chapter, the commission</u>	1404
<u>shall also consider the extent to which the design standards</u>	1405
<u>support the following:</u>	1406
<u>(1) Support and facilitation of smaller classes and the trend</u>	1407
<u>toward smaller schools;</u>	1408
<u>(2) Provision of sufficient space for training new teachers</u>	1409
<u>and promotion of collaboration among teaching candidates,</u>	1410
<u>experienced teachers, and teacher educators;</u>	1411
<u>(3) Provision of adequate space for teacher planning and</u>	1412
<u>collaboration;</u>	1413
<u>(4) Provision of adequate space for parent involvement</u>	1414
<u>activities;</u>	1415
<u>(5) Provision of sufficient space for innovative partnerships</u>	1416
<u>between schools and health and social service agencies.</u>	1417
<u>Sec. 3319.074. (A) As used in this section:</u>	1418
<u>(1) "Core subject area" means reading and English language</u>	1419
<u>arts, mathematics, science, foreign language, government,</u>	1420
<u>economics, fine arts, history, and geography.</u>	1421
<u>(2) "Fully licensed" means having successfully completed all</u>	1422
<u>requirements for an educator license commensurate with years of</u>	1423
<u>teaching experience pursuant to section 3319.22 of the Revised</u>	1424
<u>Code and not having had any such requirements waived on an</u>	1425
<u>emergency, temporary, or provisional basis.</u>	1426
<u>(3) "Highly qualified teacher" means a classroom teacher who</u>	1427
<u>satisfies all of the following conditions:</u>	1428
<u>(a) Holds a baccalaureate degree;</u>	1429
<u>(b) Is fully licensed or is participating in an alternative</u>	1430

<u>route to licensure in which the teacher receives professional</u>	1431
<u>development and mentoring, teaches for not longer than three</u>	1432
<u>years, and demonstrates satisfactory progress toward becoming</u>	1433
<u>fully licensed;</u>	1434
<u>(c) If teaching in grades kindergarten through six, satisfies</u>	1435
<u>at least one of the following:</u>	1436
<u>(i) Passage of an assessment of subject matter content and</u>	1437
<u>professional knowledge required for licensure;</u>	1438
<u>(ii) Successful completion of a graduate degree or advanced</u>	1439
<u>certification in the teaching assignment;</u>	1440
<u>(iii) Achievement of one hundred points on the Ohio highly</u>	1441
<u>qualified teacher rubric developed by the Ohio department of</u>	1442
<u>education;</u>	1443
<u>(iv) Completion of an individual professional development</u>	1444
<u>program approved by the applicable local professional development</u>	1445
<u>committee that includes ninety hours of high quality professional</u>	1446
<u>development incorporating grade appropriate academic subject</u>	1447
<u>matter knowledge, teaching skills, and state academic content</u>	1448
<u>standards.</u>	1449
<u>(d) If teaching in grades seven through twelve, satisfies at</u>	1450
<u>least one of the following:</u>	1451
<u>(i) Passage of an assessment of subject matter content</u>	1452
<u>required for licensure;</u>	1453
<u>(ii) Successful completion of either an undergraduate</u>	1454
<u>academic major, coursework equivalent to such major, a graduate</u>	1455
<u>degree, or advanced certification in each subject area in which</u>	1456
<u>the teacher provides instruction;</u>	1457
<u>(iii) Achievement of one hundred points on the Ohio highly</u>	1458
<u>qualified teacher rubric developed by the department;</u>	1459
<u>(iv) Completion of an individual professional development</u>	1460

program approved by the applicable local professional development 1461
committee that includes ninety hours of high quality professional 1462
development incorporating grade appropriate academic subject 1463
matter knowledge, teaching skills, and state academic content 1464
standards. 1465

(B) No city, exempted village, local, joint vocational, or 1466
cooperative education school district shall employ any classroom 1467
teacher hired after July 1, 2002, to provide instruction in a core 1468
subject area to any student enrolled in a school that receives 1469
funds under Title I, Part A of the "Elementary and Secondary 1470
Education Act of 1965," 115 Stat. 1425, 20 U.S.C. 6301 et seq., 1471
unless such teacher is a highly qualified teacher. 1472

(C) Each school district annually shall notify through a 1473
school wide publication the parent or guardian of each student 1474
enrolled in a school that receives funds under Title I, Part A of 1475
the "Elementary and Secondary Education Act of 1965," 115 Stat. 1476
1425, 20 U.S.C. 6301 et seq., that the parent or guardian may 1477
request information on the professional qualifications of each 1478
classroom teacher who provides instruction to the parent's or 1479
guardian's child. The district shall provide the information on 1480
each applicable teacher to any parent or guardian who requests it. 1481
Such information shall include all of the following: 1482

(1) Whether the teacher has satisfied all requirements for 1483
licensure adopted by the state board of education pursuant to 1484
section 3319.22 of the Revised Code for the grade levels and 1485
subject areas in which the teacher provides instruction or whether 1486
the teacher provides instruction under a waiver of any such 1487
requirements; 1488

(2) The major subject area in which the teacher was awarded a 1489
baccalaureate degree and, if applicable, any other degrees or 1490
certification; 1491

(3) Whether a paraprofessional provides any services to the student and, if so, the qualifications of the paraprofessional. 1492
1493

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: 1494
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(A) To guide the design of teacher education programs serving both teacher candidates and experienced teachers; 1498
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(B) To guide school-based professional development that is aligned with student achievement; 1500
1501

(C) To determine what types of professional development the school district and the schools within the district should provide; 1502
1503
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(D) To guide how state and federal funding for professional development should be spent; 1505
1506

(E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code; 1507
1508
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(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards; 1510
1511
1512

(G) To guide all licensed school personnel in developing their own plans for professional growth. 1513
1514

Sec. 3319.09. As used in sections 3319.08 to 3319.18, inclusive, of the Revised Code: 1515
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(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 1517
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educational position for which the state board of education 1520
requires licensure under sections 3319.22 to 3319.31 of the 1521
Revised Code including persons ~~holding an internship certificate~~ 1522
~~issued under section 3319.28 of the Revised Code and persons~~ 1523
having a license issued pursuant to sections 3319.22 to 3319.31 of 1524
the Revised Code and employed in an educational position, as 1525
determined by the state board of education, under programs 1526
provided for by federal acts or regulations and financed in whole 1527
or in part from federal funds, but for which no licensure 1528
requirements for the position can be made under the provisions of 1529
such federal acts or regulations. 1530

(B) "Year" as applied to term of service means actual service 1531
of not less than one hundred twenty days within a school year; 1532
provided that any board of education may grant a leave of absence 1533
for professional advancement with full credit for service. 1534

(C) "Continuing service status" for a teacher means 1535
employment under a continuing contract. 1536

Sec. 3319.11. (A) As used in this section: 1537

(1) "Evaluation procedures" means the procedures adopted 1538
pursuant to division (B) of section 3319.111 of the Revised Code. 1539

(2) "Limited contract" means a limited contract, as described 1540
in section 3319.08 of the Revised Code, that a school district 1541
board of education or governing board of an educational service 1542
center enters into with a teacher who is not eligible for 1543
continuing service status. 1544

(3) "Extended limited contract" means a limited contract, as 1545
described in section 3319.08 of the Revised Code, that a board of 1546
education or governing board enters into with a teacher who is 1547
eligible for continuing service status. 1548

(B) Teachers eligible for continuing service status in any 1549

city, exempted village, local, or joint vocational school district 1550
or educational service center shall be those teachers qualified as 1551
described in division (B)(1) or (2) of section 3319.08 of the 1552
Revised Code, who within the last five years have taught for at 1553
least three years in the district or center, and those teachers 1554
who, having attained continuing contract status elsewhere, have 1555
served two years in the district or center, but the board, upon 1556
the recommendation of the superintendent, may at the time of 1557
employment or at any time within such two-year period, declare any 1558
of the latter teachers eligible. 1559

(1) Upon the recommendation of the superintendent that a 1560
teacher eligible for continuing service status be reemployed, a 1561
continuing contract shall be entered into between the board and 1562
the teacher unless the board by a three-fourths vote of its full 1563
membership rejects the recommendation of the superintendent. If 1564
the board rejects by a three-fourths vote of its full membership 1565
the recommendation of the superintendent that a teacher eligible 1566
for continuing service status be reemployed and the superintendent 1567
makes no recommendation to the board pursuant to division (C) of 1568
this section, the board may declare its intention not to reemploy 1569
the teacher by giving the teacher written notice on or before the 1570
thirtieth day of April of its intention not to reemploy the 1571
teacher. If evaluation procedures have not been complied with 1572
pursuant to division (A) of section 3319.111 of the Revised Code 1573
or the board does not give the teacher written notice on or before 1574
the thirtieth day of April of its intention not to reemploy the 1575
teacher, the teacher is deemed reemployed under an extended 1576
limited contract for a term not to exceed one year at the same 1577
salary plus any increment provided by the salary schedule. The 1578
teacher is presumed to have accepted employment under the extended 1579
limited contract for a term not to exceed one year unless such 1580
teacher notifies the board in writing to the contrary on or before 1581
the first day of June, and an extended limited contract for a term 1582

not to exceed one year shall be executed accordingly. Upon any 1583
subsequent reemployment of the teacher only a continuing contract 1584
may be entered into. 1585

(2) If the superintendent recommends that a teacher eligible 1586
for continuing service status not be reemployed, the board may 1587
declare its intention not to reemploy the teacher by giving the 1588
teacher written notice on or before the thirtieth day of April of 1589
its intention not to reemploy the teacher. If evaluation 1590
procedures have not been complied with pursuant to division (A) of 1591
section 3319.111 of the Revised Code or the board does not give 1592
the teacher written notice on or before the thirtieth day of April 1593
of its intention not to reemploy the teacher, the teacher is 1594
deemed reemployed under an extended limited contract for a term 1595
not to exceed one year at the same salary plus any increment 1596
provided by the salary schedule. The teacher is presumed to have 1597
accepted employment under the extended limited contract for a term 1598
not to exceed one year unless such teacher notifies the board in 1599
writing to the contrary on or before the first day of June, and an 1600
extended limited contract for a term not to exceed one year shall 1601
be executed accordingly. Upon any subsequent reemployment of a 1602
teacher only a continuing contract may be entered into. 1603

(3) Any teacher receiving written notice of the intention of 1604
a board not to reemploy such teacher pursuant to this division is 1605
entitled to the hearing provisions of division (G) of this 1606
section. 1607

(C)(1) If a board rejects the recommendation of the 1608
superintendent for reemployment of a teacher pursuant to division 1609
(B)(1) of this section, the superintendent may recommend 1610
reemployment of the teacher, if continuing service status has not 1611
previously been attained elsewhere, under an extended limited 1612
contract for a term not to exceed two years, provided that written 1613
notice of the superintendent's intention to make such 1614

recommendation has been given to the teacher with reasons directed 1615
at the professional improvement of the teacher on or before the 1616
thirtieth day of April. Upon subsequent reemployment of the 1617
teacher only a continuing contract may be entered into. 1618

(2) If a board of education takes affirmative action on a 1619
superintendent's recommendation, made pursuant to division (C)(1) 1620
of this section, of an extended limited contract for a term not to 1621
exceed two years but the board does not give the teacher written 1622
notice of its affirmative action on the superintendent's 1623
recommendation of an extended limited contract on or before the 1624
thirtieth day of April, the teacher is deemed reemployed under a 1625
continuing contract at the same salary plus any increment provided 1626
by the salary schedule. The teacher is presumed to have accepted 1627
employment under such continuing contract unless such teacher 1628
notifies the board in writing to the contrary on or before the 1629
first day of June, and a continuing contract shall be executed 1630
accordingly. 1631

(3) A board shall not reject a superintendent's 1632
recommendation, made pursuant to division (C)(1) of this section, 1633
of an extended limited contract for a term not to exceed two years 1634
except by a three-fourths vote of its full membership. If a board 1635
rejects by a three-fourths vote of its full membership the 1636
recommendation of the superintendent of an extended limited 1637
contract for a term not to exceed two years, the board may declare 1638
its intention not to reemploy the teacher by giving the teacher 1639
written notice on or before the thirtieth day of April of its 1640
intention not to reemploy the teacher. If evaluation procedures 1641
have not been complied with pursuant to division (A) of section 1642
3319.111 of the Revised Code or if the board does not give the 1643
teacher written notice on or before the thirtieth day of April of 1644
its intention not to reemploy ~~him~~ the teacher, the teacher is 1645
deemed reemployed under an extended limited contract for a term 1646

not to exceed one year at the same salary plus any increment 1647
provided by the salary schedule. The teacher is presumed to have 1648
accepted employment under the extended limited contract for a term 1649
not to exceed one year unless such teacher notifies the board in 1650
writing to the contrary on or before the first day of June, and an 1651
extended limited contract for a term not to exceed one year shall 1652
be executed accordingly. Upon any subsequent reemployment of the 1653
teacher only a continuing contract may be entered into. 1654

Any teacher receiving written notice of the intention of a 1655
board not to reemploy such teacher pursuant to this division is 1656
entitled to the hearing provisions of division (G) of this 1657
section. 1658

(D) A teacher eligible for continuing contract status 1659
employed under an extended limited contract pursuant to division 1660
(B) or (C) of this section, is, at the expiration of such extended 1661
limited contract, deemed reemployed under a continuing contract at 1662
the same salary plus any increment granted by the salary schedule, 1663
unless evaluation procedures have been complied with pursuant to 1664
division (A) of section 3319.111 of the Revised Code and the 1665
employing board, acting on the superintendent's recommendation 1666
that the teacher not be reemployed, gives the teacher written 1667
notice on or before the thirtieth day of April of its intention 1668
not to reemploy such teacher. A teacher who does not have 1669
evaluation procedures applied in compliance with division (A) of 1670
section 3319.111 of the Revised Code or who does not receive 1671
notice on or before the thirtieth day of April of the intention of 1672
the board not to reemploy such teacher is presumed to have 1673
accepted employment under a continuing contract unless such 1674
teacher notifies the board in writing to the contrary on or before 1675
the first day of June, and a continuing contract shall be executed 1676
accordingly. 1677

Any teacher receiving a written notice of the intention of a 1678

board not to reemploy such teacher pursuant to this division is 1679
entitled to the hearing provisions of division (G) of this 1680
section. 1681

(E) A limited contract may be entered into by each board with 1682
each teacher who has not been in the employ of the board for at 1683
least three years and shall be entered into, regardless of length 1684
of previous employment, with each teacher employed by the board 1685
who holds a provisional, temporary, or associate license ~~or an~~ 1686
~~internship certificate~~, or who holds a professional license and is 1687
not eligible to be considered for a continuing contract. 1688

Any teacher employed under a limited contract, and not 1689
eligible to be considered for a continuing contract, is, at the 1690
expiration of such limited contract, considered reemployed under 1691
the provisions of this division at the same salary plus any 1692
increment provided by the salary schedule unless evaluation 1693
procedures have been complied with pursuant to division (A) of 1694
section 3319.111 of the Revised Code and the employing board, 1695
acting upon the superintendent's written recommendation that the 1696
teacher not be reemployed, gives such teacher written notice of 1697
its intention not to reemploy such teacher on or before the 1698
thirtieth day of April. A teacher who does not have evaluation 1699
procedures applied in compliance with division (A) of section 1700
3319.111 of the Revised Code or who does not receive notice of the 1701
intention of the board not to reemploy such teacher on or before 1702
the thirtieth day of April is presumed to have accepted such 1703
employment unless such teacher notifies the board in writing to 1704
the contrary on or before the first day of June, and a written 1705
contract for the succeeding school year shall be executed 1706
accordingly. 1707

Any teacher receiving a written notice of the intention of a 1708
board not to reemploy such teacher pursuant to this division is 1709
entitled to the hearing provisions of division (G) of this 1710

section. 1711

(F) The failure of a superintendent to make a recommendation 1712
to the board under any of the conditions set forth in divisions 1713
(B) to (E) of this section, or the failure of the board to give 1714
such teacher a written notice pursuant to divisions (C) to (E) of 1715
this section shall not prejudice or prevent a teacher from being 1716
deemed reemployed under either a limited or continuing contract as 1717
the case may be under the provisions of this section. A failure of 1718
the parties to execute a written contract shall not void any 1719
automatic reemployment provisions of this section. 1720

(G)(1) Any teacher receiving written notice of the intention 1721
of a board of education not to reemploy such teacher pursuant to 1722
division (B), (C)(3), (D), or (E) of this section may, within ten 1723
days of the date of receipt of the notice, file with the treasurer 1724
of the board a written demand for a written statement describing 1725
the circumstances that led to the board's intention not to 1726
reemploy the teacher. 1727

