

As Passed by the Senate

**125th General Assembly
Regular Session
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Sub. S. B. No. 2

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

A B I L L

To amend sections 3301.079, 3301.0710, 3301.0711, 1
3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 2
3307.01, 3313.28, 3313.53, 3318.031, 3319.09, 3
3319.11, 3319.111, 3319.22, 3319.225, 3319.23, 4
3319.26, 3319.29, 3319.291, 3319.31, 3319.311, 5
3319.36, 3319.39, 3319.51, and 3333.38; to enact 6
sections 3319.075, 3319.112, 3319.25, 3319.261, 7
3319.27, 3319.303, 3319.56, 3319.57, 3319.60, 8
3319.61, 3319.62, 3319.65, and 3333.161; to repeal 9
sections 3301.801, 3314.12, and 3319.28 of the 10
Revised Code; to amend Sections 11, 12, 13, and 14 11
of Am. Sub. H.B. 3 of the 125th General Assembly; 12
and to amend Sections 41.03, 41.05, 41.10, and 146 13
of Am. Sub. H.B. 95 of the 125th General Assembly 14
to implement recommendations of the Governor's 15
Commission on Teaching Success and to revise the 16
laws with respect to the teaching profession, 17
academic standards, and other education policies. 18

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 19

3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 3307.01, 20
3313.28, 3313.53, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 21
3319.225, 3319.23, 3319.26, 3319.29, 3319.291, 3319.31, 3319.311, 22
3319.36, 3319.39, 3319.51, and 3333.38 be amended and sections 23
3319.075, 3319.112, 3319.25, 3319.261, 3319.27, 3319.303, 3319.56, 24
3319.57, 3319.60, 3319.61, 3319.62, 3319.65, and 3333.161 of the 25
Revised Code be enacted to read as follows: 26

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 27
state board of education shall adopt statewide academic standards 28
for each of grades kindergarten through twelve in reading, 29
writing, and mathematics. Not later than December 31, 2002, the 30
state board shall adopt statewide academic standards for each of 31
grades kindergarten through twelve in science and social studies. 32
The standards shall specify the academic content and skills that 33
students are expected to know and be able to do at each grade 34
level. 35

(2) When academic standards have been completed for any 36
subject area required by this division, the state board shall 37
inform all school districts of the content of those standards. 38

(B) Not later than eighteen months after the completion of 39
academic standards for any subject area required by division (A) 40
of this section, the state board shall adopt a model curriculum 41
for instruction in that subject area for each of grades 42
kindergarten through twelve that is sufficient to meet the needs 43
of students in every community. The model curriculum shall be 44
aligned with the standards to ensure that the academic content and 45
skills specified for each grade level are taught to students. When 46
any model curriculum has been completed, the state board shall 47
inform all school districts of the content of that model 48
curriculum. 49

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

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

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

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

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

(2) When each diagnostic assessment has been completed, the 81
state board shall inform all school districts of its completion 82
and the department of education shall make the diagnostic 83
assessment available to the districts at no cost to the district. 84
School districts shall administer the diagnostic assessment 85
pursuant to section 3301.0715 of the Revised Code beginning the 86
first school year following the development of the assessment. 87

(3) The state board shall not adopt a diagnostic assessment 88
for any subject area and grade level for which the state board 89
develops an achievement test under division (C) of this section. 90

(E) Whenever the state board or the department of education 91
consults with persons for the purpose of drafting or reviewing any 92
standards, diagnostic assessments, achievement tests, or model 93
curriculum required under this section, the state board or the 94
department shall first consult with parents of students in 95
kindergarten through twelfth grade and with active Ohio classroom 96
teachers, other school personnel, and administrators with 97
expertise in the appropriate subject area. Whenever practicable, 98
the state board and department shall consult with teachers 99
recognized as outstanding in their fields. 100

If the department contracts with more than one outside entity 101
for the development of the achievement tests required by this 102
section, the department shall ensure the interchangeability of 103
those tests. 104

(F) The fairness sensitivity review committee, established by 105
rule of the state board of education, shall not allow any question 106
on any achievement test or diagnostic assessment developed under 107
this section or any proficiency test prescribed by former section 108
3301.0710 of the Revised Code, as it existed prior to September 109
11, 2001, to include, be written to promote, or inquire as to 110
individual moral or social values or beliefs. The decision of the 111

committee shall be final. This section does not create a private 112
cause of action. 113

Sec. 3301.0710. The state board of education shall adopt 114
rules establishing a statewide program to test student 115
achievement. The state board shall ensure that all tests 116
administered under the testing program are aligned with the 117
academic standards and model curricula adopted by the state board 118
and are created with input from Ohio parents, Ohio classroom 119
teachers, Ohio school administrators, and other Ohio school 120
personnel pursuant to section 3301.079 of the Revised Code. 121

The testing program shall be designed to ensure that students 122
who receive a high school diploma demonstrate at least high school 123
levels of achievement in reading, writing, mathematics, science, 124
and social studies. 125

(A)(1) The state board shall prescribe all of the following: 126

(a) Two statewide achievement tests, one each designed to 127
measure the level of reading and mathematics skill expected at the 128
end of third grade; 129

(b) Three statewide achievement tests, one each designed to 130
measure the level of reading, writing, and mathematics skill 131
expected at the end of fourth grade; 132

(c) Four statewide achievement tests, one each designed to 133
measure the level of reading, mathematics, science, and social 134
studies skill expected at the end of fifth grade; 135

(d) Two statewide achievement tests, one each designed to 136
measure the level of reading and mathematics skill expected at the 137
end of sixth grade; 138

(e) Three statewide achievement tests, one each designed to 139
measure the level of reading, writing, and mathematics skill 140
expected at the end of seventh grade; 141

(f) Four statewide achievement tests, one each designed to 142
measure the level of reading, mathematics, science, and social 143
studies skill expected at the end of eighth grade. 144

(2) The state board shall determine and designate at least 145
five ranges of scores on each of the achievement tests described 146
in divisions (A)(1) and (B) of this section. Each range of scores 147
shall be deemed to demonstrate a level of achievement so that any 148
student attaining a score within such range has achieved one of 149
the following: 150

(a) An advanced level of skill; 151

(b) An accelerated level of skill; 152

(c) A proficient level of skill; 153

(d) A basic level of skill; 154

(e) A limited level of skill. 155

(B) The tests prescribed under this division shall 156
collectively be known as the Ohio graduation tests. The state 157
board shall prescribe five statewide high school achievement 158
tests, one each designed to measure the level of reading, writing, 159
mathematics, science, and social studies skill expected at the end 160
of tenth grade. The state board shall designate a score in at 161
least the range designated under division (A)(2)(c) of this 162
section on each such test that shall be deemed to be a passing 163
score on the test as a condition toward granting high school 164
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 165
of the Revised Code. 166

The state board may enter into a reciprocal agreement with 167
the appropriate body or agency of any other state that has similar 168
statewide achievement testing requirements for receiving high 169
school diplomas, under which any student who has met an 170
achievement testing requirement of one state is recognized as 171

having met the similar achievement testing requirement of the 172
other state for purposes of receiving a high school diploma. For 173
purposes of this section and sections 3301.0711 and 3313.61 of the 174
Revised Code, any student enrolled in any public high school in 175
this state who has met an achievement testing requirement 176
specified in a reciprocal agreement entered into under this 177
division shall be deemed to have attained at least the applicable 178
score designated under this division on each test required by this 179
division that is specified in the agreement. 180

(C) The state board shall annually designate as follows the 181
dates on which the tests prescribed under this section shall be 182
administered: 183

(1) For the reading test prescribed under division (A)(1)(a) 184
of this section, as follows: 185

(a) One date prior to the thirty-first day of December each 186
school year; 187

(b) At least one date of each school year that is not earlier 188
than Monday of the week containing the eighth day of March; 189

(c) One date during the summer that is not later than Friday 190
of the week containing the tenth day of July for students 191
receiving summer remediation services under section 3313.608 of 192
the Revised Code. 193

(2) For the mathematics test prescribed under division 194
(A)(1)(a) of this section and the tests prescribed under divisions 195
(A)(1)(b), (c), (d), (e), and (f) of this section, at least one 196
date of each school year that is not earlier than Monday of the 197
week containing the eighth day of March; 198

(3) For the tests prescribed under division (B) of this 199
section, at least one date in each school year that is not earlier 200
than Monday of the week containing the fifteenth day of March for 201
all tenth grade students and at least one date prior to the 202

thirty-first day of December and at least one date subsequent to 203
that date but prior to the thirty-first day of March of each 204
school year for eleventh and twelfth grade students. 205

(D) In prescribing test dates pursuant to division (C)(3) of 206
this section, the state board shall, to the greatest extent 207
practicable, provide options to school districts in the case of 208
tests administered under that division to eleventh and twelfth 209
grade students and in the case of tests administered to students 210
pursuant to division (C)(2) of section 3301.0711 of the Revised 211
Code. Such options shall include at least an opportunity for 212
school districts to give such tests outside of regular school 213
hours. 214

(E) In prescribing test dates pursuant to this section, the 215
state board of education shall designate the dates in such a way 216
as to allow a reasonable length of time between the administration 217
of tests prescribed under this section and any administration of 218
the National Assessment of Education Progress Test given to 219
students in the same grade level pursuant to section 3301.27 of 220
the Revised Code or federal law. 221

(F) The state board shall prescribe a practice version of 222
each Ohio graduation test described in division (B) of this 223
section that is of comparable length to the actual test. 224

~~(F)~~(G) Any committee established by the department of 225
education for the purpose of making recommendations to the state 226
board regarding the state board's designation of scores on the 227
tests described by this section shall inform the state board of 228
the probable percentage of students who would score in each of the 229
ranges established under division (A)(2) of this section on the 230
tests if the committee's recommendations are adopted by the state 231
board. To the extent possible, these percentages shall be 232
disaggregated by gender, major racial and ethnic groups, limited 233
English proficient students, economically disadvantaged students, 234

students with disabilities, and migrant students. 235

If the state board intends to make any change to the 236
committee's recommendations, the state board shall explain the 237
intended change to the Ohio accountability task force established 238
by section 3302.021 of the Revised Code. The task force shall 239
recommend whether the state board should proceed to adopt the 240
intended change. Nothing in this division shall require the state 241
board to designate test scores based upon the recommendations of 242
the task force. 243

Sec. 3301.0711. (A) The department of education shall: 244

(1) Annually furnish to, grade, and score all tests required 245
by section 3301.0710 of the Revised Code to be administered by 246
city, local, exempted village, and joint vocational school 247
districts, except that each district shall score any test 248
administered pursuant to division (B)~~(8)~~(10) of this section. In 249
furnishing the practice versions of Ohio graduation tests 250
prescribed by division (F) of section 3301.0710 of the Revised 251
Code, the department shall make the tests available on its ~~website~~ 252
web site for reproduction by districts. In awarding contracts for 253
grading tests, the department shall give preference to Ohio-based 254
entities employing Ohio residents. 255

(2) Adopt rules for the ethical use of tests and prescribing 256
the manner in which the tests prescribed by section 3301.0710 of 257
the Revised Code shall be administered to students. 258

(B) Except as provided in divisions (C) and (J) of this 259
section, the board of education of each city, local, and exempted 260
village school district shall, in accordance with rules adopted 261
under division (A) of this section: 262

(1) Administer the reading test prescribed under division 263
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 264

to all students in the third grade who have not attained the score 265
designated for that test under division (A)(2)(c) of section 266
3301.0710 of the Revised Code and once each summer to students 267
receiving summer remediation services under section 3313.608 of 268
the Revised Code. 269

(2) Administer the mathematics test prescribed under division 270
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 271
annually to all students in the third grade. 272

(3) Administer the tests prescribed under division (A)(1)(b) 273
of section 3301.0710 of the Revised Code at least once annually to 274
all students in the fourth grade. 275

(4) Administer the tests prescribed under division (A)(1)(c) 276
of section 3301.0710 of the Revised Code at least once annually to 277
all students in the fifth grade. 278

(5) Administer the tests prescribed under division (A)(1)(d) 279
of section 3301.0710 of the Revised Code at least once annually to 280
all students in the sixth grade. 281

(6) Administer the tests prescribed under division (A)(1)(e) 282
of section 3301.0710 of the Revised Code at least once annually to 283
all students in the seventh grade. 284

(7) Administer the tests prescribed under division (A)(1)(f) 285
of section 3301.0710 of the Revised Code at least once annually to 286
all students in the eighth grade. 287

(8) Except as provided in division (B)(9) of this section, 288
administer any test prescribed under division (B) of section 289
3301.0710 of the Revised Code as follows: 290

(a) At least once annually to all tenth grade students and at 291
least twice annually to all students in eleventh or twelfth grade 292
who have not yet attained the score on that test designated under 293
that division; 294

(b) To any person who has successfully completed the 295
curriculum in any high school or the individualized education 296
program developed for the person by any high school pursuant to 297
section 3323.08 of the Revised Code but has not received a high 298
school diploma and who requests to take such test, at any time 299
such test is administered in the district. 300

(9) In lieu of the board of education of any city, local, or 301
exempted village school district in which the student is also 302
enrolled, the board of a joint vocational school district shall 303
administer any test prescribed under division (B) of section 304
3301.0710 of the Revised Code at least twice annually to any 305
student enrolled in the joint vocational school district who has 306
not yet attained the score on that test designated under that 307
division. A board of a joint vocational school district may also 308
administer such a test to any student described in division 309
(B)(8)(b) of this section. 310

~~(8)~~(10) If the district has been declared to be under an 311
academic watch or in a state of academic emergency pursuant to 312
section 3302.03 of the Revised Code or has a three-year average 313
graduation rate of not more than seventy-five per cent, administer 314
each test prescribed by division (F) of section 3301.0710 of the 315
Revised Code in September to all ninth grade students, beginning 316
in the school year that starts July 1, ~~2004~~ 2005. 317

(C)(1)(a) Any student receiving special education services 318
under Chapter 3323. of the Revised Code may be excused from taking 319
any particular test required to be administered under this section 320
if the individualized education program developed for the student 321
pursuant to section 3323.08 of the Revised Code excuses the 322
student from taking that test and instead specifies an alternate 323
assessment method approved by the department of education as 324
conforming to requirements of federal law for receipt of federal 325
funds for disadvantaged pupils. To the extent possible, the 326

individualized education program shall not excuse the student from 327
taking a test unless no reasonable accommodation can be made to 328
enable the student to take the test. 329

(b) Any alternate assessment approved by the department for a 330
student under this division shall produce measurable results 331
comparable to those produced by the tests which the alternate 332
assessments are replacing in order to allow for the student's 333
assessment results to be included in the data compiled for a 334
school district or building under section 3302.03 of the Revised 335
Code. 336

(c) Any student enrolled in a chartered nonpublic school who 337
has been identified, based on an evaluation conducted in 338
accordance with section 3323.03 of the Revised Code or section 504 339
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 340
794, as amended, as a child with a disability shall be excused 341
from taking any particular test required to be administered under 342
this section if a plan developed for the student pursuant to rules 343
adopted by the state board excuses the student from taking that 344
test. In the case of any student so excused from taking a test, 345
the chartered nonpublic school shall not prohibit the student from 346
taking the test. 347

(2) A district board may, for medical reasons or other good 348
cause, excuse a student from taking a test administered under this 349
section on the date scheduled, but any such test shall be 350
administered to such excused student not later than nine days 351
following the scheduled date. The board shall annually report the 352
number of students who have not taken one or more of the tests 353
required by this section to the state board of education not later 354
than the thirtieth day of June. 355

(3) As used in this division, "limited English proficient 356
student" has the same meaning as in 20 U.S.C. 7801. 357

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

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

(D)(1) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's test performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the test.