(2) The treasurer of a board, on behalf of the board, shall, 1728
within ten days of the date of receipt of a written demand for a 1729
written statement pursuant to division (G)(1) of this section, 1730
provide to the teacher a written statement describing the 1731
circumstances that led to the board's intention not to reemploy 1732
the teacher. 1733

(3) Any teacher receiving a written statement describing the 1734
circumstances that led to the board's intention not to reemploy 1735
the teacher pursuant to division (G)(2) of this section may, 1736
within five days of the date of receipt of the statement, file 1737
with the treasurer of the board a written demand for a hearing 1738
before the board pursuant to divisions (G)(4) to (6) of this 1739
section. 1740

(4) The treasurer of a board, on behalf of the board, shall, 1741

within ten days of the date of receipt of a written demand for a 1742
hearing pursuant to division (G)(3) of this section, provide to 1743
the teacher a written notice setting forth the time, date, and 1744
place of the hearing. The board shall schedule and conclude the 1745
hearing within forty days of the date on which the treasurer of 1746
the board receives a written demand for a hearing pursuant to 1747
division (G)(3) of this section. 1748

(5) Any hearing conducted pursuant to this division shall be 1749
conducted by a majority of the members of the board. The hearing 1750
shall be held in executive session of the board unless the board 1751
and the teacher agree to hold the hearing in public. The 1752
superintendent, assistant superintendent, the teacher, and any 1753
person designated by either party to take a record of the hearing 1754
may be present at the hearing. The board may be represented by 1755
counsel and the teacher may be represented by counsel or a 1756
designee. A record of the hearing may be taken by either party at 1757
the expense of the party taking the record. 1758

(6) Within ten days of the conclusion of a hearing conducted 1759
pursuant to this division, the board shall issue to the teacher a 1760
written decision containing an order affirming the intention of 1761
the board not to reemploy the teacher reported in the notice given 1762
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 1763
this section or an order vacating the intention not to reemploy 1764
and expunging any record of the intention, notice of the 1765
intention, and the hearing conducted pursuant to this division. 1766

(7) A teacher may appeal an order affirming the intention of 1767
the board not to reemploy the teacher to the court of common pleas 1768
of the county in which the largest portion of the territory of the 1769
school district or service center is located, within thirty days 1770
of the date on which the teacher receives the written decision, on 1771
the grounds that the board has not complied with section 3319.11 1772
or 3319.111 of the Revised Code. 1773

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

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

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

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

(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), 1805
(C), (D), or (E) of this section, the teacher shall do either of 1806
the following: 1807

(a) Deliver the notice by personal delivery to the office of 1808
the superintendent during regular business hours; 1809

(b) Deliver the notice by certified mail, return receipt 1810
requested, addressed to the office of the superintendent and 1811
deliver a copy of the notice by certified mail, return receipt 1812
requested, addressed to the president of the board at the 1813
president's place of residence. 1814

(3) When any notice and copy of the notice are mailed 1815
pursuant to division (H)(1)(b) or (2)(b) of this section, the 1816
notice or copy of the notice with the earlier date of receipt 1817
shall constitute the notice for the purposes of division (B), (C), 1818
(D), or (E) of this section. 1819

(I) The provisions of this section shall not apply to any 1820
supplemental written contracts entered into pursuant to section 1821
3319.08 of the Revised Code. 1822

Sec. 3319.111. (A) Any board of education that has entered 1823
into any limited contract or extended limited contract with a 1824
teacher pursuant to section 3319.11 of the Revised Code, ~~except~~ 1825
~~with a teacher who holds an internship certificate granted under~~ 1826
~~division (A) of section 3319.28 of the Revised Code,~~ shall 1827
evaluate such a teacher in compliance with the requirements of 1828
this section in any school year in which the board may wish to 1829
declare its intention not to re-employ the teacher pursuant to 1830
division (B), (C)(3), (D), or (E) of section 3319.11 of the 1831
Revised Code. 1832

This evaluation shall be conducted at least twice in the 1833
school year in which the board may wish to declare its intention 1834

not to re-employ the teacher. One evaluation shall be conducted 1835
and completed not later than the fifteenth day of January and the 1836
teacher being evaluated shall receive a written report of the 1837
results of this evaluation not later than the twenty-fifth day of 1838
January. One evaluation shall be conducted and completed between 1839
the tenth day of February and the first day of April and the 1840
teacher being evaluated shall receive a written report of the 1841
results of this evaluation not later than the tenth day of April. 1842

Any evaluation conducted pursuant to this section shall be 1843
conducted by one or more of the following: 1844

(1) A person who is under contract with a board of education 1845
pursuant to section 3319.01 or 3319.02 of the Revised Code and 1846
holds a license designated for being a superintendent, assistant 1847
superintendent, or principal issued under section 3319.22 of the 1848
Revised Code; 1849

(2) A person who is under contract with a board of education 1850
pursuant to section 3319.02 of the Revised Code and holds a 1851
license designated for being a vocational director or a supervisor 1852
in any educational area issued under section 3319.22 of the 1853
Revised Code; 1854

(3) A person designated to conduct evaluations under an 1855
agreement providing for peer review entered into by a board of 1856
education and representatives of teachers employed by that board. 1857

(B) Any board of education evaluating a teacher pursuant to 1858
this section shall adopt evaluation procedures that shall be 1859
applied each time a teacher is evaluated pursuant to this section. 1860
These evaluation procedures shall include, but not be limited to: 1861

(1) Criteria of expected job performance in the areas of 1862
responsibility assigned to the teacher being evaluated; 1863

(2) Observation of the teacher being evaluated by the person 1864
conducting the evaluation on at least two occasions for not less 1865

than thirty minutes on each occasion; 1866

(3) A written report of the results of the evaluation that 1867
includes specific recommendations regarding any improvements 1868
needed in the performance of the teacher being evaluated and 1869
regarding the means by which the teacher may obtain assistance in 1870
making such improvements. 1871

(C) This section does not apply to teachers subject to 1872
evaluation procedures under sections 3319.01 and 3319.02 of the 1873
Revised Code or to any teacher employed as a substitute for less 1874
than one hundred twenty days during a school year pursuant to 1875
section 3319.10 of the Revised Code. 1876

Sec. 3319.112. (A) The state board of education, in 1877
consultation with the Ohio board of regents, shall establish 1878
guidelines for the evaluation of teachers and principals. The 1879
guidelines shall include the following principles: 1880

(1) A school district should evaluate the performance of 1881
teachers on a regular basis. 1882

(2) The evaluation system adopted by a school district should 1883
be fair, credible, and evidence-based and should use multiple 1884
measures of a teacher or principal's use of knowledge and skills 1885
and of students' academic progress. 1886

(3) The evaluation system adopted by a school district should 1887
be aligned with the standards for teachers and principals adopted 1888
pursuant to section 3319.61 of the Revised Code. 1889

(4) The evaluation system adopted by a school district should 1890
provide clear statements of expectation for professional 1891
performance. 1892

(5) The evaluation of a teacher or principal should suggest 1893
professional development that will enhance future performance in 1894
areas that do not meet expected performance levels. 1895

(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. 1896
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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. 1899
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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. 1903
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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: 1907
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(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that school districts may use; 1910
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(2) Provide technical assistance to school districts that request assistance in modifying evaluation systems. 1912
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Sec. 3319.22. (A)(1) The state board of education shall adopt 1914
rules establishing the standards and requirements for obtaining 1915
temporary, associate, provisional, and professional educator 1916
licenses of any categories, types, and levels the board elects to 1917
provide. However, no educator license shall be required for 1918
teaching children two years old or younger. 1919

(2) If the state board requires any examinations for educator 1920
licensure, the department of education shall provide the results 1921
of such examinations received by the department to the Ohio board 1922
of regents, in the manner and to the extent permitted by state and 1923
federal law. 1924

(B) Any rules the state board of education adopts, amends, or 1925

rescinds for educator licenses under this section, division (D) of 1926
section 3301.07 of the Revised Code, or any other law shall be 1927
adopted, amended, or rescinded under Chapter 119. of the Revised 1928
Code except as follows: 1929

(1) Notwithstanding division (D) of section 119.03 and 1930
division (A)(1) of section 119.04 of the Revised Code, ~~the~~ 1931
effective date in the case of the adoption of any rules, rule or 1932
the amendment or rescission of any rules, rule that necessitates 1933
institutions' offering teacher preparation programs that are 1934
approved by the state board of education under section 3319.23 of 1935
the Revised Code to revise the curriculum of those programs, the 1936
effective date shall not be as prescribed in division (D) of 1937
section 119.03 and division (A)(1) of section 119.04 of the 1938
Revised Code. Instead, the effective date of such rules, or the 1939
amendment or rescission of such rules, shall be the date 1940
prescribed by section 3319.23 of the Revised Code. 1941

(2) Notwithstanding the authority to adopt, amend, or rescind 1942
emergency rules in division (F) of section 119.03 of the Revised 1943
Code, this authority shall not apply to the state board of 1944
education with regard to rules for educator licenses. 1945

(C)(1) The rules adopted under this section establishing 1946
standards requiring additional coursework for the renewal of any 1947
educator license shall require a school district and a chartered 1948
nonpublic school to establish local professional development 1949
committees. In a nonpublic school, the chief administrative 1950
officer shall establish the committees in any manner acceptable to 1951
such officer. The committees established under this division shall 1952
determine whether coursework that a district or chartered 1953
nonpublic school teacher proposes to complete meets the 1954
requirement of the rules. The department of education shall 1955
provide technical assistance and support to committees as the 1956
committees incorporate the professional development standards 1957

adopted by the state board of education pursuant to section 1958
3319.61 of the Revised Code into their review of coursework that 1959
is appropriate for license renewal. The rules shall establish a 1960
procedure by which a teacher may appeal the decision of a local 1961
professional development committee. 1962

(2) In any school district in which there is no exclusive 1963
representative established under Chapter 4117. of the Revised 1964
Code, the professional development committees shall be established 1965
as described in division (C)(2) of this section. 1966

Not later than the effective date of the rules adopted under 1967
this section, the board of education of each school district shall 1968
establish the structure for one or more local professional 1969
development committees to be operated by such school district. The 1970
committee structure so established by a district board shall 1971
remain in effect unless within thirty days prior to an anniversary 1972
of the date upon which the current committee structure was 1973
established, the board provides notice to all affected district 1974
employees that the committee structure is to be modified. 1975
Professional development committees may have a district-level or 1976
building-level scope of operations, and may be established with 1977
regard to particular grade or age levels for which an educator 1978
license is designated. 1979

Each professional development committee shall consist of at 1980
least three classroom teachers employed by the district, one 1981
principal employed by the district, and one other employee of the 1982
district appointed by the district superintendent. For committees 1983
with a building-level scope, the teacher and principal members 1984
shall be assigned to that building, and the teacher members shall 1985
be elected by majority vote of the classroom teachers assigned to 1986
that building. For committees with a district-level scope, the 1987
teacher members shall be elected by majority vote of the classroom 1988
teachers of the district, and the principal member shall be 1989

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elected by a majority vote of the principals of the district,
unless there are two or fewer principals employed by the district,
in which case the one or two principals employed shall serve on
the committee. If a committee has a particular grade or age level
scope, the teacher members shall be licensed to teach such grade
or age levels, and shall be elected by majority vote of the
classroom teachers holding such a license and the principal shall
be elected by all principals serving in buildings where any such
teachers serve. The district superintendent shall appoint a
replacement to fill any vacancy that occurs on a professional
development committee, except in the case of vacancies among the
elected classroom teacher members, which shall be filled by vote
of the remaining members of the committee so selected.

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

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The initial meeting of any professional development
committee, upon election and appointment of all committee members,
shall be called by a member designated by the district
superintendent. At this initial meeting, the committee shall
select a chairperson and such other officers the committee deems
necessary, and shall adopt rules for the conduct of its meetings.
Thereafter, the committee shall meet at the call of the
chairperson or upon the filing of a petition with the district

superintendent signed by a majority of the committee members 2022
calling for the committee to meet. 2023

(3) In the case of a school district in which an exclusive 2024
representative has been established pursuant to Chapter 4117. of 2025
the Revised Code, professional development committees shall be 2026
established in accordance with any collective bargaining agreement 2027
in effect in the district that includes provisions for such 2028
committees. 2029

If the collective bargaining agreement does not specify a 2030
different method for the selection of teacher members of the 2031
committees, the exclusive representative of the district's 2032
teachers shall select the teacher members. 2033

If the collective bargaining agreement does not specify a 2034
different structure for the committees, the board of education of 2035
the school district shall establish the structure, including the 2036
number of committees and the number of teacher and administrative 2037
members on each committee; the specific administrative members to 2038
be part of each committee; whether the scope of the committees 2039
will be district levels, building levels, or by type of grade or 2040
age levels for which educator licenses are designated; the lengths 2041
of terms for members; the manner of filling vacancies on the 2042
committees; and the frequency and time and place of meetings. 2043
However, in all cases, except as provided in division (C)(4) of 2044
this section, there shall be a majority of teacher members of any 2045
professional development committee, there shall be at least five 2046
total members of any professional development committee, and the 2047
exclusive representative shall designate replacement members in 2048
the case of vacancies among teacher members, unless the collective 2049
bargaining agreement specifies a different method of selecting 2050
such replacements. 2051

(4) Whenever an administrator's coursework plan is being 2052
discussed or voted upon, the local professional development 2053

committee shall, at the request of one of its administrative 2054
members, cause a majority of the committee to consist of 2055
administrative members by reducing the number of teacher members 2056
voting on the plan. 2057

(D)(1) The department of education, educational service 2058
centers, county boards of mental retardation and developmental 2059
disabilities, regional professional development centers, special 2060
education regional resource centers, college and university 2061
departments of education, head start programs, the Ohio SchoolNet 2062
commission, and the Ohio education computer network may establish 2063
local professional development committees to determine whether the 2064
coursework proposed by their employees who are licensed or 2065
certificated under this section or section 3319.222 of the Revised 2066
Code meet the requirements of the rules adopted under this 2067
section. They may establish local professional development 2068
committees on their own or in collaboration with a school district 2069
or other agency having authority to establish them. 2070

Local professional development committees established by 2071
county boards of mental retardation and developmental disabilities 2072
shall be structured in a manner comparable to the structures 2073
prescribed for school districts in divisions (C)(2) and (3) of 2074
this section, as shall the committees established by any other 2075
entity specified in division (D)(1) of this section that provides 2076
educational services by employing or contracting for services of 2077
classroom teachers licensed or certificated under this section or 2078
section 3319.222 of the Revised Code. All other entities specified 2079
in division (D)(1) of this section shall structure their 2080
committees in accordance with guidelines which shall be issued by 2081
the state board. 2082

(2) Any public agency that is not specified in division 2083
(D)(1) of this section but provides educational services and 2084
employs or contracts for services of classroom teachers licensed 2085

or certificated under this section or section 3319.222 of the Revised Code may establish a local professional development committee, subject to the approval of the department of education. The committee shall be structured in accordance with guidelines issued by the state board.

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

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

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

~~(B)~~(2) The individual holds at least a baccalaureate degree from an accredited institution of higher education in a field related to finance or administration, or has five years of recent work experience in education, management, or administration.