(2) Following any administration of the tests prescribed by division (F) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has ~~been declared to be in a state of academic emergency pursuant to section 3302.03 of the Revised Code~~ a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide

intervention services to any students who took the tests. In 390
determining which high schools shall provide intervention services 391
based on the resources available, the district shall consider each 392
school's graduation rate and scores on the practice tests. ~~If any~~ 393
~~achievement tests in reading and math are adopted by the state~~ 394
~~board of education for administration in the eighth grade, the~~ The 395
district also shall consider the scores received by ninth grade 396
students on ~~those~~ the reading and mathematics tests prescribed 397
under division (A)(1)(f) of section 3301.0710 of the Revised Code 398
in the eighth grade in determining which high schools shall 399
provide intervention services. 400

Each high school selected to provide intervention services 401
under this division shall provide intervention services to any 402
student whose test results indicate that the student is failing to 403
make satisfactory progress toward being able to attain scores at 404
the proficient level on the Ohio ~~Graduation Tests~~ graduation 405
tests. Intervention services shall be provided in any skill in 406
which a student demonstrates unsatisfactory progress and shall be 407
commensurate with the student's test performance. Schools shall 408
provide the intervention services prior to the end of the school 409
year, during the summer following the ninth grade, in the next 410
succeeding school year, or at any combination of those times. 411

(E) Except as provided in section 3313.608 of the Revised 412
Code and division (M) of this section, no school district board of 413
education shall utilize any student's failure to attain a 414
specified score on any test administered under this section as a 415
factor in any decision to deny the student promotion to a higher 416
grade level. However, a district board may choose not to promote 417
to the next grade level any student who does not take any test 418
administered under this section or make up such test as provided 419
by division (C)(2) of this section. 420

(F) No person shall be charged a fee for taking any test 421

administered under this section. 422

(G) Not later than sixty days after any administration of any 423
test prescribed by division (A)(1) or (B) of section 3301.0710 of 424
the Revised Code, the department shall send to each school 425
district board a list of the individual test scores of all persons 426
taking the test. For any tests administered under this section by 427
a joint vocational school district, the department shall also send 428
to each city, local, or exempted village school district a list of 429
the individual test scores of any students of such city, local, or 430
exempted village school district who are attending school in the 431
joint vocational school district. 432

(H) Individual test scores on any tests administered under 433
this section shall be released by a district board only in 434
accordance with section 3319.321 of the Revised Code and the rules 435
adopted under division (A) of this section. No district board or 436
its employees shall utilize individual or aggregate test results 437
in any manner that conflicts with rules for the ethical use of 438
tests adopted pursuant to division (A) of this section. 439

(I) Except as provided in division (G) of this section, the 440
department shall not release any individual test scores on any 441
test administered under this section and shall adopt rules to 442
ensure the protection of student confidentiality at all times. 443

(J) Notwithstanding division (D) of section 3311.52 of the 444
Revised Code, this section does not apply to the board of 445
education of any cooperative education school district except as 446
provided under rules adopted pursuant to this division. 447

(1) In accordance with rules that the state board of 448
education shall adopt, the board of education of any city, 449
exempted village, or local school district with territory in a 450
cooperative education school district established pursuant to 451
divisions (A) to (C) of section 3311.52 of the Revised Code may 452

enter into an agreement with the board of education of the 453
cooperative education school district for administering any test 454
prescribed under this section to students of the city, exempted 455
village, or local school district who are attending school in the 456
cooperative education school district. 457

(2) In accordance with rules that the state board of 458
education shall adopt, the board of education of any city, 459
exempted village, or local school district with territory in a 460
cooperative education school district established pursuant to 461
section 3311.521 of the Revised Code shall enter into an agreement 462
with the cooperative district that provides for the administration 463
of any test prescribed under this section to both of the 464
following: 465

(a) Students who are attending school in the cooperative 466
district and who, if the cooperative district were not 467
established, would be entitled to attend school in the city, 468
local, or exempted village school district pursuant to section 469
3313.64 or 3313.65 of the Revised Code; 470

(b) Persons described in division (B)(8)(b) of this section. 471

Any testing of students pursuant to such an agreement shall 472
be in lieu of any testing of such students or persons pursuant to 473
this section. 474

(K)(1) Any chartered nonpublic school may participate in the 475
testing program by administering any of the tests prescribed by 476
section 3301.0710 or 3301.0712 of the Revised Code if the chief 477
administrator of the school specifies which tests the school 478
wishes to administer. Such specification shall be made in writing 479
to the superintendent of public instruction prior to the first day 480
of August of any school year in which tests are administered and 481
shall include a pledge that the nonpublic school will administer 482
the specified tests in the same manner as public schools are 483

required to do under this section and rules adopted by the 484
department. 485

(2) The department of education shall furnish the tests 486
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 487
to any chartered nonpublic school electing to participate under 488
this division. 489

(L)(1) The superintendent of the state school for the blind 490
and the superintendent of the state school for the deaf shall 491
administer the tests described by section 3301.0710 of the Revised 492
Code. Each superintendent shall administer the tests in the same 493
manner as district boards are required to do under this section 494
and rules adopted by the department of education and in conformity 495
with division (C)(1)(a) of this section. 496

(2) The department of education shall furnish the tests 497
described by section 3301.0710 of the Revised Code to each 498
superintendent. 499

(M) Notwithstanding division (E) of this section, a school 500
district may use a student's failure to attain a score in at least 501
the basic range on the mathematics test described by division 502
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 503
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 504
of section 3301.0710 of the Revised Code as a factor in retaining 505
that student in the current grade level. 506

(N)(1) ~~All~~ The tests required by section 3301.0710 of the 507
Revised Code shall become public records pursuant to section 508
149.43 of the Revised Code on the first day of July following the 509
school year that the test was administered, except that the 510
reading test prescribed under division (A)(1)(a) of section 511
3301.0710 of the Revised Code shall become a public record two 512
weeks after the date the other tests required by that section 513
become public records. 514

(2) The department may field test proposed test questions 515
with samples of students to determine the validity, reliability, 516
or appropriateness of test questions for possible inclusion in a 517
future year's test. The department also may use anchor questions 518
on tests to ensure that different versions of the same test are of 519
comparable difficulty. 520

Field test questions and anchor questions shall not be 521
considered in computing test scores for individual students. Field 522
test questions and anchor questions may be included as part of the 523
administration of any test required by section 3301.0710 of the 524
Revised Code. 525

(3) Any field test question or anchor question administered 526
under division (N)(2) of this section shall not be a public 527
record. Such field test questions and anchor questions shall be 528
redacted from any tests which are released as a public record 529
pursuant to division (N)(1) of this section. 530

(O) As used in this section, "three-year average" and 531
"graduation rate" have the same meanings as in section 3302.01 of 532
the Revised Code. 533

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 534
3301.0711 of the Revised Code, the state board of education shall 535
continue to prescribe and the department of education and each 536
school district shall continue to administer any proficiency test 537
in accordance with those former sections, as they existed prior to 538
September 11, 2001, until the applicable test is no longer 539
required to be administered as indicated on the chart below. When 540
any achievement test has been developed and made available in 541
accordance with section 3301.079 of the Revised Code, such 542
achievement test shall be administered to students under sections 543
3301.0710 and 3301.0711 of the Revised Code beginning in the 544
school year indicated on the chart below. School districts shall 545

continue to provide intervention services as required under former 546
division (D) of section 3301.0711 of the Revised Code, as it 547
existed prior to September 11, 2001, to students who fail to 548
attain a score in the proficient range on a fourth grade 549
proficiency test. 550

Proficiency	Last	Achievement	First	551
Test	administration	Test	administration	552
	in school		in school	553
	year		year	
	beginning		beginning	554
	July 1 of		July 1 of	555
		3rd grade	2003	556
		reading test		
		3rd grade	2004	557
		mathematics		
		test		
4th grade	2003	4th grade	2004	558
reading test		reading test		
4th grade	2004	4th grade	2005	559
mathematics		mathematics		
test		test		
4th grade	2003	4th grade	2004	560
writing test		writing test		
4th grade	2004	5th grade	2006	561
science test		science test		
4th grade	2004	5th grade	2006	562
citizenship		social		
test		studies test		
		5th grade	2004	563
		reading test		
		5th grade	2005	564
		mathematics		

		test		
6th grade	2004	6th grade	2005	565
reading test		reading test		
6th grade	2004	6th grade	2005	566
mathematics		mathematics		
test		test		
6th grade	2004	7th grade	2006	567
writing test		writing test		
		7th grade	2005	568
		reading test		
		7th grade	2004	569
		mathematics		
		test		
6th grade	2004	8th grade	2006	570
science test		science test		
6th grade	2004	8th grade	2007 <u>2006</u>	571
citizenship		social		
test		studies test		
		8th grade	2004	572
		reading test		
		8th grade	2004	573
		mathematics		
		test		
9th grade	2002, except Ohio		2002	574
reading test	as provided in graduation			
	division (B) test in			
	of this reading			
	section			
9th grade	2002, except Ohio		2002	575
mathematics	as provided in graduation			
test	division (B) test in			
	of this mathematics			
	section			

9th grade 2002, except Ohio 2004 576
writing test as provided in graduation
division (B) test in
of this writing
section

9th grade 2002, except Ohio 2004 577
science test as provided in graduation
division (B) test in
of this science
section

9th grade 2002, except Ohio 2004 578
citizenship as provided in graduation
test division (B) test in
of this social
section studies

(B) Notwithstanding division (A) of this section, the state 579
board shall continue to prescribe and school districts and 580
chartered nonpublic schools shall continue to administer ninth 581
grade proficiency tests in reading, writing, mathematics, science, 582
and citizenship to students who enter ninth grade prior to July 1, 583
2003, for as long as those students remain eligible under section 584
3313.614 of the Revised Code to receive their high school diplomas 585
based on passage of those ninth grade proficiency tests. 586

Sec. 3301.0714. (A) The state board of education shall adopt 587
rules for a statewide education management information system. The 588
rules shall require the state board to establish guidelines for 589
the establishment and maintenance of the system in accordance with 590
this section and the rules adopted under this section. The 591
guidelines shall include: 592

(1) Standards identifying and defining the types of data in 593
the system in accordance with divisions (B) and (C) of this 594

section;	595
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	596 597 598
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	599 600
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	601 602
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	603 604 605
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	606 607 608
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division	609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625

(C)(3) of this section.	626
(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.	627 628 629 630 631 632 633 634
(c) Average student grades in each subject in grades nine through twelve;	635 636
(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	637 638 639
(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	640 641 642
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	643 644 645
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	646 647 648 649
(h) Expulsion rates;	650
(i) Suspension rates;	651
(j) The percentage of students receiving corporal punishment;	652
(k) Dropout rates;	653
(l) Rates of retention in grade;	654

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

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

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

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

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

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

the numbers of full-time equivalent licensed employees and 686
nonlicensed employees providing each category used pursuant to 687
division (C)(4)(c) of this section. The guidelines adopted under 688
this section shall require these categories of data to be 689
maintained for the school district as a whole and, wherever 690
applicable, for each grade in the school district as a whole, for 691
each school building as a whole, and for each grade in each school 692
building. 693

(c) The total number of regular classroom teachers teaching 694
classes of regular education and the average number of pupils 695
enrolled in each such class, in each of grades kindergarten 696
through five in the district as a whole and in each school 697
building in the school district. 698

(d) The number of master teachers employed by each school 699
district and each school building, once a definition of master 700
teacher has been developed by the educator standards board 701
pursuant to section 3319.61 of the Revised Code. 702

(3)(a) Student demographic data for each school district, 703
including information regarding the gender ratio of the school 704
district's pupils, the racial make-up of the school district's 705
pupils, the number of limited English proficient students in the 706
district, and an appropriate measure of the number of the school 707
district's pupils who reside in economically disadvantaged 708
households. The demographic data shall be collected in a manner to 709
allow correlation with data collected under division (B)(1) of 710
this section. Categories for data collected pursuant to division 711
(B)(3) of this section shall conform, where appropriate, to 712
standard practices of agencies of the federal government. 713

(b) With respect to each student entering kindergarten, 714
whether the student previously participated in a public preschool 715
program, a private preschool program, or a head start program, and 716
the number of years the student participated in each of these 717

programs.	718
(4) Any data required to be collected pursuant to federal law.	719 720
(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:	721 722 723 724 725 726 727 728 729
(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.	730 731 732 733 734 735
(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.	736 737 738 739 740 741
(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole	742 743 744 745 746 747 748

and average expenditure per pupil receiving the service in each 749
building in the school district and in terms of a total cost for 750
each category of service and, as a breakdown of the total cost, a 751
cost for each of the following components: 752

(a) The cost of each instructional services category required 753
by guidelines adopted under division (B)(1)(a) of this section 754
that is provided directly to students by a classroom teacher; 755

(b) The cost of the instructional support services, such as 756
services provided by a speech-language pathologist, classroom 757
aide, multimedia aide, or librarian, provided directly to students 758
in conjunction with each instructional services category; 759

(c) The cost of the administrative support services related 760
to each instructional services category, such as the cost of 761
personnel that develop the curriculum for the instructional 762
services category and the cost of personnel supervising or 763
coordinating the delivery of the instructional services category. 764

(4) Support or extracurricular services costs for each 765
category of service directly provided to students and required by 766
guidelines adopted pursuant to division (B)(1)(b) of this section. 767
The guidelines shall require the cost units under division (C)(4) 768
of this section to be designed so that each of them may be 769
compiled and reported in terms of average expenditure per pupil 770
receiving the service in the school district as a whole and 771
average expenditure per pupil receiving the service in each 772
building in the school district and in terms of a total cost for 773
each category of service and, as a breakdown of the total cost, a 774
cost for each of the following components: 775

(a) The cost of each support or extracurricular services 776
category required by guidelines adopted under division (B)(1)(b) 777
of this section that is provided directly to students by a 778
licensed employee, such as services provided by a guidance 779

counselor or any services provided by a licensed employee under a supplemental contract; 780
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(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer; 782
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(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category. 785
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(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the data acquisition site operated under section 3301.075 of the Revised Code and is authorized by the district or acquisition site to have access to such information. The guidelines may require school districts to provide the social 790
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security numbers of individual staff members. 812

(2) The guidelines shall provide for each school district or 813
community school to assign a data verification code that is unique 814
on a statewide basis over time to each student whose initial Ohio 815
enrollment is in that district or school and to report all 816
required individual student data for that student utilizing such 817
code. The guidelines shall also provide for assigning data 818
verification codes to all students enrolled in districts or 819
community schools on the effective date of the guidelines 820
established under this section. 821

Individual student data shall be reported to the department 822
through the data acquisition sites utilizing the code but at no 823
time shall the state board or the department have access to 824
information that would enable any data verification code to be 825
matched to personally identifiable student data. 826

Each school district shall ensure that the data verification 827
code is included in the student's records reported to any 828
subsequent school district or community school in which the 829
student enrolls. Any such subsequent district or school shall 830
utilize the same identifier in its reporting of data under this 831
section. 832

(E) The guidelines adopted under this section may require 833
school districts to collect and report data, information, or 834
reports other than that described in divisions (A), (B), and (C) 835
of this section for the purpose of complying with other reporting 836
requirements established in the Revised Code. The other data, 837
information, or reports may be maintained in the education 838
management information system but are not required to be compiled 839
as part of the profile formats required under division (G) of this 840
section or the annual statewide report required under division (H) 841
of this section. 842

(F) Beginning with the school year that begins July 1, 1991, 843
the board of education of each school district shall annually 844
collect and report to the state board, in accordance with the 845
guidelines established by the board, the data required pursuant to 846
this section. A school district may collect and report these data 847
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 848

(G) The state board shall, in accordance with the procedures 849
it adopts, annually compile the data reported by each school 850
district pursuant to division (D) of this section. The state board 851
shall design formats for profiling each school district as a whole 852
and each school building within each district and shall compile 853
the data in accordance with these formats. These profile formats 854
shall: 855

(1) Include all of the data gathered under this section in a 856
manner that facilitates comparison among school districts and 857
among school buildings within each school district; 858

(2) Present the data on academic achievement levels as 859
assessed by the testing of student achievement maintained pursuant 860
to division (B)(1)(d) of this section. 861

(H)(1) The state board shall, in accordance with the 862
procedures it adopts, annually prepare a statewide report for all 863
school districts and the general public that includes the profile 864
of each of the school districts developed pursuant to division (G) 865
of this section. Copies of the report shall be sent to each school 866
district. 867

(2) The state board shall, in accordance with the procedures 868
it adopts, annually prepare an individual report for each school 869
district and the general public that includes the profiles of each 870
of the school buildings in that school district developed pursuant 871
to division (G) of this section. Copies of the report shall be 872
sent to the superintendent of the district and to each member of 873

the district board of education. 874

(3) Copies of the reports received from the state board under 875
divisions (H)(1) and (2) of this section shall be made available 876
to the general public at each school district's offices. Each 877
district board of education shall make copies of each report 878
available to any person upon request and payment of a reasonable 879
fee for the cost of reproducing the report. The board shall 880
annually publish in a newspaper of general circulation in the 881
school district, at least twice during the two weeks prior to the 882
week in which the reports will first be available, a notice 883
containing the address where the reports are available and the 884
date on which the reports will be available. 885

(I) Any data that is collected or maintained pursuant to this 886
section and that identifies an individual pupil is not a public 887
record for the purposes of section 149.43 of the Revised Code. 888

(J) As used in this section: 889

(1) "School district" means any city, local, exempted 890
village, or joint vocational school district. 891

(2) "Cost" means any expenditure for operating expenses made 892
by a school district excluding any expenditures for debt 893
retirement except for payments made to any commercial lending 894
institution for any loan approved pursuant to section 3313.483 of 895
the Revised Code. 896

(K) Any person who removes data from the information system 897
established under this section for the purpose of releasing it to 898
any person not entitled under law to have access to such 899
information is subject to section 2913.42 of the Revised Code 900
prohibiting tampering with data. 901

(L) Any time the department of education determines that a 902
school district has taken any of the actions described under 903
division (L)(1), (2), or (3) of this section, it shall make a 904

report of the actions of the district, send a copy of the report 905
to the superintendent of such school district, and maintain a copy 906
of the report in its files: 907

(1) The school district fails to meet any deadline 908
established pursuant to this section for the reporting of any data 909
to the education management information system; 910

(2) The school district fails to meet any deadline 911
established pursuant to this section for the correction of any 912
data reported to the education management information system; 913

(3) The school district reports data to the education 914
management information system in a condition, as determined by the 915
department, that indicates that the district did not make a good 916
faith effort in reporting the data to the system. 917

Any report made under this division shall include 918
recommendations for corrective action by the school district. 919

Upon making a report for the first time in a fiscal year, the 920
department shall withhold ten per cent of the total amount due 921
during that fiscal year under Chapter 3317. of the Revised Code to 922
the school district to which the report applies. Upon making a 923
second report in a fiscal year, the department shall withhold an 924
additional twenty per cent of such total amount due during that 925
fiscal year to the school district to which the report applies. 926
The department shall not release such funds unless it determines 927
that the district has taken corrective action. However, no such 928
release of funds shall occur if the district fails to take 929
corrective action within forty-five days of the date upon which 930
the report was made by the department. 931

(M) No data acquisition site or school district shall 932
acquire, change, or update its student administration software 933
package to manage and report data required to be reported to the 934
department unless it converts to a student software package that 935

is certified by the department.

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

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

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

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

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

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

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(2) Any student who transfers into the district ~~or to a different school within the district~~, within thirty days after the

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date of transfer; 966

(3) Any student who transfers to a different school within 967
the district if each applicable diagnostic assessment was not 968
administered by any other school within the district previously 969
attended by the student in the current school year, within thirty 970
days after the date of transfer. If the school into which the 971
student transfers cannot determine whether the student has taken 972
any applicable diagnostic assessment in the current school year, 973
the school may administer the diagnostic assessment to the 974
student. 975

(4) Each kindergarten student, within six weeks after the 976
first day of school. For the purpose of division (A)~~(3)~~(4) of this 977
section, the district shall administer the kindergarten readiness 978
assessment provided by the department of education. 979

~~(4)~~(5) Each student enrolled in first or second grade. 980

(B) Each district board shall administer each diagnostic 981
assessment as the board deems appropriate. However, the board 982
shall administer any diagnostic assessment at least once annually 983
to all students in the appropriate grade level. A district board 984
may administer any diagnostic assessment in the fall and spring of 985
a school year to measure the amount of academic growth 986
attributable to the instruction received by students during that 987
school year. 988

(C) Each district board shall utilize and score any 989
diagnostic assessment administered under division (A) of this 990
section in accordance with rules established by the department. 991
Except as required by division (B)(1)(o) of section 3301.0714 of 992
the Revised Code, neither the state board of education nor the 993
department shall require school districts to report the results of 994
diagnostic assessments for any students to the department or to 995
make any such results available in any form to the public. After 996

the administration of any diagnostic assessment, each district 997
shall provide a student's completed diagnostic assessment, the 998
results of such assessment, and any other accompanying documents 999
used during the administration of the assessment to the parent of 1000
that student upon the parent's request. 1001

(D) Each district board shall provide intervention services 1002
to students whose diagnostic assessments show that they are 1003
failing to make satisfactory progress toward attaining the 1004
academic standards for their grade level. 1005

(E) Any district that made adequate yearly progress, as 1006
defined in section 3302.01 of the Revised Code, in the immediately 1007
preceding school year may assess student progress in grades one 1008
through eight using a diagnostic assessment other than the 1009
diagnostic assessment required by division (A) of this section. 1010

(F) A district board may administer any diagnostic assessment 1011
provided to the district in accordance with section 3301.079 of 1012
the Revised Code to any student enrolled in a building that is not 1013
subject to division (A)(1) of this section. Any district electing 1014
to administer diagnostic assessments to students under this 1015
division shall provide intervention services to any such student 1016
whose diagnostic assessment shows unsatisfactory progress toward 1017
attaining the academic standards for the student's grade level. 1018

Sec. 3302.03. (A) Annually the department of education shall 1019
report for each school district and each school building in a 1020
district all of the following: 1021

(1) The extent to which the school district or building meets 1022
each of the applicable performance indicators created by the state 1023
board of education under section 3302.02 of the Revised Code and 1024
the number of applicable performance indicators that have been 1025
achieved; 1026

(2) The performance index score of the school district or building;	1027 1028
(3) Whether the school district or building has made adequate yearly progress;	1029 1030
(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.	1031 1032 1033
(B)(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:	1034 1035
(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	1036 1037 1038 1039
(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	1040 1041 1042 1043 1044
(2) A school district or building shall be declared effective if it fulfills one of the following requirements:	1045 1046
(a) It makes adequate yearly progress and either meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.	1047 1048 1049 1050
(b) It does not make adequate yearly progress and either meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for three consecutive years, it shall be declared in need of continuous improvement.	1051 1052 1053 1054 1055 1056

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

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

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

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

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

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

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

(3) When reporting data on student performance, the	1087
department shall disaggregate that data according to the following	1088
categories:	1089
(a) Performance of students by age group;	1090
(b) Performance of students by race and ethnic group;	1091
(c) Performance of students by gender;	1092
(d) Performance of students grouped by those who have been	1093
enrolled in a district or school for three or more years;	1094
(e) Performance of students grouped by those who have been	1095
enrolled in a district or school for more than one year and less	1096
than three years;	1097
(f) Performance of students grouped by those who have been	1098
enrolled in a district or school for one year or less;	1099
(g) Performance of students grouped by those who are	1100
economically disadvantaged;	1101
(h) Performance of students grouped by those who are enrolled	1102
in a conversion community school established under Chapter 3314.	1103
of the Revised Code;	1104
(i) Performance of students grouped by those who are	1105
classified as limited English proficient;	1106
(j) Performance of students grouped by those who have	1107
disabilities;	1108
(k) Performance of students grouped by those who are	1109
classified as migrants;	1110
(l) Performance of students grouped by those who are	1111
identified as gifted pursuant to Chapter 3324. of the Revised	1112
Code.	1113
The department may disaggregate data on student performance	1114
according to other categories that the department determines are	1115

appropriate. To the extent possible, the department shall 1116
disaggregate data on student performance according to any 1117
combinations of two or more of the categories listed in divisions 1118
(C)(3)(a) to (l) of this section that it deems relevant. 1119

In reporting data pursuant to division (C)(3) of this 1120
section, the department shall not include in the report cards any 1121
data statistical in nature that is statistically unreliable or 1122
that could result in the identification of individual students. 1123
For this purpose, the department shall not report student 1124
performance data for any group identified in division (C)(3) of 1125
this section that contains less than ten students. 1126

(4) The department may include with the report cards any 1127
additional education and fiscal performance data it deems 1128
valuable. 1129

(5) The department shall include on each report card a list 1130
of additional information collected by the department that is 1131
available regarding the district or building for which the report 1132
card is issued. When available, such additional information shall 1133
include student mobility data disaggregated by race and 1134
socioeconomic status, college enrollment data, and the reports 1135
prepared under section 3302.031 of the Revised Code. 1136

The department shall maintain a site on the world wide web. 1137
The report card shall include the address of the site and shall 1138
specify that such additional information is available to the 1139
public at that site. The department shall also provide a copy of 1140
each item on the list to the superintendent of each school 1141
district. The district superintendent shall provide a copy of any 1142
item on the list to anyone who requests it. 1143

(6) For any district that sponsors a conversion community 1144
school under Chapter 3314. of the Revised Code, the department 1145
shall combine data regarding the academic performance of students 1146

enrolled in the community school with comparable data from the 1147
schools of the district for the purpose of calculating the 1148
performance of the district as a whole on the report card issued 1149
for the district. 1150

(7) The department shall include on each report card the 1151
percentage of teachers in the district or building who are highly 1152
qualified, as defined by the "No Child Left Behind Act of 2001," 1153
115 Stat. 1425, 20 U.S.C. 7801, and a comparison of that 1154
percentage with the percentages of such teachers in similar 1155
districts and buildings. 1156

(8) The department shall include on the report card the 1157
number of master teachers employed by each district and each 1158
building once the data is available from the education management 1159
information system established under section 3301.0714 of the 1160
Revised Code. 1161

(D)(1) In calculating reading, writing, mathematics, social 1162
studies, or science proficiency or achievement test passage rates 1163
used to determine school district or building performance under 1164
this section, the department shall include all students taking a 1165
test with accommodation or to whom an alternate assessment is 1166
administered pursuant to division (C)(1) or (3) of section 1167
3301.0711 of the Revised Code. 1168

(2) In calculating performance index scores, rates of 1169
achievement on the performance indicators established by the state 1170
board under section 3302.02 of the Revised Code, and adequate 1171
yearly progress for school districts and buildings under this 1172
section, the department shall do both of the following: 1173

(a) Include for each district or building only those students 1174
who are included in the ADM certified for the first full school 1175
week of October and are continuously enrolled in the district or 1176
building through the time of the spring administration of any test 1177

prescribed by section 3301.0710 of the Revised Code that is 1178
administered to the student's grade level; 1179