A one-year temporary educator license is valid only in the district whose board requested the license. An individual holding such a license may be employed as a superintendent or in any other

administrative position in such district. The state board of 2117
education may renew such license annually upon request of the 2118
employing district. 2119

Sec. 3319.227. This section does not apply to any classroom 2120
teacher required to be a highly qualified teacher pursuant to 2121
section 3319.074 of the Revised Code. 2122

Notwithstanding any provision to the contrary in this chapter 2123
or in any educator licensing rule adopted by the state board of 2124
education under authority granted under this chapter, any 2125
individual who holds an educator license issued under section 2126
3319.22 of the Revised Code or a teacher's certificate issued 2127
under former section 3319.22 of the Revised Code that has 2128
continuing effect under section 3319.222 of the Revised Code may 2129
be employed to teach for up to two school years in a grade level 2130
or in a subject or teaching area for which the individual's 2131
license or certificate is not valid, as long as the individual 2132
agrees that during that time the individual will enroll in, 2133
attend, and complete coursework required by rule of the state 2134
board for licensure to teach in that grade level or in that 2135
subject or teaching area. The necessary coursework may be 2136
completed through classes developed and offered by regional 2137
professional development providers, such as special education 2138
regional resource centers, regional professional development 2139
centers, educational service centers, local education agencies, 2140
professional organizations, and institutions of higher education, 2141
provided the coursework is taken for credit in collaboration with 2142
a college or university that has a teacher education program 2143
approved by the state board. No person shall teach in a grade 2144
level or subject or teaching area under this section beyond two 2145
years until the person has completed all coursework and tests 2146
prescribed by the state board for licensure in that grade level or 2147
subject or teaching area. 2148

Sec. 3319.23. The state board of education shall establish 2149
standards and courses of study for the preparation of teachers, 2150
shall provide for the inspection of institutions desiring to 2151
prepare teachers, shall approve such institutions as maintain 2152
satisfactory training procedures, and shall properly license the 2153
graduates of such approved courses and institutions. If the 2154
standards adopted by the state board under this section require an 2155
institution also to satisfy the standards of an independent 2156
accreditation organization, the state board shall permit each 2157
institution to satisfy the standards of either the national 2158
council for accreditation of teacher education or the teacher 2159
education accreditation council. 2160

The standards and courses of study for the preparation of 2161
teachers together with the standards, rules, and regulations set 2162
for each kind of license and for the renewal and conversion 2163
thereof shall be adopted and published by the board in accordance 2164
with Chapter 119. of the Revised Code ~~and no change therein.~~ 2165
Notwithstanding division (D) of section 119.03 and division (A)(1) 2166
of section 119.04 of the Revised Code, any standards, courses of 2167
study, rules, and regulations, or any amendment or rescission of 2168
such standards, courses of study, rules, and regulations, adopted 2169
by the board under this section that necessitate institutions 2170
offering teacher preparation programs approved by the board to 2171
revise the curriculum of those programs shall not be effective for 2172
at least one year from the first day of January next succeeding 2173
the publication of the said change. 2174

Sec. 3319.25. Any teacher performance assessment entity with 2175
which the department of education or the state board of education 2176
contracts or any independent agent with whom such entity, the 2177
department, or the state board contracts to provide services as a 2178
teacher performance assessor, trainer of assessors, or assessment 2179

coordinator is not liable for damages in a civil action concerning 2180
the actions of such entity or agent made in the conduct of a 2181
teacher performance assessment unless those actions were conducted 2182
with malicious purpose, in bad faith, or in a wanton or reckless 2183
manner. 2184

As used in this section, "teacher performance assessment" 2185
means an assessment prescribed by the state board of education to 2186
measure the classroom performance of a teacher who is a candidate 2187
for a professional educator license based on observations 2188
conducted by a trained assessor while the teacher is engaged in 2189
actual classroom instruction. 2190

Sec. 3319.26. (A) The state board of education shall adopt 2191
rules establishing the standards and requirements for obtaining an 2192
alternative educator license for teaching in grades seven to 2193
twelve, or the equivalent, in a designated subject area. However, 2194
an alternative educator license in the area of intervention 2195
specialist, as defined by rule of the state board, shall be valid 2196
for teaching in grades kindergarten to twelve. ~~The~~ 2197

(B)(1) The rules shall require applicants for the license to 2198
hold satisfy the following conditions prior to issuance of the 2199
license: 2200

(a) Hold a minimum of a baccalaureate degree, to have 2201
successfully completed; 2202

(b) Successfully complete three semester hours or the 2203
equivalent of college coursework in the developmental 2204
characteristics of adolescent youths and three semester hours or 2205
the equivalent in teaching methods, ~~and to have passed;~~ 2206

(c) Pass an examination in the subject area for which 2207
application is being made. ~~An~~ 2208

(2) An alternative educator license shall be valid for two 2209
years and shall not be renewable. 2210

(3) The rules shall require the holder of an alternative 2211
educator license, as a condition of continuing to hold the 2212
license, to show satisfactory progress in taking and successfully 2213
completing within two years at least twelve additional semester 2214
hours, or the equivalent, of college coursework in the principles 2215
and practices of teaching in such topics as student development 2216
and learning, pupil assessment procedures, curriculum development, 2217
classroom management, and teaching methodology. 2218

(C) The rules shall provide for the granting of a provisional 2219
educator license to a holder of an alternative educator license 2220
upon successfully completing all of the following: 2221

~~(A)(1)~~ Two years of teaching under the alternative license; 2222

~~(B)(2)~~ The twelve semester hours, or the equivalent, of the 2223
additional college coursework described in division (B)(3) of this 2224
section; 2225

~~(C)(3)~~ The assessment of ~~subject matter content and~~ 2226
professional knowledge that is required of other applicants for a 2227
provisional educator license. The standards for successfully 2228
completing this assessment and the manner of conducting the 2229
assessment shall be the same as for any other applicant for a 2230
provisional educator license. 2231

Sec. 3319.261. An individual who otherwise qualifies for an 2232
alternative educator license for employment as an intervention 2233
specialist as authorized under section 3319.26 of the Revised Code 2234
shall be issued such license without successful completion of the 2235
examination specified in division (B)(1)(c) of section 3319.26 of 2236
the Revised Code. The individual to whom the alternative educator 2237
license is issued under this section shall be required to 2238

successfully complete that examination prior to issuance of a 2239
provisional educator license as provided in division (C) of 2240
section 3319.26 of the Revised Code only after completing the 2241
coursework prescribed in division (B)(3) of that section. 2242

Sec. 3319.27. (A) The state board of education shall adopt 2243
rules that establish an alternative principal license. The rules 2244
establishing an alternative principal license shall include a 2245
requirement that an applicant have obtained classroom teaching 2246
experience. Beginning on the effective date of the rules, the 2247
state board shall cease to issue temporary educator licenses 2248
pursuant to section 3319.225 of the Revised Code for employment as 2249
a principal. Any person who on the effective date of the rules 2250
holds a valid temporary educator license issued under that section 2251
and is employed as a principal shall be allowed to continue 2252
employment as a principal until the expiration of the license. 2253
Employment of any such person as a principal by a school district 2254
after the expiration of the temporary educator license shall be 2255
contingent upon the state board issuing the person an alternative 2256
principal license in accordance with the rules adopted under this 2257
division. 2258

(B) The state board shall adopt rules that establish an 2259
alternative administrator license, which shall be valid for 2260
employment as a superintendent or in any other administrative 2261
position except principal. Beginning on the effective date of the 2262
rules, the state board shall cease to issue temporary educator 2263
licenses pursuant to section 3319.225 of the Revised Code for 2264
employment as a superintendent or in any other administrative 2265
position except principal. Any person who on the effective date of 2266
the rules holds a valid temporary educator license issued under 2267
that section and is employed as a superintendent or in any other 2268
administrative position except principal shall be allowed to 2269

continue employment in that position until the expiration of the 2270
license. Employment of any such person as a superintendent or in 2271
any other administrative position except principal by a school 2272
district after the expiration of the temporary educator license 2273
shall be contingent upon the state board issuing the person an 2274
alternative administrator license in accordance with the rules 2275
adopted under this division. 2276

Sec. 3319.283. (A) The board of education of any school 2277
district may employ an individual who is not certificated or 2278
licensed as required by Chapter 3319. of the Revised Code, but who 2279
meets the following qualifications, as a teacher in the schools of 2280
the district: 2281

(1) The individual is a veteran of the armed forces of the 2282
United States and was honorably discharged within three years of 2283
~~the effective date of this amendment~~ June 30, 1997; 2284

(2) While in the armed forces the individual had meaningful 2285
teaching or other instructional experience; 2286

(3) The individual holds at least a baccalaureate degree. 2287

(B) An individual employed under this section shall be deemed 2288
to hold a teaching certificate or educator license for the 2289
purposes of state and federal law and rules and regulations and 2290
school district policies, rules, and regulations. ~~Such individuals~~ 2291
However, an individual employed under this section is not a highly 2292
qualified teacher for purposes of the school district's compliance 2293
with section 3319.074 of the Revised Code. Each individual 2294
employed under this section shall meet the requirement to 2295
successfully complete fifteen hours, or the equivalent, of 2296
coursework every five years that is approved by the local 2297
professional development committee as is required of other 2298
teachers licensed in accordance with Chapter 3319. of the Revised 2299

Code. 2300

(C) The superintendent of public instruction may revoke the 2301
right of an individual employed under division (A) of this section 2302
to teach if, after an investigation and an adjudication conducted 2303
pursuant to Chapter 119. of the Revised Code, the superintendent 2304
finds that the person is not competent to teach the subject the 2305
person has been employed to teach or did not fulfill the 2306
requirements of division (A) of this section. No individual whose 2307
right to teach has been revoked under this division shall teach in 2308
a public school, and no board of education may engage such an 2309
individual to teach in the schools of its district. 2310

Notwithstanding division (B) of this section, a board of 2311
education is not required to comply with the provisions of 2312
sections 3319.11 and 3319.16 of the Revised Code with regard to 2313
termination of employment if the superintendent, after an 2314
investigation and an adjudication, has revoked the individual's 2315
right to teach. 2316

Sec. 3319.29. Each application for any license or certificate 2317
pursuant to ~~section~~ sections 3319.22 to ~~3319.28~~ 3319.27 of the 2318
Revised Code or for any permit pursuant to section 3319.301 or 2319
3319.303 of the Revised Code, or renewal or duplicate of such a 2320
license, certificate, or permit, shall be accompanied by the 2321
payment of a fee in the amount established under division (A) of 2322
section 3319.51 of the Revised Code. Any fees received under this 2323
section shall be paid into the state treasury to the credit of the 2324
state board of education licensure fund established under division 2325
(B) of section 3319.51 of the Revised Code. 2326

Any person applying for or holding a license, certificate, or 2327
permit pursuant to this section and sections 3319.22 to ~~3319.28~~ 2328
3319.27 or section 3319.301 or 3319.303 of the Revised Code is 2329
subject to sections 3123.41 to 3123.50 of the Revised Code and any 2330

applicable rules adopted under section 3123.63 of the Revised Code 2331
and sections 3319.31 and 3319.311 of the Revised Code. 2332

Sec. 3319.291. (A) ~~Except for a certificate of the type~~ 2333
~~described in division (B) of section 3319.281 of the Revised Code,~~ 2334
~~when~~ When any person initially applies for any certificate, 2335
license, or permit described in division (B) of section 3301.071 2336
~~or~~ in section 3301.074, 3319.088, or 3319.29, or in division (A) 2337
of section 3319.303 of the Revised Code, the state board of 2338
education shall require the person to submit with the application 2339
two complete sets of fingerprints and written permission that 2340
authorizes the superintendent of public instruction to forward the 2341
fingerprints to the bureau of criminal identification and 2342
investigation pursuant to division (F) of section 109.57 of the 2343
Revised Code and that authorizes that bureau to forward the 2344
fingerprints to the federal bureau of investigation for purposes 2345
of obtaining any criminal records that the federal bureau 2346
maintains on the person. 2347

(B) The state board of education or the superintendent of 2348
public instruction may request the superintendent of the bureau of 2349
criminal identification and investigation to do either or both of 2350
the following: 2351

(1) Investigate and determine whether the bureau has any 2352
information, gathered pursuant to division (A) of section 109.57 2353
of the Revised Code, pertaining to any person submitting 2354
fingerprints and written permission under this section; 2355

(2) Obtain any criminal records that the federal bureau of 2356
investigation has on the person. 2357

Sec. 3319.303. (A) The state board of education shall adopt 2358
rules establishing standards and requirements for obtaining a 2359
pupil-activity program permit for any individual who does not hold 2360

a valid educator license, certificate, or permit issued by the state board under section 3319.22, 3319.26, 3319.27, or 3319.302 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued under this section shall be valid for three years and shall be renewable.

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

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

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

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(1) Engaging in an immoral act, incompetence, negligence, or

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conduct that is unbecoming to the applicant's or person's	2391
position;	2392
(2) A plea of guilty to, a finding of guilt by a jury or	2393
court of, or a conviction of any of the following:	2394
(a) A felony;	2395
(b) A violation of section 2907.04 or 2907.06 or division (A)	2396
or (B) of section 2907.07 of the Revised Code;	2397
(c) An offense of violence;	2398
(d) A theft offense, as defined in section 2913.01 of the	2399
Revised Code;	2400
(e) A drug abuse offense, as defined in section 2925.01 of	2401
the Revised Code, that is not a minor misdemeanor;	2402
(f) A violation of an ordinance of a municipal corporation	2403
that is substantively comparable to an offense listed in divisions	2404
(B)(2)(a) to (e) of this section.	2405
(C) The state board may take action under division (B) of	2406
this section on the basis of substantially comparable conduct	2407
occurring in a jurisdiction outside this state or occurring before	2408
a person applies for or receives any license.	2409
(D) The state board may adopt rules in accordance with	2410
Chapter 119. of the Revised Code to carry out this section and	2411
section 3319.311 of the Revised Code.	2412
Sec. 3319.311. (A) The state board of education, or the	2413
superintendent of public instruction on behalf of the board, may	2414
investigate any information received about a person that	2415
reasonably appears to be a basis for action under section 3319.31	2416
of the Revised Code. The board shall contract with the office of	2417
the Ohio attorney general to conduct any investigation of that	2418
nature. The board shall pay for the costs of the contract only	2419

from moneys in the state board of education licensure fund 2420
established under division (B) of section 3319.51 of the Revised 2421
Code. All information obtained during an investigation is 2422
confidential and is not a public record under section 149.43 of 2423
the Revised Code. If an investigation is conducted under this 2424
division regarding information received about a person and no 2425
action is taken against the person under this section or section 2426
3319.31 of the Revised Code within two years of the completion of 2427
the investigation, all records of the investigation shall be 2428
expunged. 2429

(B) The superintendent of public instruction shall review the 2430
results of each investigation of a person conducted under division 2431
(A) of this section and shall determine, on behalf of the state 2432
board, whether the results warrant initiating action under section 2433
3319.31 of the Revised Code. The superintendent shall advise the 2434
board of such determination at a meeting of the board. Within 2435
fourteen days of the next meeting of the board, any member of the 2436
board may ask that the question of initiating action under section 2437
3319.31 of the Revised Code be placed on the board's agenda for 2438
that next meeting. Prior to initiating that action against any 2439
person, the person's name and any other personally identifiable 2440
information shall remain confidential. 2441

(C) The board shall take no action against a person under 2442
section 3319.31 of the Revised Code without providing the person 2443
with written notice of the charges and with an opportunity for a 2444
hearing in accordance with Chapter 119. of the Revised Code. ~~For~~ 2445

(D) For purposes of the an investigation under division (A) 2446
of this section or a hearing under division (C) of this section, 2447
the board, or the superintendent on behalf of the board, may 2448
administer oaths, order the taking of depositions, issue 2449
subpoenas, and compel the attendance of witnesses and the 2450

production of books, accounts, papers, records, documents, and 2451
testimony. The issuance of subpoenas under this division may be by 2452
certified mail or personal delivery to the person. 2453

~~(D)~~(E) The superintendent, on behalf of the board, may enter 2454
into a consent agreement with a person against whom action is 2455
being taken under section 3319.31 of the Revised Code. The board 2456
may adopt rules governing the superintendent's action under this 2457
division. 2458

~~(E)~~(F) The board automatically may suspend any license 2459
without a prior hearing if the license holder is convicted of or 2460
pleads guilty to one or more of the following offenses or a 2461
violation of an ordinance of a municipal corporation or a law of 2462
another state that is substantially comparable to one of the 2463
following offenses: aggravated murder; murder; aggravated arson; 2464
aggravated robbery; aggravated burglary; voluntary manslaughter; 2465
felonious assault; kidnapping; rape; sexual battery; gross sexual 2466
imposition; or unlawful sexual conduct with a minor. A suspension 2467
under this division is effective on the date of the conviction or 2468
guilty plea. 2469

For a suspension under this division, the board, in 2470
accordance with section 119.07 of the Revised Code, shall issue a 2471
written order of suspension to the license holder by certified 2472
mail or in person and shall afford the person a hearing upon 2473
request. If the person does not request a hearing within the time 2474
limits established by that section, the board shall enter a final 2475
order revoking the person's license. An order of suspension under 2476
this division is not subject to suspension by a court during the 2477
pendency of an appeal filed under section 119.12 of the Revised 2478
Code. 2479

An order of suspension under this division shall remain in 2480
effect, unless reversed on appeal, until the final order of the 2481
board, issued pursuant to this section and Chapter 119. of the 2482

Revised Code, becomes effective. The board shall issue a final 2483
order within sixty days of the date of an order of suspension 2484
under this division or a hearing on an order of suspension, 2485
whichever is later. If the board fails to issue a final order by 2486
that deadline, the order of suspension is dissolved. No 2487
dissolution of an order of suspension under this division shall 2488
invalidate a subsequent final order of the board. 2489

~~(F)~~(G) No surrender of a license shall be effective until the 2490
board takes action to accept the surrender unless the surrender is 2491
pursuant to a consent agreement entered into under division ~~(D)~~(E) 2492
of this section. 2493