(b) Include cumulative totals from both the fall and spring 1180
administrations of the third grade reading achievement test. 1181

Sec. 3302.04. (A) The department of education shall establish 1182
a system of intensive, ongoing support for the improvement of 1183
school districts and school buildings. The system shall give 1184
priority to districts and buildings that have been declared to be 1185
under an academic watch or in a state of academic emergency under 1186
section 3302.03 of the Revised Code and shall include services 1187
provided to districts and buildings through regional service 1188
providers, such as educational service centers, regional 1189
professional development centers, and special education regional 1190
resource centers. 1191

(B) When a school district has been notified by the 1192
department pursuant to division (A) of section 3302.03 of the 1193
Revised Code that the district or a building within the district 1194
has failed to make adequate yearly progress for two consecutive 1195
school years, the district shall develop a three-year continuous 1196
improvement plan for the district or building containing each of 1197
the following: 1198

(1) An analysis of the reasons for the failure of the 1199
district or building to meet any of the applicable performance 1200
indicators established under section 3302.02 of the Revised Code 1201
that it did not meet and an analysis of the reasons for its 1202
failure to make adequate yearly progress; 1203

(2) Specific strategies that the district or building will 1204
use to address the problems in academic achievement identified in 1205
division (B)(1) of this section; 1206

(3) Identification of the resources that the district will 1207

allocate toward improving the academic achievement of the district
or building; 1208
1209

(4) A description of any progress that the district or 1210
building made in the preceding year toward improving its academic 1211
achievement; 1212

(5) An analysis of how the district is utilizing the 1213
professional development standards adopted by the state board 1214
pursuant to section 3319.61 of the Revised Code; 1215

(6) Strategies that the district or building will use to 1216
improve the cultural competency, as defined pursuant to section 1217
3319.61 of the Revised Code, of teachers and other educators. 1218

No three-year continuous improvement plan shall be developed 1219
or adopted pursuant to this division unless at least one public 1220
hearing is held within the affected school district or building 1221
concerning the final draft of the plan. Notice of the hearing 1222
shall be given two weeks prior to the hearing by publication in 1223
one newspaper of general circulation within the territory of the 1224
affected school district or building. Copies of the plan shall be 1225
made available to the public. 1226

(C) When a school district or building has been notified by 1227
the department pursuant to division (A) of section 3302.03 of the 1228
Revised Code that the district or building is under an academic 1229
watch or in a state of academic emergency, the district or 1230
building shall be subject to any rules establishing intervention 1231
in academic watch or emergency school districts or buildings. 1232

(D)(1) Within one hundred twenty days after any school 1233
district or building is declared to be in a state of academic 1234
emergency under section 3302.03 of the Revised Code, the 1235
department may initiate a site evaluation of the building or 1236
school district. 1237

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

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

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

(b) Determining pupil-teacher ratios;

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

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

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

(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the

<u>Revised Code, of teachers and other educators.</u>	1268
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years.	1269 1270 1271
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	1272 1273 1274
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.	1275 1276 1277 1278 1279 1280 1281
(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, the district shall spend <u>an amount equal to</u> twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If <u>an amount equal to</u> twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for	1282 1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1293 1294 1295 1296 1297 1298

transportation, the district shall grant priority over all other 1299
students to the lowest achieving students among the subgroup 1300
described in division (F)(3) of section 3302.01 of the Revised 1301
Code in providing transportation. Any district that does not 1302
receive funds under Title I, Part A of the "Elementary and 1303
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall 1304
not be required to provide transportation to any student who 1305
enrolls in an alternative building under this division. 1306

(2) For any school building that fails to make adequate 1307
yearly progress for three consecutive school years, the district 1308
shall do both of the following: 1309

(a) If the building receives funds under Title 1, Part A of 1310
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1311
6311 to 6339, from the district, in accordance with section 1312
3313.97 of the Revised Code, provide all students enrolled in the 1313
building the opportunity to enroll in an alternative building 1314
within the district that is not in school improvement status as 1315
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 1316
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 1317
the district shall provide transportation for students who enroll 1318
in alternative buildings under this division to the extent 1319
required under division (E)(2) of this section. 1320

(b) If the building receives funds under Title 1, Part A of 1321
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1322
6311 to 6339, from the district, offer supplemental educational 1323
services to students who are enrolled in the building and who are 1324
in the subgroup described in division (F)(3) of section 3302.01 of 1325
the Revised Code. 1326

The district shall spend a combined total of an amount equal 1327
to twenty per cent of the funds it receives under Title I, Part A 1328
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1329
6311 to 6339, to provide transportation for students who enroll in 1330

alternative buildings under division (E)(1)(b) or (E)(2)(a) of 1331
this section and to pay the costs of the supplemental educational 1332
services provided to students under division (E)(2)(b) of this 1333
section, unless the district can satisfy all demand for 1334
transportation and pay the costs of supplemental educational 1335
services for those students who request them with a lesser amount. 1336
In allocating ~~the funds the district receives under Title I, Part~~ 1337
~~A of the "Elementary and Secondary Education Act of 1965," 20~~ 1338
~~U.S.C. 6311 to 6339,~~ between the requirements of divisions 1339
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 1340
shall spend at least an amount equal to five per cent of such the 1341
funds it receives under Title I, Part A of the "Elementary and 1342
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 1343
provide transportation for students who enroll in alternative 1344
buildings under division (E)(1)(b) or (E)(2)(a) of this section, 1345
unless the district can satisfy all demand for transportation with 1346
a lesser amount, and at least an amount equal to five per cent of 1347
such the funds it receives under Title I, Part A of the 1348
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1349
to 6339, to pay the costs of the supplemental educational services 1350
provided to students under division (E)(2)(b) of this section, 1351
unless the district can pay the costs of such services for all 1352
students requesting them with a lesser amount. If an amount equal 1353
to twenty per cent of the funds the district receives under Title 1354
I, Part A of the "Elementary and Secondary Education Act of 1965," 1355
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 1356
transportation under divisions (E)(1)(b) and (E)(2)(a) of this 1357
section and to pay the costs of all of the supplemental 1358
educational services provided to students under division (E)(2)(b) 1359
of this section, the district shall grant priority over all other 1360
students in providing transportation and in paying the costs of 1361
supplemental educational services to the lowest achieving students 1362
among the subgroup described in division (F)(3) of section 3302.01 1363

of the Revised Code. 1364

Any district that does not receive funds under Title I, Part 1365
A of the "Elementary and Secondary Education Act of 1965," 20 1366
U.S.C. 6311 to 6339, shall not be required to provide 1367
transportation to any student who enrolls in an alternative 1368
building under division (E)(2)(a) of this section or to pay the 1369
costs of supplemental educational services provided to any student 1370
under division (E)(2)(b) of this section. 1371

No student who enrolls in an alternative building under 1372
division (E)(2)(a) of this section shall be eligible for 1373
supplemental educational services under division (E)(2)(b) of this 1374
section. 1375

(3) For any school building that fails to make adequate 1376
yearly progress for four consecutive school years, the district 1377
shall continue to comply with division (E)(2) of this section and 1378
shall implement at least one of the following options with respect 1379
to the building: 1380

(a) Institute a new curriculum that is consistent with the 1381
statewide academic standards adopted pursuant to division (A) of 1382
section 3301.079 of the Revised Code; 1383

(b) Decrease the degree of authority the building has to 1384
manage its internal operations; 1385

(c) Appoint an outside expert to make recommendations for 1386
improving the academic performance of the building. The district 1387
may request the department to establish a state intervention team 1388
for this purpose pursuant to division (G) of this section. 1389

(d) Extend the length of the school day or year; 1390

(e) Replace the building principal or other key personnel; 1391

(f) Reorganize the administrative structure of the building. 1392

(4) For any school building that fails to make adequate 1393

yearly progress for five consecutive school years, the district 1394
shall continue to comply with division (E)(2) of this section and 1395
shall develop a plan during the next succeeding school year to 1396
improve the academic performance of the building, which shall 1397
include at least one of the following options: 1398

(a) Reopen the school as a community school under Chapter 1399
3314. of the Revised Code; 1400

(b) Replace personnel; 1401

(c) Contract with a nonprofit or for-profit entity to operate 1402
the building; 1403

(d) Turn operation of the building over to the department; 1404

(e) Other significant restructuring of the building's 1405
governance. 1406

(5) For any school building that fails to make adequate 1407
yearly progress for six consecutive school years, the district 1408
shall continue to comply with division (E)(2) of this section and 1409
shall implement the plan developed pursuant to division (E)(4) of 1410
this section. 1411

(6) A district shall continue to comply with division 1412
(E)(1)(b) or (E)(2) of this section, whichever was most recently 1413
applicable, with respect to any building formerly subject to one 1414
of those divisions until the building makes adequate yearly 1415
progress for two consecutive school years. 1416

(F) This division applies only to school districts that fail 1417
to make adequate yearly progress for two or more consecutive 1418
school years. 1419

(1) If a school district fails to make adequate yearly 1420
progress for two consecutive school years, the district shall 1421
provide a written description of the continuous improvement plan 1422
developed by the district pursuant to division (B) of this section 1423

to the parent or guardian of each student enrolled in the 1424
district. 1425

(2) If a school district fails to make adequate yearly 1426
progress for three consecutive school years, the district shall 1427
continue to implement the continuous improvement plan developed by 1428
the district pursuant to division (B) of this section. 1429

(3) If a school district fails to make adequate yearly 1430
progress for four consecutive school years, the department shall 1431
take at least one of the following corrective actions with respect 1432
to the district: 1433

(a) Withhold a portion of the funds the district is entitled 1434
to receive under Title I, Part A of the "Elementary and Secondary 1435
Education Act of 1965," 20 U.S.C. 6311 to 6339; 1436

(b) Direct the district to replace key district personnel; 1437

(c) Institute a new curriculum that is consistent with the 1438
statewide academic standards adopted pursuant to division (A) of 1439
section 3301.079 of the Revised Code; 1440

(d) Establish alternative forms of governance for individual 1441
school buildings within the district; 1442

(e) Appoint a trustee to manage the district in place of the 1443
district superintendent and board of education. 1444

The department shall conduct individual audits of a sampling 1445
of districts subject to this division to determine compliance with 1446
the corrective actions taken by the department. 1447

(4) If a school district fails to make adequate yearly 1448
progress for five consecutive school years, the department shall 1449
continue to monitor implementation of the corrective action taken 1450
under division (F)(3) of this section with respect to the 1451
district. 1452

(5) If a school district fails to make adequate yearly 1453

progress for six consecutive school years, the department shall
take at least one of the corrective actions identified in division
(F)(3) of this section with respect to the district, provided that
the corrective action the department takes is different from the
corrective action previously taken under division (F)(3) of this
section with respect to the district.

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

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

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

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

Sec. 3307.01. As used in this chapter:

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

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

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

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

~~(3) Any person holding an internship certificate issued under section 3319.28 of the Revised Code and employed in a public school in this state;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

"year" may mean the contract year.	1544
(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.	1545 1546 1547
(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.	1548 1549 1550 1551
(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.	1552 1553 1554 1555 1556
(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:	1557 1558
(1) A member of the American academy of actuaries;	1559
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	1560 1561
(K) "Fiduciary" means a person who does any of the following:	1562
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	1563 1564 1565
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	1566 1567
(3) Has any discretionary authority or responsibility in the administration of the system.	1568 1569
(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other	1570 1571 1572 1573

earnings shall be determined prior to determination of the amount 1574
required to be contributed to the teachers' savings fund or 1575
defined contribution fund under section 3307.26 of the Revised 1576
Code and without regard to whether any of the salary, wages, or 1577
other earnings are treated as deferred income for federal income 1578
tax purposes. 1579

(2) Compensation does not include any of the following: 1580

(a) Payments for accrued but unused sick leave or personal 1581
leave, including payments made under a plan established pursuant 1582
to section 124.39 of the Revised Code or any other plan 1583
established by the employer; 1584

(b) Payments made for accrued but unused vacation leave, 1585
including payments made pursuant to section 124.13 of the Revised 1586
Code or a plan established by the employer; 1587

(c) Payments made for vacation pay covering concurrent 1588
periods for which other salary, compensation, or benefits under 1589
this chapter are paid; 1590

(d) Amounts paid by the employer to provide life insurance, 1591
sickness, accident, endowment, health, medical, hospital, dental, 1592
or surgical coverage, or other insurance for the teacher or the 1593
teacher's family, or amounts paid by the employer to the teacher 1594
in lieu of providing the insurance; 1595

(e) Incidental benefits, including lodging, food, laundry, 1596
parking, or services furnished by the employer, use of the 1597
employer's property or equipment, and reimbursement for 1598
job-related expenses authorized by the employer, including moving 1599
and travel expenses and expenses related to professional 1600
development; 1601

(f) Payments made by the employer in exchange for a member's 1602
waiver of a right to receive any payment, amount, or benefit 1603
described in division (L)(2) of this section; 1604

(g) Payments by the employer for services not actually rendered;	1605 1606
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	1607 1608 1609
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	1610 1611 1612 1613 1614 1615
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	1616 1617 1618 1619 1620 1621
(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;	1622 1623 1624
(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.	1625 1626 1627 1628
(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined	1629 1630 1631 1632 1633 1634 1635

under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1636
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(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly; 1638
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(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire. 1644
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(3) The retirement board shall determine by rule both of the following: 1646
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(a) Whether particular forms of earnings are included in any of the categories enumerated in this division; 1648
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(b) Whether any form of earnings not enumerated in this division is to be included in compensation. 1650
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Decisions of the board made under this division shall be final. 1652
1653

(M) "Superannuate" means both of the following: 1654

(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code; 1655
1656

(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code. 1657
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For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of 1662
1663
1664
1665

which retirement system is paying the benefit. 1666

Sec. 3313.28. The treasurer of a board of education, at the 1667
expiration of the treasurer's term of office, shall deliver to the 1668
treasurer's successor all books and papers in the treasurer's 1669
hands relating to the affairs of the district, including educator 1670
licenses ~~and internship certificates~~, and copies thereof, and 1671
reports of school statistics, filed by teachers. 1672