Sec. 3319.36. (A) No treasurer of a board of education or 2494
educational service center shall draw a check for the payment of a 2495
teacher for services until the teacher files with the treasurer 2496
both of the following: 2497

(1) Such reports as are required by the state board of 2498
education, the school district board of education, or the 2499
superintendent of schools; 2500

(2) Except for a teacher who is engaged pursuant to section 2501
3319.301 of the Revised Code, a written statement from the city, 2502
exempted village, or local school district superintendent or the 2503
educational service center superintendent that the teacher has 2504
filed with the treasurer a legal educator license ~~or internship~~ 2505
~~certificate~~, or true copy of it, to teach the subjects or grades 2506
taught, with the dates of its validity. The state board of 2507
education shall prescribe the record and administration for such 2508
filing of educator licenses ~~and internship certificates~~ in 2509
educational service centers. 2510

(B) Notwithstanding division (A) of this section, the 2511
treasurer may pay either of the following: 2512

(1) Any teacher for services rendered during the first two 2513
months of the teacher's initial employment with the school 2514
district or educational service center, provided such teacher is 2515
the holder of a bachelor's degree or higher and has filed with the 2516
state board of education an application for the issuance of a 2517
provisional or professional educator license. 2518

(2) Any substitute teacher for services rendered while 2519
conditionally employed under section 3319.101 of the Revised Code. 2520

(C) Upon notice to the treasurer given by the state board of 2521
education or any superintendent having jurisdiction that reports 2522
required of a teacher have not been made, the treasurer shall 2523
withhold the salary of the teacher until the required reports are 2524
completed and furnished. 2525

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 2526
of section 109.57 of the Revised Code ~~and division (I) of this~~ 2527
~~section~~, the appointing or hiring officer of the board of 2528
education of a school district, the governing board of an 2529
educational service center, or of a chartered nonpublic school 2530
shall request the superintendent of the bureau of criminal 2531
identification and investigation to conduct a criminal records 2532
check with respect to any applicant who has applied to the school 2533
district, educational service center, or school for employment in 2534
any position as a person responsible for the care, custody, or 2535
control of a child. If the applicant does not present proof that 2536
the applicant has been a resident of this state for the five-year 2537
period immediately prior to the date upon which the criminal 2538
records check is requested or does not provide evidence that 2539
within that five-year period the superintendent has requested 2540
information about the applicant from the federal bureau of 2541
investigation in a criminal records check, the appointing or 2542
hiring officer shall request that the superintendent obtain 2543

information from the federal bureau of investigation as a part of 2544
the criminal records check for the applicant. If the applicant 2545
presents proof that the applicant has been a resident of this 2546
state for that five-year period, the appointing or hiring officer 2547
may request that the superintendent include information from the 2548
federal bureau of investigation in the criminal records check. 2549

(2) A person required by division (A)(1) of this section to 2550
request a criminal records check shall provide to each applicant a 2551
copy of the form prescribed pursuant to division (C)(2) of section 2552
109.572 of the Revised Code, provide to each applicant a standard 2553
impression sheet to obtain fingerprint impressions prescribed 2554
pursuant to division (C)(2) of section 109.572 of the Revised 2555
Code, obtain the completed form and impression sheet from each 2556
applicant, and forward the completed form and impression sheet to 2557
the superintendent of the bureau of criminal identification and 2558
investigation at the time the person requests a criminal records 2559
check pursuant to division (A)(1) of this section. 2560

(3) An applicant who receives pursuant to division (A)(2) of 2561
this section a copy of the form prescribed pursuant to division 2562
(C)(1) of section 109.572 of the Revised Code and a copy of an 2563
impression sheet prescribed pursuant to division (C)(2) of that 2564
section and who is requested to complete the form and provide a 2565
set of fingerprint impressions shall complete the form or provide 2566
all the information necessary to complete the form and shall 2567
provide the impression sheet with the impressions of the 2568
applicant's fingerprints. If an applicant, upon request, fails to 2569
provide the information necessary to complete the form or fails to 2570
provide impressions of the applicant's fingerprints, the board of 2571
education of a school district, governing board of an educational 2572
service center, or governing authority of a chartered nonpublic 2573
school shall not employ that applicant for any position for which 2574
a criminal records check is required pursuant to division (A)(1) 2575

of this section. 2576

(B)(1) Except as provided in rules adopted by the department 2577
of education in accordance with division (E) of this section and 2578
as provided in division (B)(3) of this section, no board of 2579
education of a school district, no governing board of an 2580
educational service center, and no governing authority of a 2581
chartered nonpublic school shall employ a person as a person 2582
responsible for the care, custody, or control of a child if the 2583
person previously has been convicted of or pleaded guilty to any 2584
of the following: 2585

(a) A violation of section 2903.01, 2903.02, 2903.03, 2586
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2587
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2588
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2589
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2590
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2591
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2592
2925.06, or 3716.11 of the Revised Code, a violation of section 2593
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2594
violation of section 2919.23 of the Revised Code that would have 2595
been a violation of section 2905.04 of the Revised Code as it 2596
existed prior to July 1, 1996, had the violation been committed 2597
prior to that date, a violation of section 2925.11 of the Revised 2598
Code that is not a minor drug possession offense, or felonious 2599
sexual penetration in violation of former section 2907.12 of the 2600
Revised Code; 2601

(b) A violation of an existing or former law of this state, 2602
another state, or the United States that is substantially 2603
equivalent to any of the offenses or violations described in 2604
division (B)(1)(a) of this section. 2605

(2) A board, governing board of an educational service 2606
center, or a governing authority of a chartered nonpublic school 2607

may employ an applicant conditionally until the criminal records 2608
check required by this section is completed and the board or 2609
governing authority receives the results of the criminal records 2610
check. If the results of the criminal records check indicate that, 2611
pursuant to division (B)(1) of this section, the applicant does 2612
not qualify for employment, the board or governing authority shall 2613
release the applicant from employment. 2614

(3) No board and no governing authority of a chartered 2615
nonpublic school shall employ a teacher who previously has been 2616
convicted of or pleaded guilty to any of the offenses listed in 2617
section 3319.31 of the Revised Code. 2618

(C)(1) Each board and each governing authority of a chartered 2619
nonpublic school shall pay to the bureau of criminal 2620
identification and investigation the fee prescribed pursuant to 2621
division (C)(3) of section 109.572 of the Revised Code for each 2622
criminal records check conducted in accordance with that section 2623
upon the request pursuant to division (A)(1) of this section of 2624
the appointing or hiring officer of the board or governing 2625
authority. 2626

(2) A board and the governing authority of a chartered 2627
nonpublic school may charge an applicant a fee for the costs it 2628
incurs in obtaining a criminal records check under this section. A 2629
fee charged under this division shall not exceed the amount of 2630
fees the board or governing authority pays under division (C)(1) 2631
of this section. If a fee is charged under this division, the 2632
board or governing authority shall notify the applicant at the 2633
time of the applicant's initial application for employment of the 2634
amount of the fee and that, unless the fee is paid, the board or 2635
governing authority will not consider the applicant for 2636
employment. 2637

(D) The report of any criminal records check conducted by the 2638
bureau of criminal identification and investigation in accordance 2639

with section 109.572 of the Revised Code and pursuant to a request 2640
under division (A)(1) of this section is not a public record for 2641
the purposes of section 149.43 of the Revised Code and shall not 2642
be made available to any person other than the applicant who is 2643
the subject of the criminal records check or the applicant's 2644
representative, the board or governing authority requesting the 2645
criminal records check or its representative, and any court, 2646
hearing officer, or other necessary individual involved in a case 2647
dealing with the denial of employment to the applicant. 2648

(E) The department of education shall adopt rules pursuant to 2649
Chapter 119. of the Revised Code to implement this section, 2650
including rules specifying circumstances under which the board or 2651
governing authority may hire a person who has been convicted of an 2652
offense listed in division (B)(1) of this section but who meets 2653
standards in regard to rehabilitation set by the department. 2654

(F) Any person required by division (A)(1) of this section to 2655
request a criminal records check shall inform each person, at the 2656
time of the person's initial application for employment, of the 2657
requirement to provide a set of fingerprint impressions and that a 2658
criminal records check is required to be conducted and 2659
satisfactorily completed in accordance with section 109.572 of the 2660
Revised Code if the person comes under final consideration for 2661
appointment or employment as a precondition to employment for the 2662
school district, educational service center, or school for that 2663
position. 2664

(G) As used in this section: 2665

(1) "Applicant" means a person who is under final 2666
consideration for appointment or employment in a position with a 2667
board of education, governing board of an educational service 2668
center, or a chartered nonpublic school as a person responsible 2669
for the care, custody, or control of a child, except that 2670
"applicant" does not include a person already employed by a board 2671

or chartered nonpublic school in a position of care, custody, or 2672
control of a child who is under consideration for a different 2673
position with such board or school. 2674

(2) "Teacher" means a person holding an educator license, 2675
~~internship certificate,~~ or permit issued under section 3319.22, 2676
~~3319.28,~~ or 3319.301 of the Revised Code and teachers in a 2677
chartered nonpublic school. 2678

(3) "Criminal records check" has the same meaning as in 2679
section 109.572 of the Revised Code. 2680

(4) "Minor drug possession offense" has the same meaning as 2681
in section 2925.01 of the Revised Code. 2682

(H) If the board of education of a local school district 2683
adopts a resolution requesting the assistance of the educational 2684
service center in which the local district has territory in 2685
conducting criminal records checks of substitute teachers under 2686
this section, the appointing or hiring officer of such educational 2687
service center shall serve for purposes of this section as the 2688
appointing or hiring officer of the local board in the case of 2689
hiring substitute teachers for employment in the local district. 2690

~~(I) The requirements of this section shall not apply to a 2691
person holding a certificate of the type described in section 2692
3319.281 of the Revised Code who applies to a school district or 2693
school for employment in an adult instruction position under which 2694
that person is not responsible for the care, custody, or control 2695
of a child. 2696~~

Sec. 3319.51. (A) The state board of education shall annually 2697
establish the amount of the fees required to be paid under 2698
division (B) of section 3301.071 and, under sections 3301.074, 2699
3319.088, 3319.29, and 3319.302, and under division (A) of section 2700
3319.303 of the Revised Code. The amount of these fees shall be 2701

such that they, along with any appropriation made to the fund 2702
established under division (B) of this section, will be sufficient 2703
to cover the annual estimated cost of administering the sections 2704
of law listed under division (B) of this section. 2705

(B) There is hereby established in the state treasury the 2706
state board of education licensure fund, which shall be used by 2707
the state board of education solely to pay the cost of 2708
administering sections 3301.071, 3301.074, 3319.088, 3319.22, 2709
~~3319.28~~, 3319.29, 3319.291, 3319.301, 3319.302, 3319.303, and 2710
3319.31 of the Revised Code. The fund shall consist of the amounts 2711
paid into the fund pursuant to division (B) of section 3301.071 2712
~~and~~, sections 3301.074, 3319.088, 3319.29, and 3319.302, and 2713
division (A) of section 3319.303 of the Revised Code and any 2714
appropriations to the fund by the general assembly. 2715

Sec. 3319.56. The department of education shall identify 2716
promising practices in Ohio and throughout the country for 2717
engaging teachers certified by the national board for professional 2718
teaching standards in ways that add value beyond their own 2719
classrooms. Practices identified by the department as promising 2720
may include placing national board certified teachers in key roles 2721
in peer review programs; having such teachers serve as coaches, 2722
mentors, and trainers for other teachers; or having such teachers 2723
develop curricula or instructional integration strategies. 2724

Once the department has identified promising practices, the 2725
department shall inform all school districts of the practices by 2726
posting such information on the department's world wide web site. 2727

Sec. 3319.57. (A) A grant program is hereby established under 2728
which the department of education shall award grants to assist 2729
certain schools in a city, exempted village, local, or joint 2730
vocational school district in implementing one of the following 2731

<u>innovations:</u>	2732
<u>(1) The use of instructional specialists to mentor and support classroom teachers;</u>	2733 2734
<u>(2) 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;</u>	2735 2736 2737 2738 2739
<u>(3) 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;</u>	2740 2741 2742 2743
<u>(4) 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;</u>	2744 2745 2746
<u>(5) 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;</u>	2747 2748 2749 2750
<u>(6) 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;</u>	2751 2752 2753 2754 2755
<u>(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;</u>	2756 2757
<u>(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;</u>	2758 2759
<u>(9) The development and implementation of a partnership with</u>	2760

teacher preparation programs at colleges and universities to help 2761
attract teachers qualified to teach in shortage areas; 2762

(10) The implementation of a program to increase the cultural 2763
competency of both new and veteran teachers; 2764

(11) The implementation of a program to increase the subject 2765
matter competency of veteran teachers. 2766

(B) To qualify for a grant to implement one of the 2767
innovations described in division (A) of this section, a school 2768
must meet both of the following criteria: 2769

(1) Be hard to staff, as defined by the department. 2770

(2) Use existing school district funds for the implementation 2771
of the innovation in an amount equal to the grant amount 2772
multiplied by (1 - the district's state share percentage for the 2773
fiscal year in which the grant is awarded). 2774

For purposes of division (B)(2) of this section, "state share 2775
percentage" shall be as calculated under section 3317.022 of the 2776
Revised Code, in the case of a city, local, or exempted village 2777
school district, or as calculated under section 3317.16 of the 2778
Revised Code, in the case of a joint vocational school district. 2779

(C) The amount and number of grants awarded under this 2780
section shall be determined by the department based on any 2781
appropriations made by the general assembly for grants under this 2782
section. 2783

(D) The state board of education shall adopt rules for the 2784
administration of this grant program. 2785

Sec. 3319.60. There is hereby established the educator 2786
standards board. The board shall develop and recommend to the 2787
state board of education standards for entering and continuing in 2788
the teaching and principalship professions and standards for 2789

<u>educator professional development.</u>	2790
<u>(A) The board shall consist of the following members</u>	2791
<u>appointed by the state board of education within sixty days of the</u>	2792
<u>effective date of this section:</u>	2793
<u>(1) Seven persons employed as teachers in a school district.</u>	2794
<u>Two persons appointed under this division shall be employed as</u>	2795
<u>teachers in a secondary school, two persons shall be employed as</u>	2796
<u>teachers in a middle school, two persons shall be employed as</u>	2797
<u>teachers in an elementary school, and one person shall be a</u>	2798
<u>teacher who serves on a local professional development committee</u>	2799
<u>pursuant to section 3319.22 of the Revised Code. At least one</u>	2800
<u>person appointed under this division shall hold a teaching</u>	2801
<u>certificate or license issued by the national board for</u>	2802
<u>professional teaching standards. The Ohio education association</u>	2803
<u>and the Ohio federation of teachers shall each submit a list of</u>	2804
<u>five nominees for these appointments.</u>	2805
<u>(2) One person employed as a teacher in a chartered,</u>	2806
<u>nonpublic school. Stakeholder groups selected by the state board</u>	2807
<u>shall submit a list of two nominees for this appointment.</u>	2808
<u>(3) Four persons employed as school administrators in a</u>	2809
<u>school district. Of the four persons appointed under this</u>	2810
<u>division, one person shall be employed as a secondary school</u>	2811
<u>principal, one person shall be employed as a middle school</u>	2812
<u>principal, one person shall be employed as an elementary school</u>	2813
<u>principal, and one person shall be employed as a school district</u>	2814
<u>superintendent. The state board shall solicit nominations for</u>	2815
<u>these appointments from the buckeye association of school</u>	2816
<u>administrators, the Ohio association of elementary school</u>	2817
<u>administrators, and the Ohio association of secondary school</u>	2818
<u>administrators.</u>	2819

(4) One person who is a member of a school district board of education. The Ohio school boards association shall submit a list of two nominees for this appointment. 2820
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(5) Five persons employed by institutions of higher education that offer teacher preparation programs approved under section 3319.23 of the Revised Code. One person appointed under this division shall be employed in the education department of an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; one person shall be employed in the education department of a state university, as defined in section 3345.011 of the Revised Code, or a university branch; one person shall be employed in the education department of a state community college, community college, or technical college; one person shall be employed in an administrative position by a state institution of higher education; and one person shall be employed in an administrative position by a private institution of higher education. The chancellor of the Ohio board of regents shall submit a list of six nominees for these appointments. 2823
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(6) The superintendent of public instruction or a designee of the superintendent, the chancellor of the Ohio board of regents or a designee of the chancellor, and the chairpersons of the education committees of the senate and house of representatives shall serve as nonvoting, ex officio members. 2839
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(B) Initial terms of office for nine members shall be for two years and three years for nine members, beginning on the day all members are appointed to the board. At the first meeting of the board, members shall draw lots to determine the length of the term each member shall serve. Thereafter terms of office shall be for two years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. At the first meeting, appointed members 2844
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shall select a chairperson and a vice-chairperson. Vacancies on 2852
the board shall be filled in the same manner as the original 2853
appointments. Any member appointed to fill a vacancy occurring 2854
prior to the expiration of the term for which the member's 2855
predecessor was appointed shall hold office for the remainder of 2856
such term. Any member shall continue in office subsequent to the 2857
expiration date of the member's term until the member's successor 2858
takes office, or until a period of sixty days has elapsed, 2859
whichever occurs first. The terms of office of members are 2860
renewable. 2861

(C) Members shall receive no compensation for their services. 2862

Sec. 3319.61. (A) The educator standards board, in 2863
consultation with the Ohio board of regents, shall do all of the 2864
following: 2865

(1) Develop state standards for teachers and principals that 2866
reflect what teachers and principals are expected to know and be 2867
able to do at all stages of their careers. These standards shall 2868
be aligned with the statewide academic content standards for 2869
students adopted pursuant to section 3301.079 of the Revised Code, 2870
be primarily based on educator performance instead of years of 2871
experience or certain courses completed, and rely on 2872
evidence-based factors. 2873

(a) The standards for teachers shall reflect the following 2874
additional criteria: 2875

(i) Alignment with the interstate new teacher assessment and 2876
support consortium standards; 2877

(ii) Differentiation among novice, experienced, and advanced 2878
teachers; 2879

(iii) Reliance on competencies that can be measured; 2880

(iv) Reliance on content knowledge, teaching skills, 2881

<u>discipline-specific teaching methods, and requirements for</u>	2882
<u>professional development;</u>	2883
<u>(v) Alignment with a career-long system of professional</u>	2884
<u>development and evaluation that ensures teachers receive the</u>	2885
<u>support and training needed to achieve the teaching standards as</u>	2886
<u>well as reliable feedback about how well they meet the standards.</u>	2887
<u>(b) The standards for principals shall be aligned with the</u>	2888
<u>interstate school leaders licensing consortium standards.</u>	2889
<u>(2) Develop standards for the renewal of educator licenses</u>	2890
<u>under section 3319.22 of the Revised Code;</u>	2891
<u>(3) Develop standards for educator professional development.</u>	2892
<u>(B) The educator standards board shall incorporate indicators</u>	2893
<u>of cultural competency into the standards developed under division</u>	2894
<u>(A) of this section. For this purpose, the educator standards</u>	2895
<u>board shall develop a definition of cultural competency based upon</u>	2896
<u>content and experiences that enable educators to know, understand,</u>	2897
<u>and appreciate the students, families, and communities that they</u>	2898
<u>serve and skills for addressing cultural diversity in ways that</u>	2899
<u>respond equitably and appropriately to the cultural needs of</u>	2900
<u>individual students.</u>	2901
<u>(C) In developing the standards under division (A) of this</u>	2902
<u>section, the educator standards board shall consider the impact of</u>	2903
<u>the standards on closing the achievement gap between students of</u>	2904
<u>different subgroups.</u>	2905
<u>(D) In developing the standards under division (A) of this</u>	2906
<u>section, the educator standards board shall ensure that teachers</u>	2907
<u>and principals have sufficient knowledge to provide appropriate</u>	2908
<u>instruction for students identified as gifted pursuant to Chapter</u>	2909
<u>3324. of the Revised Code and to assist in the identification of</u>	2910
<u>such students.</u>	2911

(E) The standards for educator professional development 2912
developed under division (A)(3) of this section shall include 2913
standards that address the crucial link between academic 2914
achievement and mental health issues. 2915

(F) The educator standards board shall also perform the 2916
following functions: 2917

(1) Collaborate with colleges and universities that offer 2918
teacher preparation programs approved pursuant to section 3319.23 2919
of the Revised Code to align teacher and principal preparation 2920
courses with the standards developed under division (A) of this 2921
section and with student academic content standards adopted under 2922
section 3301.079 of the Revised Code. The educator standards board 2923
shall study the model developed by the college of food, 2924
agricultural, and environmental sciences and the college of 2925
education of the Ohio state university for aligning teacher 2926
preparation programs in agricultural education with recognized 2927
standards for this purpose. 2928

(2) Monitor compliance with the teacher and principal 2929
standards developed under division (A) of this section and make 2930
recommendations to the state board of education for appropriate 2931
corrective action if such standards are not met; 2932

(3) Research, develop, and recommend policies on the 2933
professions of teaching and school administration; 2934

(4) Recommend policies to close the achievement gap between 2935
students of different subgroups. 2936

(G) The educator standards board shall submit recommendations 2937
of standards developed under division (A) of this section to the 2938
state board of education within one year after the educator 2939
standards board first convenes. The state board of education shall 2940
review the recommendations of the educator standards board 2941
developed under division (A) of this section. The state board of 2942

education may adopt standards based on the recommendations, make 2943
changes to the recommendations prior to adopting the standards, or 2944
direct the educator standards board to reconsider the 2945
recommendations. The state board of education shall review any 2946
revised recommendations submitted by the educator standards board. 2947
The final responsibility to determine whether to adopt standards 2948
as described in division (A) of this section and the content of 2949
those standards, if adopted, belongs solely to the state board of 2950
education. 2951

Sec. 3319.62. The department of education shall establish the 2952
state office of educator standards within the center for the 2953
teaching profession to provide administrative services to the 2954
educator standards board. The department may employ a director for 2955
the office and such other staff as are necessary for the operation 2956
of the office. When appropriate, current employees of the 2957
department shall conduct the operation of the office. 2958

Sec. 3319.65. The state board of education shall establish a 2959
credential review board. The credential review board shall carry 2960
out any functions assigned to it by the state board with respect 2961
to assessing individuals pursuing alternative routes to educator 2962
licensure and out of state educators seeking licensure in Ohio. 2963
The credential review board may also carry out any other duties 2964
the state board considers appropriate. 2965

Sec. 3333.161. (A) As used in this section: 2966

(1) "Articulation agreement" means an agreement between two 2967
or more state institutions of higher education to facilitate the 2968
transfer of students and credits between such institutions. 2969

(2) "State institution of higher education" and "state 2970
university" have the same meanings as in section 3345.011 of the 2971

<u>Revised Code.</u>	2972
<u>(3) "Two year college" includes a community college, state</u>	2973
<u>community college, technical college, and university branch.</u>	2974
<u>(B) Not later than April 15, 2005, the Ohio board of regents</u>	2975
<u>shall adopt rules establishing a statewide system for articulation</u>	2976
<u>agreements among state institutions of higher education for</u>	2977
<u>transfer students pursuing teacher education programs. The rules</u>	2978
<u>shall require an articulation agreement between institutions to</u>	2979
<u>include all of the following:</u>	2980
<u>(1) The development of a transfer module for teacher</u>	2981
<u>education that includes introductory level courses that are</u>	2982
<u>evaluated as appropriate by faculty employed by the state</u>	2983
<u>institutions of higher education that are parties to the</u>	2984
<u>articulation agreement;</u>	2985
<u>(2) A foundation of general studies courses that have been</u>	2986
<u>identified as part of the transfer module for teacher education</u>	2987
<u>and have been evaluated as appropriate for the preparation of</u>	2988
<u>teachers and consistent with the academic content standards</u>	2989
<u>adopted under section 3301.079 of the Revised Code;</u>	2990
<u>(3) A clear identification of university faculty who are</u>	2991
<u>partnered with two year college faculty;</u>	2992
<u>(4) The publication of the articulation agreement that is</u>	2993
<u>available to all students, faculty, and staff.</u>	2994
<u>Sec. 3333.36. The chancellor of the Ohio board of regents may</u>	2995
<u>allocate up to seventy thousand dollars in each fiscal year to</u>	2996
<u>make payments to the Columbus program in intergovernmental issues,</u>	2997
<u>an Ohio internship program at Kent state university, for</u>	2998
<u>scholarships of up to two thousand dollars for each student</u>	2999
<u>enrolled in the program. The chancellor may utilize any funds</u>	3000
<u>appropriated to the board of regents that the chancellor</u>	3001

<u>determines to be available for purposes of this section.</u>	3002
Sec. 3333.38. (A) As used in this section:	3003
(1) "Institution of higher education" includes all of the following:	3004
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	3005
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	3006
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	3007
(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;	3008
(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;	3009
(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;	3010
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	3011
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	3012
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	3013
(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.	3014
(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.	3015
(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.	3016
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.	3017
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.	3018
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.	3019
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.	3020
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.	3021
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.	3022
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:	3023
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:	3024
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:	3025
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:	3026
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:	3027
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:	3028
(1) A violation of section 2917.02 or 2917.03 of the Revised Code;	3029
(1) A violation of section 2917.02 or 2917.03 of the Revised Code;	3030

(2) A violation of section 2917.04 of the Revised Code that 3031
is a misdemeanor of the fourth degree ~~and occurs within the~~ 3032
~~proximate area where four or more others are acting in a course of~~ 3033
~~conduct in violation of section 2917.11 of the Revised Code;~~ 3034

(3) A violation of section 2917.13 of the Revised Code that 3035
is a misdemeanor of the fourth or first degree and occurs within 3036
the proximate area where four or more others are acting in a 3037
course of conduct in violation of section 2917.11 of the Revised 3038
Code. 3039

(C) If an individual is convicted of, pleads guilty to, or is 3040
adjudicated a delinquent child for committing a violation of 3041
section ~~2907.02~~ 2917.02 or ~~2907.03~~ 2917.03 of the Revised Code, 3042
and if the individual is enrolled in a state-supported institution 3043
of higher education, the institution in which the individual is 3044
enrolled shall immediately dismiss the individual. No 3045
state-supported institution of higher education shall admit an 3046
individual of that nature for one academic year after the 3047
individual applies for admission to a state-supported institution 3048
of higher education. This division does not limit or affect the 3049
ability of a state-supported institution of higher education to 3050
suspend or otherwise discipline its students. 3051

Sec. 5126.021. As used in this section, "immediate family" 3052
means parents, brothers, sisters, spouses, sons, daughters, 3053
mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, 3054
sons-in-law, and daughters-in-law. 3055

(A) The following individuals shall not serve as members of 3056
county boards of mental retardation and developmental 3057
disabilities: 3058

(1) Elected public officials, except for township trustees, 3059
township clerks, and those excluded from the definition of public 3060

official or employee in division (B) of section 102.01 of the Revised Code;

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

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

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

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

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

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

(E) A county board of mental retardation and developmental 3092
disabilities shall not contract with an agency whose board 3093
includes a county commissioner of the county served by the county 3094
board ~~or an employee of the same county board.~~ 3095

(F) Notwithstanding any provision of the Revised Code to the 3096
contrary, including applicable provisions of sections 102.03, 3097
102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a 3098
county board of mental retardation and developmental disabilities 3099
also may be a member of the governing board of an agency or a 3100
political subdivision, including the board of education of a 3101
school district. The county board of mental retardation and 3102
developmental disabilities may contract with the governing board 3103
of an agency or political subdivision whose member is also an 3104
employee of the county board, provided that in no circumstances 3105
shall such employee of the county board vote on any matter before 3106
the governing board of the agency or political subdivision 3107
concerning a county board contract or participate in any 3108
discussion or debate regarding that contract. 3109

Section 2. That existing sections 3301.079, 3301.0710, 3110
3301.0711, 3301.0712, 3301.0715, 3302.04, 3307.01, 3313.28, 3111
3313.53, 3313.713, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3112
3319.225, 3319.227, 3319.23, 3319.26, 3319.283, 3319.29, 3319.291, 3113
3319.31, 3319.311, 3319.36, 3319.39, 3319.51, 3333.38, and 3114
5126.021, and existing Section 12 of Sub. H.B. 364 of the 124th 3115
General Assembly, and sections 3301.801 and 3319.28 of the Revised 3116
Code are hereby repealed. 3117

Section 3. The Legislative Office of Education Oversight 3118
shall conduct a study of minimum starting salaries for teachers 3119
with bachelor degrees. The Office shall, in consultation with 3120
Ohio's education stakeholders, identify a select number of states 3121

that are demographically and economically similar to Ohio, 3122
including states that because of geographic proximity compete with 3123
Ohio for new teachers. For the state of Ohio and each of the 3124
selected states, the Office shall determine the minimum 3125
compensation levels for beginning teachers, calculate the average 3126
compensation for beginning teachers, and project, based on recent 3127
history and current economic conditions, the average compensation 3128
for beginning teachers in the 2007-2008 academic year. The Office 3129
shall also compare the selected states to Ohio. 3130

The Office shall submit the final results of this study to 3131
the Governor and members of the General Assembly not later than 3132
September 30, 2004. 3133

Section 4. As used in this section, "career ladder program" 3134
means a performance-based multilevel system of teaching positions 3135
or compensation levels within a school district or district 3136
building. 3137

The Educator Standards Board established by this act and the 3138
Department of Education jointly shall develop a proposal for a 3139
career ladder program. The Educator Standards Board and the 3140
Department also shall determine the estimated cost of implementing 3141
the proposal and how the Department would reallocate its resources 3142
to cover the costs of implementation. Within eighteen months after 3143
the Educator Standards Board convenes for its initial meeting, the 3144
Board and the Department shall make a report to the General 3145
Assembly describing their proposal for a career ladder program, 3146
including estimated costs for implementation and the manner in 3147
which the Department would pay for those costs. 3148

Section 5. The Department of Education and the Ohio Board of 3149
Regents shall develop a proposal for a pilot program between a 3150
school district and a college or university that is approved to 3151

offer teacher preparation programs pursuant to section 3319.23 of 3152
the Revised Code. The pilot program shall encourage the college or 3153
university's faculty to spend more time in the school district's 3154
buildings and classrooms and engage in other clinical experiences. 3155
In addition, participation in the pilot program shall require a 3156
college or university to provide incentives for faculty to share 3157
what they have learned from the pilot program with their 3158
colleagues through publications and other learning experiences. 3159

The Department of Education shall study, using an appropriate 3160
research method, the effectiveness of the pilot program, if 3161
implemented, and shall report its findings to the General Assembly 3162
within one year after the program is implemented. 3163

Section 6. The Educator Standards Board established by this 3164
act shall work with the Ohio Teacher Education and Licensure 3165
Advisory Commission to transition the duties formerly performed by 3166
the Commission to the Educator Standards Board. 3167

Section 7. Within ninety days of the effective date of this 3168
section, the Ohio Department of Education shall develop a 3169
definition of a "hard to staff" school. In defining this term, the 3170
Department shall examine whether a school: 3171

(A) Has difficulty recruiting and retaining high quality 3172
school personnel, as determined by the Department; 3173

(B) Has a high number of teachers who are teaching 3174
out-of-field, as determined by the Department; 3175

(C) Has high student poverty, as determined by the 3176
Department; 3177

(D) Has a high number of students who do not attain at least 3178
a proficient score on the tests prescribed in section 3301.0710 or 3179
3301.0712 of the Revised Code; 3180

(E) Has a significant achievement gap among various groups of students. 3181
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In addition, the Department shall consider definitions and models used by other states. 3183
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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. 3185
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Section 8. 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. 3188
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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. 3194
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The selected districts shall use any funds allocated under the pilot project for one or more of the following purposes: 3198
3199

(A) The use of instructional specialists to mentor and support classroom teachers; 3200
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(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; 3202
3203
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(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; 3207
3208
3209
3210

(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;	3211 3212 3213
(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;	3214 3215 3216 3217
(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;	3218 3219 3220 3221 3222
(G) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;	3223 3224
(H) The provision of incentives to attract qualified mathematics, science, or special education teachers;	3225 3226
(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;	3227 3228 3229
(J) The implementation of a program to increase the cultural competency of both new and veteran teachers;	3230 3231
(K) The implementation of a program to increase the subject matter competency of veteran teachers.	3232 3233
Section 9. Notwithstanding section 3301.0711 of the Revised Code, as amended by this act, the requirement that the Department of Education send scores from the proficiency and achievement tests administered in May to each school district board not later than the fifteenth day of June shall first apply in the 2004-2005 school year.	3234 3235 3236 3237 3238 3239

Section 10. Upon the effective date of this section, the 3240
State Board of Education shall forthwith begin procedures for the 3241
adoption of a rule that complies with section 3319.303 of the 3242
Revised Code, as enacted by this act, so that the rule is 3243
effective at the earliest possible date provided for by law. 3244