Sec. 3313.53. (A) As used in this section: 1673

(1) "Licensed individual" means an individual who holds a 1674
valid educator license, certificate, or permit issued by the state 1675
board of education under section 3319.22, 3319.26, 3319.27, or 1676
3319.302 of the Revised Code. 1677

(2) "Nonlicensed individual" means an individual who does not 1678
hold a valid educator license, certificate, or permit issued by 1679
the state board of education under section 3319.22, 3319.26, 1680
3319.27, or 3319.302 of the Revised Code. 1681

(B) The board of education of any city, exempted village, or 1682
local school district may establish and maintain in connection 1683
with the public school systems: 1684

~~(A)~~(1) Manual training, industrial arts, domestic science, 1685
and commercial departments; 1686

~~(B)~~(2) Agricultural, industrial, vocational, and trades 1687
schools. 1688

Such board may pay from the public school funds, as other 1689
school expenses are paid, the expenses of establishing and 1690
maintaining such departments and schools and of directing, 1691
supervising, and coaching the pupil-activity programs in music, 1692
language, arts, speech, government, athletics, and any others 1693
directly related to the curriculum. 1694

(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 the Revised Code. The state board shall also adopt rules applicable to licensed individuals, setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program and that shall not be more stringent than the standards set forth in rules applicable to nonlicensed individuals. A

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

of or required for such a class or course. A nonlicensed 1727
individual employed under this section may perform only the duties 1728
of the director, supervisor, or coach of the pupil-activity 1729
program for which the nonlicensed individual is employed. 1730

The board shall fix the compensation of the nonlicensed 1731
individual so employed, which shall be the same amount as the 1732
position was offered to the district's licensed employees, and 1733
execute a written contract with the nonlicensed individual for a 1734
term not to exceed one year. The contract shall specify the 1735
compensation, duration, and other terms of employment, and the 1736
compensation shall not be reduced unless such reduction is a part 1737
of a uniform plan affecting the entire district. ~~No~~ 1738

If the state board suspends, revokes, or limits the 1739
pupil-activity program permit of a nonlicensed individual, the 1740
school district board may terminate or suspend the employment 1741
contract of that individual. Otherwise, no contract issued under 1742
this section shall be terminated or suspended except pursuant to 1743
the procedure established by division (C) of section 3319.081 of 1744
the Revised Code. 1745

Sec. 3318.031. (A) The Ohio school facilities commission 1746
shall consider student and staff safety and health when reviewing 1747
design plans for classroom facility construction projects proposed 1748
under this chapter. After consulting with appropriate education, 1749
health, and law enforcement personnel, the commission may require 1750
as a condition of project approval under either section 3318.03 or 1751
division (B)(1) of section 3318.41 of the Revised Code such 1752
changes in the design plans as the commission believes will 1753
advance or improve student and staff safety and health in the 1754
proposed classroom facility. 1755

To carry out its duties under this ~~section~~ division, the 1756
commission shall review and, if necessary, amend any construction 1757

and design standards used in its project approval process, 1758
including standards for location and number of exits, standards 1759
for lead safety in classroom facilities constructed before 1978 in 1760
which services are provided to children under six years of age, 1761
and location of restrooms, with a focus on advancing student and 1762
staff safety and health. 1763

(B) When reviewing design plans for classroom facility 1764
construction projects proposed under this chapter, the commission 1765
shall also consider the extent to which design plans reflect all 1766
of the following: 1767

(1) Support and facilitation of smaller classes and the trend 1768
toward smaller schools; 1769

(2) Provision of sufficient space for training new teachers 1770
and promotion of collaboration among teaching candidates, 1771
experienced teachers, and teacher educators; 1772

(3) Provision of adequate space for teacher planning and 1773
collaboration; 1774

(4) Provision of adequate space for parent involvement 1775
activities; 1776

(5) Provision of sufficient space for innovative partnerships 1777
between schools and health and social service agencies. 1778

Sec. 3319.075. Once the state board of education adopts 1779
professional development standards pursuant to section 3319.61 of 1780
the Revised Code, the board of education of each school district 1781
shall use the standards for the following purposes: 1782

(A) To guide the design of teacher education programs serving 1783
both teacher candidates and experienced teachers; 1784

(B) To guide school-based professional development that is 1785
aligned with student achievement; 1786

(C) To determine what types of professional development the school district and the schools within the district should provide; 1787
1788
1789

(D) To guide how state and federal funding for professional development should be spent; 1790
1791

(E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code; 1792
1793
1794

(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards; 1795
1796
1797

(G) To guide all licensed school personnel in developing their own plans for professional growth. 1798
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Sec. 3319.09. As used in sections 3319.08 to 3319.18, inclusive, of the Revised Code: 1800
1801

(A) "Teacher" means all persons licensed to teach and who are employed in the public schools of this state as instructors, principals, supervisors, superintendents, or in any other educational position for which the state board of education requires licensure under sections 3319.22 to 3319.31 of the Revised Code including persons ~~holding an internship certificate issued under section 3319.28 of the Revised Code and persons~~ having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations. 1802
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(B) "Year" as applied to term of service means actual service 1816

of not less than one hundred twenty days within a school year; 1817
provided that any board of education may grant a leave of absence 1818
for professional advancement with full credit for service. 1819

(C) "Continuing service status" for a teacher means 1820
employment under a continuing contract. 1821

Sec. 3319.11. (A) As used in this section: 1822

(1) "Evaluation procedures" means the procedures adopted 1823
pursuant to division (B) of section 3319.111 of the Revised Code. 1824

(2) "Limited contract" means a limited contract, as described 1825
in section 3319.08 of the Revised Code, that a school district 1826
board of education or governing board of an educational service 1827
center enters into with a teacher who is not eligible for 1828
continuing service status. 1829

(3) "Extended limited contract" means a limited contract, as 1830
described in section 3319.08 of the Revised Code, that a board of 1831
education or governing board enters into with a teacher who is 1832
eligible for continuing service status. 1833

(B) Teachers eligible for continuing service status in any 1834
city, exempted village, local, or joint vocational school district 1835
or educational service center shall be those teachers qualified as 1836
described in division (B)(1) or (2) of section 3319.08 of the 1837
Revised Code, who within the last five years have taught for at 1838
least three years in the district or center, and those teachers 1839
who, having attained continuing contract status elsewhere, have 1840
served two years in the district or center, but the board, upon 1841
the recommendation of the superintendent, may at the time of 1842
employment or at any time within such two-year period, declare any 1843
of the latter teachers eligible. 1844

(1) Upon the recommendation of the superintendent that a 1845
teacher eligible for continuing service status be reemployed, a 1846

continuing contract shall be entered into between the board and 1847
the teacher unless the board by a three-fourths vote of its full 1848
membership rejects the recommendation of the superintendent. If 1849
the board rejects by a three-fourths vote of its full membership 1850
the recommendation of the superintendent that a teacher eligible 1851
for continuing service status be reemployed and the superintendent 1852
makes no recommendation to the board pursuant to division (C) of 1853
this section, the board may declare its intention not to reemploy 1854
the teacher by giving the teacher written notice on or before the 1855
thirtieth day of April of its intention not to reemploy the 1856
teacher. If evaluation procedures have not been complied with 1857
pursuant to division (A) of section 3319.111 of the Revised Code 1858
or the board does not give the teacher written notice on or before 1859
the thirtieth day of April of its intention not to reemploy the 1860
teacher, the teacher is deemed reemployed under an extended 1861
limited contract for a term not to exceed one year at the same 1862
salary plus any increment provided by the salary schedule. The 1863
teacher is presumed to have accepted employment under the extended 1864
limited contract for a term not to exceed one year unless such 1865
teacher notifies the board in writing to the contrary on or before 1866
the first day of June, and an extended limited contract for a term 1867
not to exceed one year shall be executed accordingly. Upon any 1868
subsequent reemployment of the teacher only a continuing contract 1869
may be entered into. 1870

(2) If the superintendent recommends that a teacher eligible 1871
for continuing service status not be reemployed, the board may 1872
declare its intention not to reemploy the teacher by giving the 1873
teacher written notice on or before the thirtieth day of April of 1874
its intention not to reemploy the teacher. If evaluation 1875
procedures have not been complied with pursuant to division (A) of 1876
section 3319.111 of the Revised Code or the board does not give 1877
the teacher written notice on or before the thirtieth day of April 1878
of its intention not to reemploy the teacher, the teacher is 1879

deemed reemployed under an extended limited contract for a term 1880
not to exceed one year at the same salary plus any increment 1881
provided by the salary schedule. The teacher is presumed to have 1882
accepted employment under the extended limited contract for a term 1883
not to exceed one year unless such teacher notifies the board in 1884
writing to the contrary on or before the first day of June, and an 1885
extended limited contract for a term not to exceed one year shall 1886
be executed accordingly. Upon any subsequent reemployment of a 1887
teacher only a continuing contract may be entered into. 1888

(3) Any teacher receiving written notice of the intention of 1889
a board not to reemploy such teacher pursuant to this division is 1890
entitled to the hearing provisions of division (G) of this 1891
section. 1892

(C)(1) If a board rejects the recommendation of the 1893
superintendent for reemployment of a teacher pursuant to division 1894
(B)(1) of this section, the superintendent may recommend 1895
reemployment of the teacher, if continuing service status has not 1896
previously been attained elsewhere, under an extended limited 1897
contract for a term not to exceed two years, provided that written 1898
notice of the superintendent's intention to make such 1899
recommendation has been given to the teacher with reasons directed 1900
at the professional improvement of the teacher on or before the 1901
thirtieth day of April. Upon subsequent reemployment of the 1902
teacher only a continuing contract may be entered into. 1903

(2) If a board of education takes affirmative action on a 1904
superintendent's recommendation, made pursuant to division (C)(1) 1905
of this section, of an extended limited contract for a term not to 1906
exceed two years but the board does not give the teacher written 1907
notice of its affirmative action on the superintendent's 1908
recommendation of an extended limited contract on or before the 1909
thirtieth day of April, the teacher is deemed reemployed under a 1910
continuing contract at the same salary plus any increment provided 1911

by the salary schedule. The teacher is presumed to have accepted 1912
employment under such continuing contract unless such teacher 1913
notifies the board in writing to the contrary on or before the 1914
first day of June, and a continuing contract shall be executed 1915
accordingly. 1916

(3) A board shall not reject a superintendent's 1917
recommendation, made pursuant to division (C)(1) of this section, 1918
of an extended limited contract for a term not to exceed two years 1919
except by a three-fourths vote of its full membership. If a board 1920
rejects by a three-fourths vote of its full membership the 1921
recommendation of the superintendent of an extended limited 1922
contract for a term not to exceed two years, the board may declare 1923
its intention not to reemploy the teacher by giving the teacher 1924
written notice on or before the thirtieth day of April of its 1925
intention not to reemploy the teacher. If evaluation procedures 1926
have not been complied with pursuant to division (A) of section 1927
3319.111 of the Revised Code or if the board does not give the 1928
teacher written notice on or before the thirtieth day of April of 1929
its intention not to reemploy ~~him~~ the teacher, the teacher is 1930
deemed reemployed under an extended limited contract for a term 1931
not to exceed one year at the same salary plus any increment 1932
provided by the salary schedule. The teacher is presumed to have 1933
accepted employment under the extended limited contract for a term 1934
not to exceed one year unless such teacher notifies the board in 1935
writing to the contrary on or before the first day of June, and an 1936
extended limited contract for a term not to exceed one year shall 1937
be executed accordingly. Upon any subsequent reemployment of the 1938
teacher only a continuing contract may be entered into. 1939

Any teacher receiving written notice of the intention of a 1940
board not to reemploy such teacher pursuant to this division is 1941
entitled to the hearing provisions of division (G) of this 1942
section. 1943

(D) A teacher eligible for continuing contract status 1944
employed under an extended limited contract pursuant to division 1945
(B) or (C) of this section, is, at the expiration of such extended 1946
limited contract, deemed reemployed under a continuing contract at 1947
the same salary plus any increment granted by the salary schedule, 1948
unless evaluation procedures have been complied with pursuant to 1949
division (A) of section 3319.111 of the Revised Code and the 1950
employing board, acting on the superintendent's recommendation 1951
that the teacher not be reemployed, gives the teacher written 1952
notice on or before the thirtieth day of April of its intention 1953
not to reemploy such teacher. A teacher who does not have 1954
evaluation procedures applied in compliance with division (A) of 1955
section 3319.111 of the Revised Code or who does not receive 1956
notice on or before the thirtieth day of April of the intention of 1957
the board not to reemploy such teacher is presumed to have 1958
accepted employment under a continuing contract unless such 1959
teacher notifies the board in writing to the contrary on or before 1960
the first day of June, and a continuing contract shall be executed 1961
accordingly. 1962

Any teacher receiving a written notice of the intention of a 1963
board not to reemploy such teacher pursuant to this division is 1964
entitled to the hearing provisions of division (G) of this 1965
section. 1966

(E) A limited contract may be entered into by each board with 1967
each teacher who has not been in the employ of the board for at 1968
least three years and shall be entered into, regardless of length 1969
of previous employment, with each teacher employed by the board 1970
who holds a provisional, temporary, or associate license ~~or an~~ 1971
~~internship certificate~~, or who holds a professional license and is 1972
not eligible to be considered for a continuing contract. 1973

Any teacher employed under a limited contract, and not 1974
eligible to be considered for a continuing contract, is, at the 1975

expiration of such limited contract, considered reemployed under 1976
the provisions of this division at the same salary plus any 1977
increment provided by the salary schedule unless evaluation 1978
procedures have been complied with pursuant to division (A) of 1979
section 3319.111 of the Revised Code and the employing board, 1980
acting upon the superintendent's written recommendation that the 1981
teacher not be reemployed, gives such teacher written notice of 1982
its intention not to reemploy such teacher on or before the 1983
thirtieth day of April. A teacher who does not have evaluation 1984
procedures applied in compliance with division (A) of section 1985
3319.111 of the Revised Code or who does not receive notice of the 1986
intention of the board not to reemploy such teacher on or before 1987
the thirtieth day of April is presumed to have accepted such 1988
employment unless such teacher notifies the board in writing to 1989
the contrary on or before the first day of June, and a written 1990
contract for the succeeding school year shall be executed 1991
accordingly. 1992