Section 11. Representatives from the College of Food, 3245
Agricultural, and Environmental Sciences and the College of 3246
Education of The Ohio State University shall make a presentation 3247
to the Educator Standards Board established by this act. The 3248
presentation shall familiarize the Educator Standards Board with 3249
the model developed by the College of Food, Agricultural, and 3250
Environmental Sciences and the College of Education for aligning 3251
teacher preparation programs in agricultural education with 3252
recognized standards and instruct the Board about how to apply 3253
that model to aligning teacher preparation programs in Ohio with 3254
standards developed by the Board pursuant to section 3319.61 of 3255
the Revised Code, as enacted by this act. 3256

Section 12. That Sections 11, 12, 13, and 14 of Am. Sub. H.B. 3257
3 of the 125th General Assembly be amended to read as follows: 3258

Sec. 11. The Legislative Office of Education Oversight shall 3259
conduct a study that evaluates the correlation between students' 3260
race and class and academic achievement, ~~particularly.~~ To the 3261
extent possible, the Office shall use existing data on district 3262
wealth to make a variety of comparisons, including comparing the 3263
academic achievement of low-income, African-American and Hispanic 3264
students with that of middle-class, white students. In conducting 3265
the study, the Office shall use at least five years of data 3266
collected and maintained by the Ohio Department of Education. The 3267
study shall focus on the academic achievement of students in the 3268

fourth, sixth, and ninth grades. The Office shall submit the final 3269
results of the study to the General Assembly not later than 3270
September 30, 2004. 3271

Sec. 12. The Legislative Office of Education Oversight shall 3272
conduct a study of the intervention services required to be 3273
provided by school districts under sections 3301.0711, 3313.608, 3274
and 3313.6012 of the Revised Code. If any diagnostic assessment is 3275
administered by school districts in accordance with section 3276
3301.0715 of the Revised Code in the school year beginning July 1, 3277
2003, the Office also shall include the intervention services 3278
required by that section in the study. In conducting the study, 3279
the Office shall examine each of the following issues: 3280

(A) The types of intervention services that districts are 3281
currently providing to students; 3282

(B) The manner in which the Department of Education informs 3283
districts of their obligation to provide intervention services and 3284
assists the districts in developing appropriate intervention 3285
strategies; 3286

(C) The manner in which the Department tracks compliance by 3287
school districts with requirements to provide intervention 3288
services; 3289

(D) The cost to districts of providing intervention services; 3290

(E) Whether there are any intervention services that 3291
districts are not providing due to insufficient funding. 3292

The Office shall issue a written report of its findings to 3293
the General Assembly not later than ~~December~~ March 31, ~~2004~~ 2005. 3294

Sec. 13. The Legislative Office of Education Oversight shall 3295
conduct a study of the performance of students in the Class of 3296
2007 on the Ohio Graduation Tests prescribed by division (B) of 3297

section 3301.0710 of the Revised Code to determine how well 3298
students meet the statewide academic standards developed pursuant 3299
to section 3301.079 of the Revised Code. The study shall include 3300
all students who enter the ninth grade in the school year 3301
beginning July 1, 2003; the Office shall not exclude from any 3302
analysis students who leave school prior to graduation. In 3303
conducting the study, the Office shall determine the number of 3304
such students who attain a score at the proficient level on all 3305
five of the Ohio Graduation Tests by June 30, 2007. To the extent 3306
possible, the Office also shall determine the number of such 3307
students who satisfy the alternative conditions described in 3308
section 3313.615 of the Revised Code for meeting the testing 3309
requirement to be eligible for a diploma. The Office shall issue 3310
annual written reports in June 2006 and June 2007 to the General 3311
Assembly, and shall issue a final, comprehensive written report of 3312
its findings to the General Assembly not later than ~~December 31,~~ 3313
2007 June 30, 2008. 3314

Sec. 14. The Legislative Office of Education Oversight shall 3315
conduct a study that reviews the progress of school districts and 3316
the Department of Education in hiring highly qualified teachers in 3317
the core subject areas of English, reading, language arts, 3318
mathematics, science, foreign language, civics and government, 3319
economics, arts, history, and geography, as required by Title I of 3320
the "No Child Left Behind Act," Pub. L. No. 107-110. The study 3321
shall evaluate, over a five-year period, all of the following: 3322

(A) The progress of individual school districts in complying 3323
with the highly qualified teacher requirement; 3324

(B) Whether the definition of "highly qualified teacher" 3325
adopted by the State Board of Education complies with the "No 3326
Child Left Behind Act"; 3327

(C) The efforts of the Department of Education in assisting 3328
school districts to comply with the "No Child Left Behind Act's" 3329
requirement, and in monitoring the progress of school districts in 3330
ensuring highly qualified teachers are employed in core subject 3331
areas. 3332

The Office shall submit three interim reports of its findings 3333
to the General Assembly. The first interim report, due September 3334
30, 2005, shall evaluate compliance with the highly qualified 3335
teacher requirement in the 2002-2003 and 2003-2004 school years, 3336
~~the.~~ The second interim report, due September 30, 2006, shall 3337
evaluate compliance with the requirement in the 2004-2005 school 3338
year, ~~and the.~~ The third interim report, due September 30, 2007, 3339
shall evaluate compliance with the requirement in the 2005-2006 3340
school year. A final report shall be submitted to the General 3341
Assembly, not later than September 30, 2008, that evaluates 3342
compliance in the 2006-2007 school year and the prior four school 3343
years. 3344

Section 13. That existing Sections 11, 12, 13, and 14 of Am. 3345
Sub. H.B. 3 of the 125th General Assembly are hereby repealed. 3346

Section 14. That Sections 41.03, 41.05, 41.10, 41.19, 41.33, 3347
146, and 152 of Am. Sub. H.B. 95 of the 125th General Assembly be 3348
amended to read as follows: 3349

Sec. 41.03. PROFESSIONAL DEVELOPMENT 3350

The foregoing appropriation item 200-410, Professional 3351
Development, shall be used to fund professional development 3352
programs in Ohio. The Ohio Department of Education shall, where 3353
possible, incorporate cultural competency as a component of 3354
professional development and actively promote the development of 3355
cultural competency in the operation of its professional 3356

development programs. As used in this section, "cultural 3357
competency" has the meaning specified by the Educator Standards 3358
Board under section 3319.61 of the Revised Code. 3359

Of the foregoing appropriation item 200-410, Professional 3360
Development, \$5,200,000 in fiscal year 2004 shall be used by the 3361
Department of Education to support a statewide comprehensive 3362
system of regional professional development centers that support 3363
local educators' ability to foster academic achievement in the 3364
students they serve. Of the foregoing appropriation item 200-410, 3365
Professional Development, \$5,200,000 in fiscal year 2005 shall be 3366
used by the regional education delivery system. Before releasing 3367
these funds in fiscal year 2005, the Department of Education shall 3368
submit a spending plan to the Controlling Board. The release of 3369
the funds is contingent on Controlling Board approval of the 3370
spending plan. Both the regional professional development centers 3371
in fiscal year 2004 and the regional education delivery system in 3372
fiscal year 2005 shall include training that assists educators, 3373
school leadership, and technical assistance providers in 3374
understanding and implementing standards-based education, data 3375
analysis, and development of assessment systems for quality 3376
instruction. 3377

Of the foregoing appropriation item 200-410, Professional 3378
Development, \$7,079,625 in fiscal year 2004 and \$7,329,625 in 3379
fiscal year 2005 shall be used by the Department of Education to 3380
provide grants to pay \$2,000 of the application fee in order to 3381
assist teachers from public and chartered nonpublic schools 3382
applying for the first time to the National Board for Professional 3383
Teaching Standards for professional teaching certificates or 3384
licenses that the board offers. This set aside shall also be used 3385
to recognize and reward teachers who become certified by the 3386
National Board for Professional Teaching Standards pursuant to 3387
section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal 3388

year of this set aside may be used by the Department to pay for 3389
costs associated with activities to support candidates through the 3390
application and certification process. 3391

These moneys shall be used to pay up to the first 500 3392
applications in fiscal year 2004 and the first 400 applications in 3393
fiscal year 2005 received by the Department. 3394

Of the foregoing appropriation item 200-410, Professional 3395
Development, up to \$10,442,358 in each fiscal year shall be 3396
allocated for entry year programs. These funds shall be used to 3397
support mentoring services and performance assessments of 3398
beginning teachers in school districts and chartered nonpublic 3399
schools. 3400

Of the foregoing appropriation item 200-410, Professional 3401
Development, up to \$188,090 in each fiscal year shall be used to 3402
provide technical assistance and grants for districts to develop 3403
local knowledge/skills-based compensation systems. Each district 3404
receiving grants shall issue an annual report to the Department of 3405
Education detailing the use of the funds and the impact of the 3406
system developed by the district. 3407

Of the foregoing appropriation item 200-410, Professional 3408
Development, up to \$670,000 in each fiscal year shall be used for 3409
training and professional development of school administrators, 3410
school treasurers, and school business officials. 3411

Of the foregoing appropriation item 200-410, Professional 3412
Development, \$144,000 in each fiscal year shall be used by the 3413
Department of Education to develop a supply and demand report that 3414
describes the availability of quality educators and critical 3415
educator shortage areas in Ohio. 3416

Of the foregoing appropriation item 200-410, Professional 3417
Development, \$1,056,000 in each fiscal year shall be used for 3418
educator recruitment programs targeting special need areas, 3419

including recruiting highly qualified minority candidates into 3420
teaching, recruiting prospective mathematics and science teachers, 3421
and targeting other areas of special need. 3422

Of the foregoing appropriation item 200-410, Professional 3423
Development, \$60,000 in fiscal year 2004 and \$70,000 in fiscal 3424
year 2005 shall be used to support the Ohio University Leadership 3425
Program. 3426

Of the foregoing appropriation item 200-410, Professional 3427
Development, \$4,650,000 in ~~each~~ fiscal year 2004 shall be 3428
allocated by the Department of Education on a per pupil basis, to 3429
school districts in academic emergency at any time in 2003, and 3430
\$4,650,000 in fiscal year 2005 shall be allocated by the 3431
Department of Education, on a per pupil basis, to school districts 3432
with a three-year average graduation rate of not more than 3433
seventy-five per cent. As used in this section, "three-year 3434
average" and "graduation rate" have the meanings specified in 3435
section 3302.01 of the Revised Code. These funds shall be used by 3436
the districts to provide an equivalent of five days of ongoing 3437
embedded professional development for classroom teachers who 3438
provide instruction in the subject areas of reading, writing, 3439
mathematics, science, or social studies to students enrolled in 3440
the ninth or tenth grade. This professional development shall 3441
focus on developing subject competency, developing cultural 3442
competency, developing skills for analyzing test data, and 3443
developing data-based intervention strategies to prepare students 3444
below grade level to pass the Ohio Graduation Test. Districts 3445
shall submit a research-based, professional development plan for 3446
five days of embedded professional development to the Department 3447
of Education prior to receiving funds. The plan shall detail how 3448
ninth and tenth grade teachers will learn and implement classroom 3449
strategies for students to reach state standards in mathematics, 3450
reading, writing, social studies, and science. 3451

Sec. 41.05. SCHOOL IMPROVEMENT INITIATIVES 3452

Of the foregoing appropriation item 200-431, School 3453
Improvement Initiatives, \$10,505,625 in each fiscal year shall be 3454
used to provide technical assistance to school districts that are 3455
declared to be in a state of academic watch or academic emergency 3456
under section 3302.03 of the Revised Code to provide support to 3457
districts in the development and implementation of their 3458
continuous improvement plans as required in section 3302.04 of the 3459
Revised Code and to provide technical assistance and support in 3460
accordance with Title I of the "No Child Left Behind Act of 2001," 3461
115 Stat. 1425, 20 U.S.C. 6317. 3462

Of the foregoing appropriation item 200-431, School 3463
Improvement Initiatives, up to \$350,000 in each fiscal year shall 3464
be used to reduce the dropout rate by addressing the academic and 3465
social problems of inner-city students through Project GRAD. 3466

Of the foregoing appropriation item 200-431, School 3467
Improvement Initiatives, \$50,000 in each fiscal year shall be used 3468
to support LEAF. 3469

READING/WRITING/MATH IMPROVEMENT 3470

Of the foregoing appropriation item 200-433, 3471
Reading/Writing/Math Improvement, up to \$12,675,000 in each fiscal 3472
year shall be used for professional development in literacy for 3473
classroom teachers, administrators, and literacy specialists, and 3474
to provide intensive summer training for mathematics teachers. 3475

Of the foregoing appropriation item 200-433, 3476
Reading/Writing/Math Improvement, \$250,000 in each fiscal year 3477
shall be used to continue the Waterford Early Reading Program. 3478

Of the foregoing appropriation item 200-433, 3479
Reading/Writing/Math Improvement, up to \$1,000,000 in each fiscal 3480
year shall be used by the Department of Education to fund the 3481

Reading Recovery Training Network, to cover the cost of release 3482
time for the teacher trainers, and to provide grants to districts 3483
to implement other reading improvement programs on a pilot basis. 3484
Funds from this appropriation item also may be used to conduct 3485
evaluations of the impact and effectiveness of Reading Recovery 3486
and other reading improvement programs. 3487

The remainder of appropriation item 200-433, 3488
Reading/Writing/Math Improvement, shall be used to support 3489
standards-based classroom reading and writing instruction and 3490
reading intervention and the design/development of standards-based 3491
literacy curriculum materials; to support literacy professional 3492
development partnerships between the Department of Education, 3493
higher education institutions, the literacy specialists project, 3494
the Ohio principals' literacy network, regional literacy teams, 3495
literacy networks, and school districts. 3496

STUDENT ASSESSMENT 3497

Of the foregoing appropriation item 200-437, Student 3498
Assessment, \$500,000 in fiscal year 2004 and \$100,000 in fiscal 3499
year 2005 shall be used by the Department of Education to train 3500
school district personnel to score the practice version of the 3501
Ohio Graduation Test to be taken by students enrolled in the ninth 3502
grade in school districts that are in academic watch or academic 3503
emergency or that have a three-year average graduation rate of not 3504
more than seventy-five per cent pursuant to sections 3301.0710 and 3505
3301.0711 of the Revised Code. As used in this section, 3506
"three-year average" and "graduation rate" have the same meanings 3507
as in section 3302.01 of the Revised Code. 3508

The remainder of appropriation item 200-437, Student 3509
Assessment, shall be used to develop, field test, print, 3510
distribute, score, report results, and support other associated 3511
costs for the tests required under sections 3301.0710 and 3512

3301.0711 of the Revised Code and for similar purposes as required 3513
by section 3301.27 of the Revised Code. 3514

ACCOUNTABILITY/REPORT CARDS 3515

The foregoing appropriation item 200-439, 3516
Accountability/Report Cards, shall be used for the development of 3517
an accountability system that includes the preparation and 3518
distribution of school report cards pursuant to section 3302.03 of 3519
the Revised Code. 3520

AMERICAN SIGN LANGUAGE 3521

Of the foregoing appropriation item 200-441, American Sign 3522
Language, up to \$136,943 in each fiscal year shall be used to 3523
implement pilot projects for the integration of American Sign 3524
Language deaf language into the kindergarten through twelfth-grade 3525
curriculum. 3526

The remainder of the appropriation shall be used by the 3527
Department of Education to provide supervision and consultation to 3528
school districts in dealing with parents of children who are deaf 3529
or hard of hearing, in integrating American Sign Language as a 3530
foreign language, and in obtaining interpreters and improving 3531
their skills. 3532

CHILD CARE LICENSING 3533

The foregoing appropriation item 200-442, Child Care 3534
Licensing, shall be used by the Department of Education to license 3535
and to inspect preschool and school-age child care programs in 3536
accordance with sections 3301.52 to 3301.59 of the Revised Code. 3537

OHIOREADS ADMIN/VOLUNTEER SUPPORT 3538

The foregoing appropriation item 200-445, OhioReads 3539
Admin/Volunteer Support, may be allocated by the OhioReads Office 3540
in the Department of Education at the direction of the OhioReads 3541
Council for volunteer coordinators in public school buildings, to 3542

educational service centers for costs associated with volunteer 3543
coordination, for background checks for volunteers, to evaluate 3544
the OhioReads Program, and for operating expenses associated with 3545
administering the program. 3546

Sec. 41.10. ADULT LITERACY EDUCATION 3547

The foregoing appropriation item 200-509, Adult Literacy 3548
Education, shall be used to support adult basic and literacy 3549
education instructional programs and the State Literacy Resource 3550
Center Program. 3551

Of the foregoing appropriation item 200-509, Adult Literacy 3552
Education, up to \$519,188 in each fiscal year shall be used for 3553
the support and operation of the State Literacy Resource Center. 3554