Any teacher receiving a written notice of the intention of a 1993
board not to reemploy such teacher pursuant to this division is 1994
entitled to the hearing provisions of division (G) of this 1995
section. 1996

(F) The failure of a superintendent to make a recommendation 1997
to the board under any of the conditions set forth in divisions 1998
(B) to (E) of this section, or the failure of the board to give 1999
such teacher a written notice pursuant to divisions (C) to (E) of 2000
this section shall not prejudice or prevent a teacher from being 2001
deemed reemployed under either a limited or continuing contract as 2002
the case may be under the provisions of this section. A failure of 2003
the parties to execute a written contract shall not void any 2004
automatic reemployment provisions of this section. 2005

(G)(1) Any teacher receiving written notice of the intention 2006
of a board of education not to reemploy such teacher pursuant to 2007

division (B), (C)(3), (D), or (E) of this section may, within ten 2008
days of the date of receipt of the notice, file with the treasurer 2009
of the board a written demand for a written statement describing 2010
the circumstances that led to the board's intention not to 2011
reemploy the teacher. 2012

(2) The treasurer of a board, on behalf of the board, shall, 2013
within ten days of the date of receipt of a written demand for a 2014
written statement pursuant to division (G)(1) of this section, 2015
provide to the teacher a written statement describing the 2016
circumstances that led to the board's intention not to reemploy 2017
the teacher. 2018

(3) Any teacher receiving a written statement describing the 2019
circumstances that led to the board's intention not to reemploy 2020
the teacher pursuant to division (G)(2) of this section may, 2021
within five days of the date of receipt of the statement, file 2022
with the treasurer of the board a written demand for a hearing 2023
before the board pursuant to divisions (G)(4) to (6) of this 2024
section. 2025

(4) The treasurer of a board, on behalf of the board, shall, 2026
within ten days of the date of receipt of a written demand for a 2027
hearing pursuant to division (G)(3) of this section, provide to 2028
the teacher a written notice setting forth the time, date, and 2029
place of the hearing. The board shall schedule and conclude the 2030
hearing within forty days of the date on which the treasurer of 2031
the board receives a written demand for a hearing pursuant to 2032
division (G)(3) of this section. 2033

(5) Any hearing conducted pursuant to this division shall be 2034
conducted by a majority of the members of the board. The hearing 2035
shall be held in executive session of the board unless the board 2036
and the teacher agree to hold the hearing in public. The 2037
superintendent, assistant superintendent, the teacher, and any 2038
person designated by either party to take a record of the hearing 2039

may be present at the hearing. The board may be represented by 2040
counsel and the teacher may be represented by counsel or a 2041
designee. A record of the hearing may be taken by either party at 2042
the expense of the party taking the record. 2043

(6) Within ten days of the conclusion of a hearing conducted 2044
pursuant to this division, the board shall issue to the teacher a 2045
written decision containing an order affirming the intention of 2046
the board not to reemploy the teacher reported in the notice given 2047
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 2048
this section or an order vacating the intention not to reemploy 2049
and expunging any record of the intention, notice of the 2050
intention, and the hearing conducted pursuant to this division. 2051

(7) A teacher may appeal an order affirming the intention of 2052
the board not to reemploy the teacher to the court of common pleas 2053
of the county in which the largest portion of the territory of the 2054
school district or service center is located, within thirty days 2055
of the date on which the teacher receives the written decision, on 2056
the grounds that the board has not complied with section 3319.11 2057
or 3319.111 of the Revised Code. 2058

Notwithstanding section 2506.04 of the Revised Code, the 2059
court in an appeal under this division is limited to the 2060
determination of procedural errors and to ordering the correction 2061
of procedural errors and shall have no jurisdiction to order a 2062
board to reemploy a teacher, except that the court may order a 2063
board to reemploy a teacher in compliance with the requirements of 2064
division (B), (C)(3), (D), or (E) of this section when the court 2065
determines that evaluation procedures have not been complied with 2066
pursuant to division (A) of section 3319.111 of the Revised Code 2067
or the board has not given the teacher written notice on or before 2068
the thirtieth day of April of its intention not to reemploy the 2069
teacher pursuant to division (B), (C)(3), (D), or (E) of this 2070
section. Otherwise, the determination whether to reemploy or not 2071

reemploy a teacher is solely a board's determination and not a 2072
proper subject of judicial review and, except as provided in this 2073
division, no decision of a board whether to reemploy or not 2074
reemploy a teacher shall be invalidated by the court on any basis, 2075
including that the decision was not warranted by the results of 2076
any evaluation or was not warranted by any statement given 2077
pursuant to division (G)(2) of this section. 2078

No appeal of an order of a board may be made except as 2079
specified in this division. 2080

(H)(1) In giving a teacher any notice required by division 2081
(B), (C), (D), or (E) of this section, the board or the 2082
superintendent shall do either of the following: 2083

(a) Deliver the notice by personal service upon the teacher; 2084

(b) Deliver the notice by certified mail, return receipt 2085
requested, addressed to the teacher at the teacher's place of 2086
employment and deliver a copy of the notice by certified mail, 2087
return receipt requested, addressed to the teacher at the 2088
teacher's place of residence. 2089

(2) In giving a board any notice required by division (B), 2090
(C), (D), or (E) of this section, the teacher shall do either of 2091
the following: 2092

(a) Deliver the notice by personal delivery to the office of 2093
the superintendent during regular business hours; 2094

(b) Deliver the notice by certified mail, return receipt 2095
requested, addressed to the office of the superintendent and 2096
deliver a copy of the notice by certified mail, return receipt 2097
requested, addressed to the president of the board at the 2098
president's place of residence. 2099

(3) When any notice and copy of the notice are mailed 2100
pursuant to division (H)(1)(b) or (2)(b) of this section, the 2101

notice or copy of the notice with the earlier date of receipt 2102
shall constitute the notice for the purposes of division (B), (C), 2103
(D), or (E) of this section. 2104

(I) The provisions of this section shall not apply to any 2105
supplemental written contracts entered into pursuant to section 2106
3319.08 of the Revised Code. 2107

Sec. 3319.111. (A) Any board of education that has entered 2108
into any limited contract or extended limited contract with a 2109
teacher pursuant to section 3319.11 of the Revised Code, ~~except~~ 2110
~~with a teacher who holds an internship certificate granted under~~ 2111
~~division (A) of section 3319.28 of the Revised Code,~~ shall 2112
evaluate such a teacher in compliance with the requirements of 2113
this section in any school year in which the board may wish to 2114
declare its intention not to re-employ the teacher pursuant to 2115
division (B), (C)(3), (D), or (E) of section 3319.11 of the 2116
Revised Code. 2117

This evaluation shall be conducted at least twice in the 2118
school year in which the board may wish to declare its intention 2119
not to re-employ the teacher. One evaluation shall be conducted 2120
and completed not later than the fifteenth day of January and the 2121
teacher being evaluated shall receive a written report of the 2122
results of this evaluation not later than the twenty-fifth day of 2123
January. One evaluation shall be conducted and completed between 2124
the tenth day of February and the first day of April and the 2125
teacher being evaluated shall receive a written report of the 2126
results of this evaluation not later than the tenth day of April. 2127

Any evaluation conducted pursuant to this section shall be 2128
conducted by one or more of the following: 2129

(1) A person who is under contract with a board of education 2130
pursuant to section 3319.01 or 3319.02 of the Revised Code and 2131
holds a license designated for being a superintendent, assistant 2132

superintendent, or principal issued under section 3319.22 of the Revised Code; 2133
2134

(2) A person who is under contract with a board of education pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director or a supervisor in any educational area issued under section 3319.22 of the Revised Code; 2135
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(3) A person designated to conduct evaluations under an agreement providing for peer review entered into by a board of education and representatives of teachers employed by that board. 2140
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(B) Any board of education evaluating a teacher pursuant to this section shall adopt evaluation procedures that shall be applied each time a teacher is evaluated pursuant to this section. These evaluation procedures shall include, but not be limited to: 2143
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(1) Criteria of expected job performance in the areas of responsibility assigned to the teacher being evaluated; 2147
2148

(2) Observation of the teacher being evaluated by the person conducting the evaluation on at least two occasions for not less than thirty minutes on each occasion; 2149
2150
2151

(3) A written report of the results of the evaluation that includes specific recommendations regarding any improvements needed in the performance of the teacher being evaluated and regarding the means by which the teacher may obtain assistance in making such improvements. 2152
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(C) This section does not apply to teachers subject to evaluation procedures under sections 3319.01 and 3319.02 of the Revised Code or to any teacher employed as a substitute for less than one hundred twenty days during a school year pursuant to section 3319.10 of the Revised Code. 2157
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Sec. 3319.112. (A) The state board of education, in 2162

consultation with the joint council of the state board of 2163
education and the Ohio board of regents, shall establish 2164
guidelines for the evaluation of teachers and principals. The 2165
guidelines shall include the following principles: 2166

(1) A school district should evaluate the performance of 2167
teachers on a regular basis. 2168

(2) The evaluation system adopted by a school district should 2169
be fair, credible, and evidence-based and should use multiple 2170
measures of a teacher or principal's use of knowledge and skills 2171
and of students' academic progress. 2172

(3) The evaluation system adopted by a school district should 2173
be aligned with the standards for teachers and principals adopted 2174
pursuant to section 3319.61 of the Revised Code. 2175

(4) The evaluation system adopted by a school district should 2176
provide clear statements of expectation for professional 2177
performance. 2178

(5) The evaluation of a teacher or principal should suggest 2179
professional development that will enhance future performance in 2180
areas that do not meet expected performance levels. 2181

(6) The criteria included in a school district's evaluation 2182
system should be reviewed on a regular basis and revised as 2183
necessary to ensure effectiveness over time. 2184

(7) The evaluation system adopted by a school district should 2185
address the extent to which a teacher or principal exhibits 2186
cultural competency as defined pursuant to section 3319.61 of the 2187
Revised Code. 2188

(B) Once the state board has established the guidelines, the 2189
state board shall inform school districts of the contents of the 2190
guidelines. All school districts may use the guidelines in 2191
creating or modifying evaluation systems. 2192

(C) To assist school districts that modify evaluation systems 2193
to better reflect a standards-based method, the department of 2194
education shall do both of the following: 2195

(1) Serve as a clearinghouse of promising evaluation 2196
procedures and evaluation models that school districts may use; 2197

(2) Provide technical assistance to school districts that 2198
request assistance in modifying evaluation systems. 2199

Sec. 3319.22. (A)(1) The state board of education shall adopt 2200
rules establishing the standards and requirements for obtaining 2201
temporary, associate, provisional, and professional educator 2202
licenses of any categories, types, and levels the board elects to 2203
provide. However, no educator license shall be required for 2204
teaching children two years old or younger. 2205

(2) If the state board requires any examinations for educator 2206
licensure, the department of education shall provide the results 2207
of such examinations received by the department to the Ohio board 2208
of regents, in the manner and to the extent permitted by state and 2209
federal law. 2210

(B) Any rules the state board of education adopts, amends, or 2211
rescinds for educator licenses under this section, division (D) of 2212
section 3301.07 of the Revised Code, or any other law shall be 2213
adopted, amended, or rescinded under Chapter 119. of the Revised 2214
Code except as follows: 2215

(1) Notwithstanding division (D) of section 119.03 and 2216
division (A)(1) of section 119.04 of the Revised Code, ~~the~~ 2217
effective date in the case of the adoption of any rules, rule or 2218
the amendment or rescission of any rules, rule that necessitates 2219
institutions' offering teacher preparation programs that are 2220
approved by the state board of education under section 3319.23 of 2221
the Revised Code to revise the curriculum of those programs, the 2222

effective date shall not be as prescribed in division (D) of 2223
section 119.03 and division (A)(1) of section 119.04 of the 2224
Revised Code. Instead, the effective date of such rules, or the 2225
amendment or rescission of such rules, shall be the date 2226
prescribed by section 3319.23 of the Revised Code. 2227

(2) Notwithstanding the authority to adopt, amend, or rescind 2228
emergency rules in division (F) of section 119.03 of the Revised 2229
Code, this authority shall not apply to the state board of 2230
education with regard to rules for educator licenses. 2231

(C)(1) The rules adopted under this section establishing 2232
standards requiring additional coursework for the renewal of any 2233
educator license shall require a school district and a chartered 2234
nonpublic school to establish local professional development 2235
committees. In a nonpublic school, the chief administrative 2236
officer shall establish the committees in any manner acceptable to 2237
such officer. The committees established under this division shall 2238
determine whether coursework that a district or chartered 2239
nonpublic school teacher proposes to complete meets the 2240
requirement of the rules. The department of education shall 2241
provide technical assistance and support to committees as the 2242
committees incorporate the professional development standards 2243
adopted by the state board of education pursuant to section 2244
3319.61 of the Revised Code into their review of coursework that 2245
is appropriate for license renewal. The rules shall establish a 2246
procedure by which a teacher may appeal the decision of a local 2247
professional development committee. 2248

(2) In any school district in which there is no exclusive 2249
representative established under Chapter 4117. of the Revised 2250
Code, the professional development committees shall be established 2251
as described in division (C)(2) of this section. 2252

Not later than the effective date of the rules adopted under 2253
this section, the board of education of each school district shall 2254

establish the structure for one or more local professional 2255
development committees to be operated by such school district. The 2256
committee structure so established by a district board shall 2257
remain in effect unless within thirty days prior to an anniversary 2258
of the date upon which the current committee structure was 2259
established, the board provides notice to all affected district 2260
employees that the committee structure is to be modified. 2261
Professional development committees may have a district-level or 2262
building-level scope of operations, and may be established with 2263
regard to particular grade or age levels for which an educator 2264
license is designated. 2265