Of the foregoing appropriation item 200-509, Adult Literacy 3555
Education, \$146,250 in each fiscal year shall be used to support 3556
initiatives for English as a second language programs in 3557
combination with citizenship. Funding shall be provided to 3558
organizations that received such funds during fiscal year 2003 3559
from appropriation item 200-570, School Improvement Incentive 3560
Grants. 3561

The remainder of the appropriation shall be used to continue 3562
to satisfy the state match and maintenance of effort requirements 3563
for the support and operation of the Department of 3564
Education-administered instructional grant program for adult basic 3565
and literacy education in accordance with the department's state 3566
plan for adult basic and literacy education as approved by the 3567
State Board of Education and the Secretary of the United States 3568
Department of Education. 3569

AUXILIARY SERVICES 3570

The foregoing appropriation item 200-511, Auxiliary Services, 3571
shall be used by the Department of Education for the purpose of 3572

implementing section 3317.06 of the Revised Code. Of the 3573
appropriation, up to \$1,462,500 in each fiscal year may be used 3574
for payment of the Post-Secondary Enrollment Options Program for 3575
nonpublic students pursuant to section 3365.10 of the Revised 3576
Code. 3577

STUDENT INTERVENTION SERVICES 3578

Of the foregoing appropriation item 200-513, Student 3579
Intervention Services, \$3,700,000 in fiscal year 2004 ~~and~~ 3580
~~\$5,900,000 in fiscal year 2005~~ shall be allocated by the 3581
Department of Education, on a per pupil basis, to school districts 3582
in academic emergency at any time in 2003, and \$5,900,000 in 3583
fiscal year 2005 shall be allocated by the Department of 3584
Education, on a per pupil basis, to school districts with a 3585
three-year average graduation rate of not more than seventy-five 3586
per cent. As used in this section, "three-year average" and 3587
"graduation rate" have the meanings specified in section 3302.01 3588
of the Revised Code. Districts shall use these funds for salaries, 3589
materials, and training to provide after-school, in-school, 3590
Saturday school, summer school, or other related intervention 3591
programs to students as specified in division (D)(2) of section 3592
3301.0711 of the Revised Code. In fiscal year 2004 these programs 3593
shall be provided to students enrolled in the ninth grade. In 3594
fiscal year 2005, these programs shall be provided to students 3595
enrolled in the ninth and tenth grades. At the end of each fiscal 3596
year, the school districts receiving these funds shall report to 3597
the Department of Education the number of students who were 3598
offered intervention, the number of students who participated, and 3599
the number of students who completed the intervention program, and 3600
shall provide an evaluation of the impact of the intervention on 3601
students. 3602

Of the foregoing appropriation item 200-513, Student 3603
Intervention Services, \$150,000 in each fiscal year shall be used 3604

for Read Baby Read. 3605

The remainder of appropriation item 200-513, Student Intervention Services, shall be used to assist districts providing the intervention services specified in section 3313.608 of the Revised Code. The Department of Education shall establish guidelines for the use and distribution of these moneys. School districts receiving funds from this appropriation shall report to the Department of Education on how funds were used. 3606
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POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 3613

Of the foregoing appropriation item 200-514, Postsecondary Adult Career-Technical Education, \$40,000 in each fiscal year shall be used for the statewide coordination of the activities of the Ohio Young Farmers. 3614
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The remainder of appropriation item 200-514, Postsecondary Adult Career-Technical Education, shall be used by the State Board of Education to provide postsecondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code. 3618
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DISADVANTAGED PUPIL IMPACT AID 3622

The Department of Education shall pay Disadvantaged Pupil Impact Aid (DPIA) in fiscal years 2004 and 2005 in accordance with section 3317.029 of the Revised Code to each school district that did not receive any DPIA allocation in fiscal year 2003 because its DPIA index in that fiscal year was less than 0.35 and it did not qualify for a DPIA guarantee payment. However, the Department shall calculate each such district's DPIA index and DPIA student count in each fiscal year based solely on Ohio Works First data certified for the district by the Department of Job and Family Services. Each district receiving payment under this paragraph shall comply with all expenditure guidelines and restrictions of section 3317.029 of the Revised Code. 3623
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Notwithstanding the distribution formula outlined in section 3317.029 of the Revised Code, each school district that received a DPIA allocation in fiscal year 2003 shall receive an additional two per cent in ~~Disadvantaged Pupil Impact Aid (DPIA)~~ DPIA funding in fiscal year 2004 over what was received in fiscal year 2003 unless the district ~~receives~~ received DPIA funding from the DPIA guarantee provision pursuant to division (B) of section 3317.029 of the Revised Code in fiscal year 2003. For such a district, its DPIA funding in fiscal year 2004 shall equal the amount of DPIA funding the district received in fiscal year 2003.

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

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

The Department of Education shall pay all-day, everyday kindergarten funding to all school districts in each fiscal year that qualified for and provided the service in fiscal year 2003 pursuant to section 3317.029 of the Revised Code. ~~School districts~~

~~and community schools that did not have a DPIA allocation in 3667
fiscal year 2003 shall not receive an allocation in fiscal year 3668
2004 or fiscal year 2005. 3669~~

Of the foregoing appropriation item 200-520, Disadvantaged 3670
Pupil Impact Aid, up to \$3,800,000 in each fiscal year shall be 3671
used for school breakfast programs. Of this amount, up to 3672
\$1,000,000 shall be used in each fiscal year by the Department of 3673
Education for the purpose of increasing participation in child 3674
nutrition programs, particularly school breakfast and summer 3675
meals. The Department shall collaborate with the Children's Hunger 3676
Alliance in the outreach effort. The remainder of the 3677
appropriation shall be used to partially reimburse school 3678
buildings within school districts that are required to have a 3679
school breakfast program pursuant to section 3313.813 of the 3680
Revised Code, at a rate decided by the Department. 3681

Of the foregoing appropriation item 200-520, Disadvantaged 3682
Pupil Impact Aid, \$4,500,000 in fiscal year 2004 and \$6,000,000 in 3683
fiscal year 2005 shall be used to operate the school choice 3684
program in the Cleveland Municipal School District pursuant to 3685
sections 3313.974 to 3313.979 of the Revised Code. 3686

Of the portion of the funds distributed to the Cleveland 3687
Municipal School District under this section, up to \$11,901,887 in 3688
each fiscal year shall be used to operate the school choice 3689
program in the Cleveland Municipal School District pursuant to 3690
sections 3313.974 to 3313.979 of the Revised Code. 3691

Sec. 41.19. HEAD START PLUS/HEAD START 3692

There is hereby established the Title IV-A Head Start Program 3693
to be administered by the Department of Education in accordance 3694
with an interagency agreement entered into with the Department of 3695
Job and Family Services under division (A)(2) of section 5101.801 3696
of the Revised Code. The program shall provide benefits and 3697

services to TANF eligible individuals pursuant to the requirements 3698
of section 5101.801 of the Revised Code. Upon approval by the 3699
Department of Job and Family Services, the Department of Education 3700
shall adopt policies and procedures establishing program 3701
requirements for eligibility, services, fiscal accountability, and 3702
other criteria necessary to comply with the provisions of Title 3703
IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 3704
301, as amended. 3705

The foregoing appropriation item 200-663, Head Start 3706
Plus/Head Start, shall be used to reimburse Title IV-A Head Start 3707
Plus and Title IV-A Head Start programs for services to children. 3708
The Department of Education shall administer the Title IV-A Head 3709
Start Plus and Title IV-A Head Start programs in accordance with 3710
an interagency agreement between the Departments of Education and 3711
Job and Family Services. Title IV-A Head Start Plus and Title IV-A 3712
Head Start providers shall meet all requirements as outlined in 3713
section 3301.311 of the Revised Code. The Department of Education 3714
shall adopt policies and procedures to establish a procedure for 3715
approving Title IV-A Head Start Plus and Title IV-A Head Start 3716
agencies. 3717

Of the foregoing appropriation item 200-663, Head Start 3718
Plus/Head Start, up to \$57,170,000 in fiscal year 2004 shall be 3719
used to support the Title IV-A Head Start program. Up to two 3720
percent of this amount may be used by the Department of Education 3721
to provide associated program support and technical assistance. 3722

Of the foregoing appropriation item 200-663, Head Start 3723
Plus/Head Start, up to ~~\$83,457,126~~ \$86,600,000 in fiscal year 2005 3724
shall be used to support the Title IV-A Head Start Plus 3725
initiative. Title IV-A Head Start Plus shall provide up to 10,000 3726
slots of full-day, full-year programming for children at least 3727
three years of age and not kindergarten age eligible. The program 3728
shall meet the child care needs of low-income families who meet 3729

eligibility requirements established in rules and administrative 3730
orders adopted by the Ohio Department of Job and Family Services 3731
and provide early education and comprehensive services as provided 3732
through the Head Start program before the enactment of this act. 3733

Of the foregoing appropriation item 200-663, Head Start 3734
Plus/Head Start, up to ~~\$22,763,177~~ \$19,584,000 in fiscal year 2005 3735
shall be used to support the Title IV-A Head Start program. This 3736
funding shall be used to support up to 4,000 slots of traditional 3737
half-day center-based, home-based, combination, or 3738
locally-designed option, Title IV-A Head Start services. 3739

Of the foregoing appropriation line item 200-663, Head Start 3740
Plus/Head Start, up to ~~\$1,963,697~~ \$2,000,000 in fiscal year 2005 3741
may be used by the Department of Education to provide associated 3742
program support and technical assistance. 3743

For purposes of this section, "eligible child" means a child 3744
who is at least three years of age, has not entered kindergarten, 3745
and is not of compulsory school age whose family earns not more 3746
than 100 ~~per cent~~ percent of the federal poverty level, except as 3747
otherwise provided in the following paragraph. 3748

The Department of Education, in consultation with Title IV-A 3749
Head Start agencies and, beginning in July 1, 2004, Title IV-A 3750
Head Start Plus agencies, shall establish criteria under which 3751
these agencies may apply to the Department for a waiver to include 3752
as "eligible children" those children from families earning up to 3753
the level of eligibility established for child care subsidy by the 3754
Department of Job and Family Services who otherwise qualify as 3755
"eligible children" under the preceding paragraph. 3756

In fiscal year 2004, in order to serve children whose 3757
families receive child care subsidy and whose incomes do not 3758
exceed the income eligibility requirement for child care subsidy, 3759
Title IV-A Head Start agencies may enroll children whose families 3760

receive this child care subsidy from the Ohio Department of Job 3761
and Family Services, if they partner with child care centers or 3762
family day_care homes, where appropriate. This provision is to 3763
meet the child care needs of low-income families who are working, 3764
in training or education programs, or participating in Ohio Works 3765
First approved activities. 3766

The Department of Education shall conduct a head count of the 3767
number of children served by Head Start agencies under this 3768
program in December 2003 and in December 2004. Any funding 3769
appropriated to this program in fiscal year 2005, which the 3770
Department of Education projects is not necessary to provide 3771
services to children enrolled as of the head count taken in 3772
December 2004 shall be returned to the Department of Job and 3773
Family Services for use as child care assistance. 3774

The Department of Education shall provide an annual report to 3775
the Governor, the Speaker of the House of Representatives, the 3776
President of the Senate, the State Board of Education, Title IV-A 3777
Head Start Plus and Title IV-A Head Start providers, and other 3778
interested parties regarding the Title IV-A Head Start Plus and 3779
Title IV-A Head Start program and performance indicators as 3780
outlined by the Department of Education. 3781

AUXILIARY SERVICES REIMBURSEMENT 3782

Notwithstanding section 3317.064 of the Revised Code, if the 3783
unobligated cash balance is sufficient, the Treasurer of State 3784
shall transfer \$1,500,000 in fiscal year 2004 within thirty days 3785
after ~~the effective date of this section~~ June 26, 2003, and 3786
\$1,500,000 in fiscal year 2005 by August 1, 2004, from the 3787
Auxiliary Services Personnel Unemployment Compensation Fund to the 3788
Department of Education's Auxiliary Services Reimbursement Fund 3789
(Fund 598). 3790

Sec. 41.33. (A) As used in this section: 3791

(1) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 and 3313.65 of the Revised Code.	3792 3793 3794
(2) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.	3795 3796
(3) "Individualized education program" has the same meaning as in section 3323.01 of the Revised Code.	3797 3798
(4) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	3799 3800
(5) "Qualified special education child" is a child for whom all of the following conditions apply:	3801 3802
(a) The school district in which the child is entitled to attend school has identified the child as autistic;	3803 3804
(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child;	3805 3806 3807
(c) The child either:	3808
(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child;	3809 3810 3811 3812
(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child.	3813 3814 3815 3816
(6) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the Department of Education to participate in the program established under this section.	3817 3818 3819 3820

(B) There is hereby established the Pilot Project Special Education Scholarship Program. Under the program, in fiscal years 2004 and 2005, the Department of Education shall pay a scholarship to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the State Board of Education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by a school district other than the school district in which the child is entitled to attend school or by another public entity, to either of which under law the parent is required to pay tuition on behalf of the child, or by a registered private provider. Each scholarship shall be in an amount not to exceed the lesser of the tuition charged for the child by the special education program or fifteen thousand dollars. The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of, ~~or in addition to,~~ the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program once the individualized education program is finalized. A scholarship under this section shall not be awarded to the parent of a child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be awarded to the parent of a child who attends a public special education program under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school

district or other public provider or to the parent of a child who 3854
attends a community school established under Chapter 3314. of the 3855
Revised Code. A child attending a special education program with a 3856
scholarship under this section shall continue to be entitled to 3857
transportation to and from that program in the manner prescribed 3858
by law. 3859

(C)(1) Notwithstanding anything to the contrary in the 3860
Revised Code, a child for whom a scholarship is awarded under this 3861
section shall be counted in the formula ADM and the category six 3862
special education ADM of the district in which the child is 3863
entitled to attend school and not in the formula ADM and the 3864
category six special education ADM of any other school district. 3865

(2) In each fiscal year, the Department shall deduct from the 3866
amounts paid to each school district under Chapter 3317. of the 3867
Revised Code, and, if necessary, sections 321.24 and 323.156 of 3868
the Revised Code, the aggregate amount of scholarships awarded 3869
under this section for qualified special education children 3870
included in the formula ADM and category six special education ADM 3871
of that school district as provided in division (C)(1) of this 3872
section. The scholarships deducted shall be considered as an 3873
approved special education and related services expense for the 3874
purpose of the school district's compliance with division (C)(5) 3875
of section 3317.022 of the Revised Code. 3876

(3) From time to time, the Department shall make a payment to 3877
the parent of each qualified special education child for whom a 3878
scholarship has been awarded under this section. The scholarship 3879
amount shall be proportionately reduced in the case of any such 3880
child who is not enrolled in the special education program for 3881
which a scholarship was awarded under this section for the entire 3882
school year. The Department shall make no payments to the parent 3883
of a child while any administrative or judicial mediation or 3884
proceedings with respect to the content of the child's 3885

individualized education program are pending. 3886

(D) A scholarship shall not be paid to a parent for payment 3887
of tuition owed to a nonpublic entity unless that entity is a 3888
registered private provider. The Department shall approve entities 3889
that meet the standards established by rule of the State Board for 3890
the program established under this section. 3891

(E) The State Board shall adopt rules in accordance with 3892
Chapter 119. of the Revised Code prescribing procedures necessary 3893
to implement this section, including, but not limited to, 3894
procedures and deadlines for parents to apply for scholarships, 3895
standards for registered private providers, and procedures for 3896
approval of entities as registered private providers. The Board 3897
shall adopt the rules so that the program established under this 3898
section is operational by January 1, 2004. 3899

(F) The Legislative Office of Education Oversight shall 3900
conduct a formative evaluation of the program established under 3901
this section and shall report its findings to the General Assembly 3902
not later than March 1, 2005. In conducting the evaluation, the 3903
Office shall to the extent possible gather comments from parents 3904
who have been awarded scholarships under the program, school 3905
district officials, representatives of registered private 3906
providers, educators, and representatives of educational 3907
organizations for inclusion in the report required under this 3908
section. 3909

Sec. 146. (A) ~~In September of 2003~~ (1) Within thirty days 3910
after the effective date of this amendment, each school district 3911
that has been declared to be under an academic watch or in a state 3912
of academic emergency pursuant to section 3302.03 of the Revised 3913
Code at any time in 2003 or that has a three-year average 3914
graduation rate of not more than seventy-five per cent shall 3915
administer a half-length practice version of ~~each~~ the reading and 3916

~~mathematics~~ Ohio Graduation ~~Test~~ Tests prescribed by division (B) 3917
of section 3301.0710 of the Revised Code to all ninth grade 3918
students enrolled in the district. ~~Each~~ The district also shall 3919
assess all ninth grade students in each subject area of writing, 3920
science, and social studies to determine the students' 3921
preparedness for the Ohio Graduation Tests in those subject areas. 3922
The manner in which these assessments are conducted may be 3923
determined by the district, school, or individual teachers. 3924

(2) In September of 2004, each school district that has been 3925
declared to be under an academic watch or in a state of academic 3926
emergency pursuant to section 3302.03 of the Revised Code or that 3927
has a three-year average graduation rate of not more than 3928
seventy-five per cent shall administer a half-length practice 3929
version of each Ohio Graduation Test to all ninth grade students 3930
enrolled in the district, except that if the Department of 3931
Education has made a full-length practice version of any Ohio 3932
Graduation Test available to the district, the district shall 3933
administer the full-length practice version of the test instead. 3934

(3) Each district shall determine the dates, times, and 3935
method of administering the tests and assessments required by 3936
division (A) of this section to students and shall score the tests 3937
and assessments. 3938

(B) ~~Each~~ In the 2003-2004 school year, each district declared 3939
to be in a state of academic emergency pursuant to section 3302.03 3940
of the Revised Code at any time in 2003 and, in the 2004-2005 3941
school year, each district that has a three-year average 3942
graduation rate of not more than seventy-five per cent shall 3943
determine for each high school in the district whether the school 3944
shall be required to provide intervention services in accordance 3945
with this division to any students who took the tests or 3946
assessments required by division (A) of this section. In 3947

determining which high schools shall provide intervention services 3948
based upon available funding, the district shall consider each 3949
school's graduation rate and scores on the ~~practice~~ tests or 3950
assessments. 3951

Each high school selected to provide intervention services 3952
under this division shall provide intervention services to 3953
students whose ~~practice~~ test or assessment results indicate that 3954
they are failing to make satisfactory progress toward being able 3955
to attain scores at the proficient level on the Ohio Graduation 3956
Tests. Intervention services shall be provided in any skill in 3957
which a student demonstrates unsatisfactory progress and shall be 3958
commensurate with the student's test or assessment performance. 3959
Schools shall provide the intervention services prior to the end 3960
of the school year, during the summer following the ninth grade, 3961
in the next succeeding school year, or at any combination of those 3962
times. 3963

(C) As used in this section, "three-year average" and 3964
"graduation rate" have the same meanings as in section 3302.01 of 3965
the Revised Code. 3966

Sec. 152. (A) There is hereby created the Ohio Autism Task 3967
Force consisting of the following members: 3968

(1) All of the following persons to be appointed by the 3969
Governor: 3970

(a) A person diagnosed with autism; 3971

(b) Four persons who are parents of children diagnosed with 3972
autism; 3973

(c) A special education administrator of an Ohio school 3974
district; 3975

(d) A representative of the Ohio Association of County Boards 3976
of Mental Retardation and Developmental Disabilities; 3977

(e) A representative of the Ohio Developmental Disabilities Council;	3978 3979
(f) A representative of the Autism Society of Ohio;	3980
(g) A developmental pediatrician who is a member of the Ohio Association of Pediatricians;	3981 3982
(h) Two representatives from private schools in Ohio that provide special education services to children diagnosed with autism;	3983 3984 3985
(i) Two representatives from Ohio hospitals that provide services to children diagnosed with autism.	3986 3987
(2) Two members of the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House of Representatives;	3988 3989 3990
(3) Two members of the Senate, one from the majority party and one from the minority party, appointed by the President of the Senate;	3991 3992 3993
(4) The Director of Mental Retardation and Developmental Disabilities or the Director's designee;	3994 3995
(5) The Director of Job and Family Services or the Director's designee;	3996 3997
(6) The Superintendent of Public Instruction or the Superintendent's designee;	3998 3999
(7) The Director of Health or the Director's designee.	4000
(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.	4001 4002 4003 4004 4005
(C) The initial meeting of the Task Force shall be held not	4006

later than sixty days after the effective date of this section. At 4007
its initial meeting, the Task Force shall elect from its 4008
membership a chairperson and other officers it considers 4009
necessary. Thereafter, the Task Force shall meet on the call of 4010
the chairperson. 4011

(D) The Department of Mental Retardation and Developmental 4012
Disabilities shall provide meeting facilities and other support as 4013
necessary for the Task Force. 4014

(E) The Task Force shall study and make recommendations 4015
regarding both of the following: 4016

~~(1)The~~ (1) The growing incidence of autism in Ohio; 4017

~~(2)Ways~~ (2) Ways to improve the delivery in this state of 4018
autism services. 4019

(F) Not later than ~~one year after the effective date of this~~ 4020
~~section~~ November 26, 2004, the Task Force shall submit a written 4021
report of its recommendations to the Governor, the Speaker of the 4022
House of Representatives, and the President of the Senate. 4023

(G) On submission of its report, the Task Force shall cease 4024
to exist. 4025

Section 15. That existing Sections 41.03, 41.05, 41.10, 4026
41.19, 41.33, 146, and 152 of Am. Sub. H.B. 95 of the 125th 4027
General Assembly are hereby repealed. 4028

Section 16. (A) As used in this section: 4029

(1) "All-day kindergarten" and "kindergarten through third 4030
grade ADM" have the same meanings as in section 3317.029 of the 4031
Revised Code. 4032

(2) "DPIA reduction factor," "entitled to attend school," and 4033
"SF-3 payment" have the same meanings as in section 3314.08 of the 4034
Revised Code. 4035

(3) "Guarantee payment" means the total amount of 4036
disadvantaged pupil impact aid paid, under section 3317.029 of the 4037
Revised Code and Section 41.10 of Am. Sub. H.B. 95 of the 125th 4038
General Assembly, as amended, to a school district that is 4039
guaranteed to receive such aid equal to the amount the district 4040
received in fiscal year 1998 pursuant to division (B) of section 4041
3317.023 of the Revised Code as it existed at that time. 4042

(4) "OWF student count" means the five-year average of the 4043
total number of children ages five to seventeen residing in a 4044
school district whose families receive assistance under the Ohio 4045
Works First program, based on data most recently certified by the 4046
Department of Job and Family Services. 4047

(B) Notwithstanding divisions (C)(4), (C)(5), (D)(5), and 4048
(D)(6) of section 3314.08 and section 3314.13 of the Revised Code, 4049
in fiscal years 2004 and 2005 the Department of Education shall 4050
pay disadvantaged pupil impact aid to community schools in 4051
accordance with this section. This section stipulates the General 4052
Assembly's intent for paying DPIA to community schools in 4053
recognition of the 2% DPIA increase granted to school districts in 4054
each of those years by Section 41.10 of Am. Sub. H.B. 95 of the 4055
125th General Assembly, as amended. 4056

(C)(1) In each of fiscal years 2004 and 2005, the Department 4057
shall pay each community school a per pupil amount for each 4058
student enrolled in the community school who meets both of the 4059
following criteria: 4060

(a) The student is entitled to attend school in a school 4061
district that received a DPIA guarantee payment under division (B) 4062
of section 3317.029 of the Revised Code in fiscal year 2003; 4063

(b) The student's family receives assistance under the Ohio 4064
Works First program. 4065

(2) Subject to division (E) of this section, the per pupil 4066

payment in each fiscal year under division (C)(1) of this section 4067
shall equal the quotient of the DPIA guarantee payment to the 4068
school district where the student is entitled to attend school 4069
divided by that district's OWF student count, adjusted by any DPIA 4070
reduction factor of the community school. 4071

(D)(1) In each of fiscal years 2004 and 2005, the Department 4072
shall pay each community school a per pupil amount for each 4073
student enrolled in the community school who meets both of the 4074
following criteria: 4075

(a) The student is entitled to attend school in a school 4076
district that either received a DPIA safety and remediation 4077
payment under division (C) of section 3317.029 of the Revised Code 4078
in fiscal year 2003 or, if it did not, receives a safety and 4079
remediation payment under that division in the current fiscal year 4080
pursuant to the first paragraph under the heading "DISADVANTAGED 4081
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4082
125th General Assembly, as amended; 4083

(b) The student's family receives assistance under the Ohio 4084
Works First program. 4085

(2) Except as provided in division (D)(4) of this section, 4086
and subject to division (E) of this section, the per pupil payment 4087
in fiscal year 2004 under division (D)(1) of this section shall 4088
equal the following quotient, adjusted by any DPIA reduction 4089
factor of the community school: 4090

(a) The fiscal year 2003 DPIA safety and remediation payment 4091
under division (C) of section 3317.029 of the Revised Code to the 4092
school district where the student is entitled to attend school, 4093
times 102%; divided by 4094

(b) That district's OWF student count. 4095

(3) Except as provided in division (D)(4) of this section, 4096

and subject to division (E) of this section, the per pupil payment 4097
in fiscal year 2005 under division (D)(1) of this section shall 4098
equal the following quotient, adjusted by any DPIA reduction 4099
factor of the community school: 4100

(a) The product calculated under division (D)(2)(a) of this 4101
section for the school district where the student is entitled to 4102
attend school, times 102%; divided by 4103

(b) That district's OWF student count. 4104

(4) Subject to division (E) of this section, for each 4105
community school student who is entitled to attend school in a 4106
school district that receives a DPIA safety and remediation 4107
payment under division (C) of section 3317.029 of the Revised Code 4108
pursuant to the first paragraph under the heading "DISADVANTAGED 4109
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4110
125th General Assembly, as amended, the per pupil payment in each 4111
fiscal year under division (D)(1) of this section shall equal the 4112
quotient of the safety and remediation payment to the school 4113
district for the current fiscal year divided by that district's 4114
OWF student count, adjusted by any DPIA reduction factor of the 4115
community school. 4116

(E) Payments under divisions (C) and (D) of this section 4117
shall be calculated based on Ohio Works First data certified to 4118
the Department of Education by the Department of Job and Family 4119
Services and community schools in the spring of the fiscal year. 4120
However, for each community school that operated in the prior 4121
fiscal year, the Department of Education shall make estimated 4122
payments based on data certified for the prior fiscal year until 4123
data is certified in the spring, and shall recalculate the 4124
payments for the entire fiscal year after the data is certified in 4125
the spring. For each community school commencing its first year of 4126
operation, the Department shall not make payments under those 4127

divisions in the community school's first fiscal year until the 4128
spring of the fiscal year, after the community school and the 4129
Department of Job and Family Services have certified the Ohio 4130
Works First data. 4131

(F)(1) In each of fiscal years 2004 and 2005, the Department 4132
of Education shall pay each community school a per pupil amount 4133
for each student enrolled in the community school who meets all of 4134
the following criteria: 4135

(a) The student is entitled to attend school in a school 4136
district that either received a DPIA class-size reduction payment 4137
under division (E) of section 3317.029 of the Revised Code in 4138
fiscal year 2003 or, if it did not, receives a class-size 4139
reduction payment under that division in the current fiscal year 4140
pursuant to the first paragraph under the heading "DISADVANTAGED 4141
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4142
125th General Assembly, as amended; 4143

(b) The student is enrolled in the community school in 4144
kindergarten or first, second, or third grade; 4145

(c) The student is not receiving special education and 4146
related services under an individualized education program, as 4147
defined in section 3323.01 of the Revised Code. 4148

(2) Except as provided in divisions (F)(4) and (5) of this 4149
section, the per pupil payment in fiscal year 2004 under division 4150
(F)(1) of this section shall equal the following quotient, 4151
adjusted by any DPIA reduction factor of the community school: 4152

(a) The fiscal year 2003 DPIA class-size reduction payment 4153
under division (E) of section 3317.029 of the Revised Code to the 4154
school district where the student is entitled to attend school, 4155
times 102%; divided by 4156

(b) That district's fiscal year 2004 kindergarten through 4157

third grade ADM. 4158

(3) Except as provided in divisions (F)(4) and (5) of this 4159
section, the per pupil payment in fiscal year 2005 under division 4160
(F)(1) of this section shall equal the following quotient, 4161
adjusted by any DPIA reduction factor of the community school: 4162

(a) The product calculated under division (F)(2)(a) of this 4163
section for the school district where the student is entitled to 4164
attend school, times 102%; divided by 4165

(b) That district's fiscal year 2005 kindergarten through 4166
third grade ADM. 4167

(4) Except as provided in division (F)(5) of this section, 4168
for each community school student who is entitled to attend school 4169
in a school district that receives a DPIA class-size reduction 4170
payment under division (E) of section 3317.029 of the Revised Code 4171
pursuant to the first paragraph under the heading "DISADVANTAGED 4172
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4173
125th General Assembly, as amended, the per pupil payment in each 4174
fiscal year under division (F)(1) of this section shall equal the 4175
quotient of the class-size reduction payment to the school 4176
district for the current fiscal year divided by that district's 4177
kindergarten through third grade ADM for the current fiscal year, 4178
adjusted by any DPIA reduction factor of the community school. 4179

(5) The Department shall pay only 50% of the per pupil 4180
payment prescribed in divisions (F)(2), (3), and (4) of this 4181
section for each qualifying community school student who is 4182
enrolled in a kindergarten class that is not all-day kindergarten. 4183

(G)(1) In each of fiscal years 2004 and 2005, the Department 4184
shall pay each community school a per pupil amount for each 4185
student enrolled in the community school who meets both of the 4186
following criteria: 4187

(a) The student is entitled to attend school in a school 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, regardless of whether the district actually received a payment under either section for all-day kindergarten;

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

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

(a) The fiscal year 2003 DPIA all-day kindergarten payment to 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 2004.

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

(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 all-day kindergarten, but did not receive an all-day kindergarten payment that year, the Department shall pay the community school from the amount appropriated to the Department in appropriation item 200-520, Disadvantaged Pupil Impact Aid.

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

(J) The Department of Education shall adjust payments under 4249
this section to reflect any enrollment of students in community 4250
schools for less than the equivalent of a full school year, as 4251
required by division (L) of section 3314.08 and division (D) of 4252
section 3314.13 of the Revised Code. The Department shall apply 4253
division (N) of section 3314.08 of the Revised Code to payments 4254
under this section. 4255

Section 17. Sections 41.03, 41.05, 41.10, 41.19, 41.33, and 4256
146 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended 4257
in this act, and Section 16 of this act, and the items of law of 4258
which those sections as amended or enacted in this act are 4259
composed, are not subject to the referendum. Therefore, under Ohio 4260
Constitution, Article II, Section 1d and section 1.471 of the 4261
Revised Code, Sections 41.03, 41.05, 41.10, 41.19, 41.33, and 146 4262
of Am. Sub. H.B. 95 of the 125th General Assembly, as amended in 4263
this act, and Section 16 of this act, and the items of law of 4264
which those sections as amended or enacted in this act are 4265
composed, go into immediate effect when this act becomes law. 4266

Section 18. Section 3301.0710 of the Revised Code is 4267
presented in this act as a composite of the section as amended by 4268
both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General 4269
Assembly. The General Assembly, applying the principle stated in 4270
division (B) of section 1.52 of the Revised Code that amendments 4271
are to be harmonized if reasonably capable of simultaneous 4272
operation, finds that the composite is the resulting version of 4273
the section in effect prior to the effective date of the section 4274
as presented in this act. 4275

Section 19. Section 3301.0711 of the Revised Code is 4276
presented in this act as a composite of the section as amended by 4277
both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General 4278

Assembly. The General Assembly, applying the principle stated in 4279
division (B) of section 1.52 of the Revised Code that amendments 4280
are to be harmonized if reasonably capable of simultaneous 4281
operation, finds that the composite is the resulting version of 4282
the section in effect prior to the effective date of the section 4283
as presented in this act. 4284

Section 20. Section 3318.031 of the Revised Code is presented 4285
in this act as a composite of the section as amended by both Sub. 4286
H.B. 248 and H.B. 675 of the 124th General Assembly. The General 4287
Assembly, applying the principle stated in division (B) of section 4288
1.52 of the Revised Code that amendments are to be harmonized if 4289
reasonably capable of simultaneous operation, finds that the 4290
composite is the resulting version of the section in effect prior 4291
to the effective date of the section as presented in this act. 4292

Section 21. Section 3319.39 of the Revised Code is presented 4293
in this act as a composite of the section as amended by Am. Sub. 4294
H.B. 445, Am. Sub. S.B. 269, and Am. Sub. S.B. 230 of the 121st 4295
General Assembly. The General Assembly, applying the principle 4296
stated in division (B) of section 1.52 of the Revised Code that 4297
amendments are to be harmonized if reasonably capable of 4298
simultaneous operation, finds that the composite is the resulting 4299
version of the section in effect prior to the effective date of 4300
the section as presented in this act. 4301