Each professional development committee shall consist of at 2266
least three classroom teachers employed by the district, one 2267
principal employed by the district, and one other employee of the 2268
district appointed by the district superintendent. For committees 2269
with a building-level scope, the teacher and principal members 2270
shall be assigned to that building, and the teacher members shall 2271
be elected by majority vote of the classroom teachers assigned to 2272
that building. For committees with a district-level scope, the 2273
teacher members shall be elected by majority vote of the classroom 2274
teachers of the district, and the principal member shall be 2275
elected by a majority vote of the principals of the district, 2276
unless there are two or fewer principals employed by the district, 2277
in which case the one or two principals employed shall serve on 2278
the committee. If a committee has a particular grade or age level 2279
scope, the teacher members shall be licensed to teach such grade 2280
or age levels, and shall be elected by majority vote of the 2281
classroom teachers holding such a license and the principal shall 2282
be elected by all principals serving in buildings where any such 2283
teachers serve. The district superintendent shall appoint a 2284
replacement to fill any vacancy that occurs on a professional 2285
development committee, except in the case of vacancies among the 2286
elected classroom teacher members, which shall be filled by vote 2287

of the remaining members of the committee so selected. 2288

Terms of office on professional development committees shall 2289
be prescribed by the district board establishing the committees. 2290
The conduct of elections for members of professional development 2291
committees shall be prescribed by the district board establishing 2292
the committees. A professional development committee may include 2293
additional members, except that the majority of members on each 2294
such committee shall be classroom teachers employed by the 2295
district. Any member appointed to fill a vacancy occurring prior 2296
to the expiration date of the term for which a predecessor was 2297
appointed shall hold office as a member for the remainder of that 2298
term. 2299

The initial meeting of any professional development 2300
committee, upon election and appointment of all committee members, 2301
shall be called by a member designated by the district 2302
superintendent. At this initial meeting, the committee shall 2303
select a chairperson and such other officers the committee deems 2304
necessary, and shall adopt rules for the conduct of its meetings. 2305
Thereafter, the committee shall meet at the call of the 2306
chairperson or upon the filing of a petition with the district 2307
superintendent signed by a majority of the committee members 2308
calling for the committee to meet. 2309

(3) In the case of a school district in which an exclusive 2310
representative has been established pursuant to Chapter 4117. of 2311
the Revised Code, professional development committees shall be 2312
established in accordance with any collective bargaining agreement 2313
in effect in the district that includes provisions for such 2314
committees. 2315

If the collective bargaining agreement does not specify a 2316
different method for the selection of teacher members of the 2317
committees, the exclusive representative of the district's 2318
teachers shall select the teacher members. 2319

If the collective bargaining agreement does not specify a 2320
different structure for the committees, the board of education of 2321
the school district shall establish the structure, including the 2322
number of committees and the number of teacher and administrative 2323
members on each committee; the specific administrative members to 2324
be part of each committee; whether the scope of the committees 2325
will be district levels, building levels, or by type of grade or 2326
age levels for which educator licenses are designated; the lengths 2327
of terms for members; the manner of filling vacancies on the 2328
committees; and the frequency and time and place of meetings. 2329
However, in all cases, except as provided in division (C)(4) of 2330
this section, there shall be a majority of teacher members of any 2331
professional development committee, there shall be at least five 2332
total members of any professional development committee, and the 2333
exclusive representative shall designate replacement members in 2334
the case of vacancies among teacher members, unless the collective 2335
bargaining agreement specifies a different method of selecting 2336
such replacements. 2337

(4) Whenever an administrator's coursework plan is being 2338
discussed or voted upon, the local professional development 2339
committee shall, at the request of one of its administrative 2340
members, cause a majority of the committee to consist of 2341
administrative members by reducing the number of teacher members 2342
voting on the plan. 2343

(D)(1) The department of education, educational service 2344
centers, county boards of mental retardation and developmental 2345
disabilities, regional professional development centers, special 2346
education regional resource centers, college and university 2347
departments of education, head start programs, the Ohio SchoolNet 2348
commission, and the Ohio education computer network may establish 2349
local professional development committees to determine whether the 2350
coursework proposed by their employees who are licensed or 2351

certificated under this section or section 3319.222 of the Revised Code meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

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

(2) Any public agency that is not specified in division (D)(1) of this section but provides educational services and employs or contracts for services of classroom teachers licensed 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 2383
3319.27 of the Revised Code. 2384

(B) Notwithstanding sections 3319.01 and 3319.22 of the 2385
Revised Code, the board of education of any city, local, or 2386
exempted village, or joint vocational school district, or the 2387
governing board of any educational service center may request the 2388
state board of education to issue a one-year temporary educator 2389
license valid for being employed as a superintendent, or in any 2390
other administrative position, to an individual specified by the 2391
district board. The state board of education may issue the 2392
educator license if the requesting district board has determined 2393
both of the following: 2394

~~(A)~~(1) The individual is of good moral character; 2395

~~(B)~~(2) The individual holds at least a baccalaureate degree 2396
from an accredited institution of higher education in a field 2397
related to finance or administration, or has five years of recent 2398
work experience in education, management, or administration. 2399

A one-year temporary educator license is valid only in the 2400
district whose board requested the license. An individual holding 2401
such a license may be employed as a superintendent or in any other 2402
administrative position in such district. The state board of 2403
education may renew such license annually upon request of the 2404
employing district. 2405

Sec. 3319.23. The state board of education shall establish 2406
standards and courses of study for the preparation of teachers, 2407
shall provide for the inspection of institutions desiring to 2408
prepare teachers, shall approve such institutions as maintain 2409
satisfactory training procedures, and shall properly license the 2410
graduates of such approved courses and institutions. 2411

The standards and courses of study for the preparation of 2412

teachers together with the standards, rules, and regulations set 2413
for each kind of license and for the renewal and conversion 2414
thereof shall be adopted and published by the board in accordance 2415
with Chapter 119. of the Revised Code ~~and no change therein.~~ 2416
Notwithstanding division (D) of section 119.03 and division (A)(1) 2417
of section 119.04 of the Revised Code, any standards, courses of 2418
study, rules, and regulations, or any amendment or rescission of 2419
such standards, courses of study, rules, and regulations, adopted 2420
by the board under this section that necessitate institutions 2421
offering teacher preparation programs approved by the board to 2422
revise the curriculum of those programs shall not be effective for 2423
at least one year from the first day of January next succeeding 2424
the publication of the said change. 2425

Sec. 3319.25. Any teacher performance assessment entity with 2426
which the department of education or the state board of education 2427
contracts or any independent agent with whom such entity, the 2428
department, or the state board contracts to provide services as a 2429
teacher performance assessor, trainer of assessors, or assessment 2430
coordinator is not liable for damages in a civil action concerning 2431
the actions of such entity or agent made in the conduct of a 2432
teacher performance assessment unless those actions were conducted 2433
with malicious purpose, in bad faith, or in a wanton or reckless 2434
manner. 2435

As used in this section, "teacher performance assessment" 2436
means an assessment prescribed by the state board of education to 2437
measure the classroom performance of a teacher who is a candidate 2438
for a professional educator license based on observations 2439
conducted by a trained assessor while the teacher is engaged in 2440
actual classroom instruction. 2441

Sec. 3319.26. (A) The state board of education shall adopt 2442
rules establishing the standards and requirements for obtaining an 2443

alternative educator license for teaching in grades seven to 2444
twelve, or the equivalent, in a designated subject area. However, 2445
an alternative educator license in the area of intervention 2446
specialist, as defined by rule of the state board, shall be valid 2447
for teaching in grades kindergarten to twelve. ~~The~~ An alternative 2448
educator license shall be issued to an individual who satisfies 2449
the requirements adopted by the state board upon the request of 2450
the superintendent of a city, local, exempted village, or joint 2451
vocational school district, the superintendent of an educational 2452
service center, or the chief administrator of a chartered 2453
nonpublic school. 2454

(B)(1) The rules shall require applicants for the license to 2455
~~hold~~ satisfy the following conditions prior to issuance of the 2456
license: 2457

(a) Hold a minimum of a baccalaureate degree, ~~to have~~ 2458
~~successfully completed;~~ 2459

(b) Successfully complete three semester hours or the 2460
equivalent of college coursework in the developmental 2461
characteristics of adolescent youths and three semester hours or 2462
the equivalent in teaching methods, ~~and to have passed;~~ 2463

(c) Pass an examination in the subject area for which 2464
application is being made. ~~An~~ 2465

(2) An alternative educator license shall be valid for two 2466
years and shall not be renewable. 2467

(3) The rules shall require the holder of an alternative 2468
educator license, as a condition of continuing to hold the 2469
license, to show satisfactory progress in taking and successfully 2470
completing within two years at least twelve additional semester 2471
hours, or the equivalent, of college coursework in the principles 2472
and practices of teaching in such topics as student development 2473

and learning, pupil assessment procedures, curriculum development, 2474
classroom management, and teaching methodology. 2475

(C) The rules shall provide for the granting of a provisional 2476
educator license to a holder of an alternative educator license 2477
upon successfully completing all of the following: 2478

~~(A)(1)~~ Two years of teaching under the alternative license; 2479

~~(B)(2)~~ The twelve semester hours, or the equivalent, of the 2480
additional college coursework described in division (B)(3) of this 2481
section; 2482

~~(C)(3)~~ The assessment of ~~subject matter content and~~ 2483
professional knowledge that is required of other applicants for a 2484
provisional educator license. The standards for successfully 2485
completing this assessment and the manner of conducting the 2486
assessment shall be the same as for any other applicant for a 2487
provisional educator license. 2488

Sec. 3319.261. An individual who otherwise qualifies for an 2489
alternative educator license for employment as an intervention 2490
specialist as authorized under section 3319.26 of the Revised Code 2491
shall be issued such license without successful completion of the 2492
examination specified in division (B)(1)(c) of section 3319.26 of 2493
the Revised Code. The individual to whom the alternative educator 2494
license is issued under this section shall be required to 2495
successfully complete that examination prior to issuance of a 2496
provisional educator license as provided in division (C) of 2497
section 3319.26 of the Revised Code only after completing the 2498
coursework prescribed in division (B)(3) of that section. 2499

Sec. 3319.27. (A) The state board of education shall adopt 2500
rules that establish an alternative principal license. The rules 2501
establishing an alternative principal license shall include a 2502
requirement that an applicant have obtained classroom teaching 2503

experience. Beginning on the effective date of the rules, the 2504
state board shall cease to issue temporary educator licenses 2505
pursuant to section 3319.225 of the Revised Code for employment as 2506
a principal. Any person who on the effective date of the rules 2507
holds a valid temporary educator license issued under that section 2508
and is employed as a principal shall be allowed to continue 2509
employment as a principal until the expiration of the license. 2510
Employment of any such person as a principal by a school district 2511
after the expiration of the temporary educator license shall be 2512
contingent upon the state board issuing the person an alternative 2513
principal license in accordance with the rules adopted under this 2514
division. 2515

(B) The state board shall adopt rules that establish an 2516
alternative administrator license, which shall be valid for 2517
employment as a superintendent or in any other administrative 2518
position except principal. Beginning on the effective date of the 2519
rules, the state board shall cease to issue temporary educator 2520
licenses pursuant to section 3319.225 of the Revised Code for 2521
employment as a superintendent or in any other administrative 2522
position except principal. Any person who on the effective date of 2523
the rules holds a valid temporary educator license issued under 2524
that section and is employed as a superintendent or in any other 2525
administrative position except principal shall be allowed to 2526
continue employment in that position until the expiration of the 2527
license. Employment of any such person as a superintendent or in 2528
any other administrative position except principal by a school 2529
district after the expiration of the temporary educator license 2530
shall be contingent upon the state board issuing the person an 2531
alternative administrator license in accordance with the rules 2532
adopted under this division. 2533

Sec. 3319.29. Each application for any license or certificate 2534

pursuant to ~~section~~ sections 3319.22 to ~~3319.28~~ 3319.27 of the 2535
Revised Code or for any permit pursuant to section 3319.301 or 2536
3319.303 of the Revised Code, or renewal or duplicate of such a 2537
license, certificate, or permit, shall be accompanied by the 2538
payment of a fee in the amount established under division (A) of 2539
section 3319.51 of the Revised Code. Any fees received under this 2540
section shall be paid into the state treasury to the credit of the 2541
state board of education licensure fund established under division 2542
(B) of section 3319.51 of the Revised Code. 2543

Any person applying for or holding a license, certificate, or 2544
permit pursuant to this section and sections 3319.22 to ~~3319.28~~ 2545
3319.27 or section 3319.301 or 3319.303 of the Revised Code is 2546
subject to sections 3123.41 to 3123.50 of the Revised Code and any 2547
applicable rules adopted under section 3123.63 of the Revised Code 2548
and sections 3319.31 and 3319.311 of the Revised Code. 2549

Sec. 3319.291. (A) ~~Except for a certificate of the type~~ 2550
~~described in division (B) of section 3319.281 of the Revised Code,~~ 2551
~~when~~ When any person initially applies for any certificate, 2552
license, or permit described in division (B) of section 3301.071 2553
~~or,~~ in section 3301.074, 3319.088, or 3319.29, or in division (A) 2554
of section 3319.303 of the Revised Code, the state board of 2555
education shall require the person to submit with the application 2556
two complete sets of fingerprints and written permission that 2557
authorizes the superintendent of public instruction to forward the 2558
fingerprints to the bureau of criminal identification and 2559
investigation pursuant to division (F) of section 109.57 of the 2560
Revised Code and that authorizes that bureau to forward the 2561
fingerprints to the federal bureau of investigation for purposes 2562
of obtaining any criminal records that the federal bureau 2563
maintains on the person. 2564

(B) The state board of education or the superintendent of 2565

public instruction may request the superintendent of the bureau of 2566
criminal identification and investigation to do either or both of 2567
the following: 2568

(1) Investigate and determine whether the bureau has any 2569
information, gathered pursuant to division (A) of section 109.57 2570
of the Revised Code, pertaining to any person submitting 2571
fingerprints and written permission under this section; 2572

(2) Obtain any criminal records that the federal bureau of 2573
investigation has on the person. 2574

Sec. 3319.303. (A) The state board of education shall adopt 2575
rules establishing standards and requirements for obtaining a 2576
pupil-activity program permit for any individual who does not hold 2577
a valid educator license, certificate, or permit issued by the 2578
state board under section 3319.22, 3319.26, 3319.27, or 3319.302 2579
of the Revised Code. The permit issued under this section shall be 2580
valid for coaching, supervising, or directing a pupil-activity 2581
program under section 3313.53 of the Revised Code. Subject to the 2582
provisions of section 3319.31 of the Revised Code, a permit issued 2583
under this section shall be valid for three years and shall be 2584
renewable. 2585

(B) The state board shall adopt rules applicable to 2586
individuals who hold valid educator licenses, certificates, or 2587
permits issued by the state board under section 3319.22, 3319.26, 2588
3319.27, or 3319.302 of the Revised Code setting forth standards 2589
to assure any such individual's competence to direct, supervise, 2590
or coach a pupil-activity program. The rules adopted under this 2591
division shall not be more stringent than the standards set forth 2592
in rules applicable to individuals who do not hold such licenses, 2593
certificates, or permits adopted under division (A) of this 2594
section. 2595

Sec. 3319.31. (A) As used in this section and sections 2596
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 2597
means a certificate, license, or permit described in division (B) 2598
of section 3301.071 ~~or~~ in section 3301.074, 3319.088, 3319.29, or 2599
3319.302, or in division (A) of section 3319.303 of the Revised 2600
Code. 2601

(B) For any of the following reasons, the state board of 2602
education, in accordance with Chapter 119. and section 3319.311 of 2603
the Revised Code, may refuse to issue a license to an applicant, 2604
may limit a license it issues to an applicant, or may suspend, 2605
revoke, or limit a license that has been issued to any person: 2606

(1) Engaging in an immoral act, incompetence, negligence, or 2607
conduct that is unbecoming to the applicant's or person's 2608
position; 2609

(2) A plea of guilty to, a finding of guilt by a jury or 2610
court of, or a conviction of any of the following: 2611

(a) A felony; 2612

(b) A violation of section 2907.04 or 2907.06 or division (A) 2613
or (B) of section 2907.07 of the Revised Code; 2614

(c) An offense of violence; 2615

(d) A theft offense, as defined in section 2913.01 of the 2616
Revised Code; 2617

(e) A drug abuse offense, as defined in section 2925.01 of 2618
the Revised Code, that is not a minor misdemeanor; 2619

(f) A violation of an ordinance of a municipal corporation 2620
that is substantively comparable to an offense listed in divisions 2621
(B)(2)(a) to (e) of this section. 2622

(C) The state board may take action under division (B) of 2623
this section on the basis of substantially comparable conduct 2624

occurring in a jurisdiction outside this state or occurring before 2625
a person applies for or receives any license. 2626

(D) The state board may adopt rules in accordance with 2627
Chapter 119. of the Revised Code to carry out this section and 2628
section 3319.311 of the Revised Code. 2629

Sec. 3319.311. (A) The state board of education, or the 2630
superintendent of public instruction on behalf of the board, may 2631
investigate any information received about a person that 2632
reasonably appears to be a basis for action under section 3319.31 2633
of the Revised Code. The board shall contract with the office of 2634
the Ohio attorney general to conduct any investigation of that 2635
nature. The board shall pay for the costs of the contract only 2636
from moneys in the state board of education licensure fund 2637
established under division (B) of section 3319.51 of the Revised 2638
Code. All information obtained during an investigation is 2639
confidential and is not a public record under section 149.43 of 2640
the Revised Code. If an investigation is conducted under this 2641
division regarding information received about a person and no 2642
action is taken against the person under this section or section 2643
3319.31 of the Revised Code within two years of the completion of 2644
the investigation, all records of the investigation shall be 2645
expunged. 2646

(B) The superintendent of public instruction shall review the 2647
results of each investigation of a person conducted under division 2648
(A) of this section and shall determine, on behalf of the state 2649
board, whether the results warrant initiating action under section 2650
3319.31 of the Revised Code. The superintendent shall advise the 2651
board of such determination at a meeting of the board. Within 2652
fourteen days of the next meeting of the board, any member of the 2653
board may ask that the question of initiating action under section 2654
3319.31 of the Revised Code be placed on the board's agenda for 2655

that next meeting. Prior to initiating that action against any 2656
person, the person's name and any other personally identifiable 2657
information shall remain confidential. 2658

(C) The board shall take no action against a person under 2659
section 3319.31 of the Revised Code without providing the person 2660
with written notice of the charges and with an opportunity for a 2661
hearing in accordance with Chapter 119. of the Revised Code. ~~For~~ 2662

(D) For purposes of the an investigation under division (A) 2663
of this section or a hearing under division (C) of this section, 2664
the board, or the superintendent on behalf of the board, may 2665
administer oaths, order the taking of depositions, issue 2666
subpoenas, and compel the attendance of witnesses and the 2667
production of books, accounts, papers, records, documents, and 2668
testimony. The issuance of subpoenas under this division may be by 2669
certified mail or personal delivery to the person. 2670

~~(D)~~(E) The superintendent, on behalf of the board, may enter 2671
into a consent agreement with a person against whom action is 2672
being taken under section 3319.31 of the Revised Code. The board 2673
may adopt rules governing the superintendent's action under this 2674
division. 2675

~~(E)~~(F) The board automatically may suspend any license 2676
without a prior hearing if the license holder is convicted of or 2677
pleads guilty to one or more of the following offenses or a 2678
violation of an ordinance of a municipal corporation or a law of 2679
another state that is substantially comparable to one of the 2680
following offenses: aggravated murder; murder; aggravated arson; 2681
aggravated robbery; aggravated burglary; voluntary manslaughter; 2682
felonious assault; kidnapping; rape; sexual battery; gross sexual 2683
imposition; or unlawful sexual conduct with a minor. A suspension 2684
under this division is effective on the date of the conviction or 2685
guilty plea. 2686

For a suspension under this division, the board, in 2687
accordance with section 119.07 of the Revised Code, shall issue a 2688
written order of suspension to the license holder by certified 2689
mail or in person and shall afford the person a hearing upon 2690
request. If the person does not request a hearing within the time 2691
limits established by that section, the board shall enter a final 2692
order revoking the person's license. An order of suspension under 2693
this division is not subject to suspension by a court during the 2694
pendency of an appeal filed under section 119.12 of the Revised 2695
Code. 2696

An order of suspension under this division shall remain in 2697
effect, unless reversed on appeal, until the final order of the 2698
board, issued pursuant to this section and Chapter 119. of the 2699
Revised Code, becomes effective. The board shall issue a final 2700
order within sixty days of the date of an order of suspension 2701
under this division or a hearing on an order of suspension, 2702
whichever is later. If the board fails to issue a final order by 2703
that deadline, the order of suspension is dissolved. No 2704
dissolution of an order of suspension under this division shall 2705
invalidate a subsequent final order of the board. 2706

~~(F)~~(G) No surrender of a license shall be effective until the 2707
board takes action to accept the surrender unless the surrender is 2708
pursuant to a consent agreement entered into under division ~~(D)~~(E) 2709
of this section. 2710

Sec. 3319.36. (A) No treasurer of a board of education or 2711
educational service center shall draw a check for the payment of a 2712
teacher for services until the teacher files with the treasurer 2713
both of the following: 2714

(1) Such reports as are required by the state board of 2715
education, the school district board of education, or the 2716
superintendent of schools; 2717

(2) Except for a teacher who is engaged pursuant to section 2718
3319.301 of the Revised Code, a written statement from the city, 2719
exempted village, or local school district superintendent or the 2720
educational service center superintendent that the teacher has 2721
filed with the treasurer a legal educator license ~~or internship~~ 2722
~~certificate~~, or true copy of it, to teach the subjects or grades 2723
taught, with the dates of its validity. The state board of 2724
education shall prescribe the record and administration for such 2725
filing of educator licenses ~~and internship certificates~~ in 2726
educational service centers. 2727

(B) Notwithstanding division (A) of this section, the 2728
treasurer may pay either of the following: 2729

(1) Any teacher for services rendered during the first two 2730
months of the teacher's initial employment with the school 2731
district or educational service center, provided such teacher is 2732
the holder of a bachelor's degree or higher and has filed with the 2733
state board of education an application for the issuance of a 2734
provisional or professional educator license. 2735

(2) Any substitute teacher for services rendered while 2736
conditionally employed under section 3319.101 of the Revised Code. 2737

(C) Upon notice to the treasurer given by the state board of 2738
education or any superintendent having jurisdiction that reports 2739
required of a teacher have not been made, the treasurer shall 2740
withhold the salary of the teacher until the required reports are 2741
completed and furnished. 2742

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 2743
of section 109.57 of the Revised Code ~~and division (I) of this~~ 2744
~~section~~, the appointing or hiring officer of the board of 2745
education of a school district, the governing board of an 2746
educational service center, or of a chartered nonpublic school 2747

shall request the superintendent of the bureau of criminal 2748
identification and investigation to conduct a criminal records 2749
check with respect to any applicant who has applied to the school 2750
district, educational service center, or school for employment in 2751
any position as a person responsible for the care, custody, or 2752
control of a child. If the applicant does not present proof that 2753
the applicant has been a resident of this state for the five-year 2754
period immediately prior to the date upon which the criminal 2755
records check is requested or does not provide evidence that 2756
within that five-year period the superintendent has requested 2757
information about the applicant from the federal bureau of 2758
investigation in a criminal records check, the appointing or 2759
hiring officer shall request that the superintendent obtain 2760
information from the federal bureau of investigation as a part of 2761
the criminal records check for the applicant. If the applicant 2762
presents proof that the applicant has been a resident of this 2763
state for that five-year period, the appointing or hiring officer 2764
may request that the superintendent include information from the 2765
federal bureau of investigation in the criminal records check. 2766

(2) A person required by division (A)(1) of this section to 2767
request a criminal records check shall provide to each applicant a 2768
copy of the form prescribed pursuant to division (C)(2) of section 2769
109.572 of the Revised Code, provide to each applicant a standard 2770
impression sheet to obtain fingerprint impressions prescribed 2771
pursuant to division (C)(2) of section 109.572 of the Revised 2772
Code, obtain the completed form and impression sheet from each 2773
applicant, and forward the completed form and impression sheet to 2774
the superintendent of the bureau of criminal identification and 2775
investigation at the time the person requests a criminal records 2776
check pursuant to division (A)(1) of this section. 2777

(3) An applicant who receives pursuant to division (A)(2) of 2778
this section a copy of the form prescribed pursuant to division 2779

(C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the board of education of a school district, governing board of an educational service center, or governing authority of a chartered nonpublic school shall not employ that applicant for any position for which a criminal records check is required pursuant to division (A)(1) of this section.

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a

violation of section 2919.23 of the Revised Code that would have 2812
been a violation of section 2905.04 of the Revised Code as it 2813
existed prior to July 1, 1996, had the violation been committed 2814
prior to that date, a violation of section 2925.11 of the Revised 2815
Code that is not a minor drug possession offense, or felonious 2816
sexual penetration in violation of former section 2907.12 of the 2817
Revised Code; 2818

(b) A violation of an existing or former law of this state, 2819
another state, or the United States that is substantially 2820
equivalent to any of the offenses or violations described in 2821
division (B)(1)(a) of this section. 2822

(2) A board, governing board of an educational service 2823
center, or a governing authority of a chartered nonpublic school 2824
may employ an applicant conditionally until the criminal records 2825
check required by this section is completed and the board or 2826
governing authority receives the results of the criminal records 2827
check. If the results of the criminal records check indicate that, 2828
pursuant to division (B)(1) of this section, the applicant does 2829
not qualify for employment, the board or governing authority shall 2830
release the applicant from employment. 2831

(3) No board and no governing authority of a chartered 2832
nonpublic school shall employ a teacher who previously has been 2833
convicted of or pleaded guilty to any of the offenses listed in 2834
section 3319.31 of the Revised Code. 2835

(C)(1) Each board and each governing authority of a chartered 2836
nonpublic school shall pay to the bureau of criminal 2837
identification and investigation the fee prescribed pursuant to 2838
division (C)(3) of section 109.572 of the Revised Code for each 2839
criminal records check conducted in accordance with that section 2840
upon the request pursuant to division (A)(1) of this section of 2841
the appointing or hiring officer of the board or governing 2842
authority. 2843

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

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

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

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a

criminal records check is required to be conducted and 2876
satisfactorily completed in accordance with section 109.572 of the 2877
Revised Code if the person comes under final consideration for 2878
appointment or employment as a precondition to employment for the 2879
school district, educational service center, or school for that 2880
position. 2881

(G) As used in this section: 2882

(1) "Applicant" means a person who is under final 2883
consideration for appointment or employment in a position with a 2884
board of education, governing board of an educational service 2885
center, or a chartered nonpublic school as a person responsible 2886
for the care, custody, or control of a child, except that 2887
"applicant" does not include a person already employed by a board 2888
or chartered nonpublic school in a position of care, custody, or 2889
control of a child who is under consideration for a different 2890
position with such board or school. 2891

(2) "Teacher" means a person holding an educator license, ~~internship certificate,~~ or permit issued under section 3319.22, ~~3319.28,~~ or 3319.301 of the Revised Code and teachers in a 2892
chartered nonpublic school. 2893
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(3) "Criminal records check" has the same meaning as in 2896
section 109.572 of the Revised Code. 2897

(4) "Minor drug possession offense" has the same meaning as 2898
in section 2925.01 of the Revised Code. 2899

(H) If the board of education of a local school district 2900
adopts a resolution requesting the assistance of the educational 2901
service center in which the local district has territory in 2902
conducting criminal records checks of substitute teachers under 2903
this section, the appointing or hiring officer of such educational 2904
service center shall serve for purposes of this section as the 2905
appointing or hiring officer of the local board in the case of 2906

hiring substitute teachers for employment in the local district. 2907

~~(I) The requirements of this section shall not apply to a 2908
person holding a certificate of the type described in section 2909
3319.281 of the Revised Code who applies to a school district or 2910
school for employment in an adult instruction position under which 2911
that person is not responsible for the care, custody, or control 2912
of a child. 2913~~

Sec. 3319.51. (A) The state board of education shall annually 2914
establish the amount of the fees required to be paid under 2915
division (B) of section 3301.071 ~~and, under~~ sections 3301.074, 2916
3319.088, 3319.29, and 3319.302, and under division (A) of section 2917
3319.303 of the Revised Code. The amount of these fees shall be 2918
such that they, along with any appropriation made to the fund 2919
established under division (B) of this section, will be sufficient 2920
to cover the annual estimated cost of administering the sections 2921
of law listed under division (B) of this section. 2922

(B) There is hereby established in the state treasury the 2923
state board of education licensure fund, which shall be used by 2924
the state board of education solely to pay the cost of 2925
administering sections 3301.071, 3301.074, 3319.088, 3319.22, 2926
~~3319.287~~, 3319.29, 3319.291, 3319.301, 3319.302, 3319.303, and 2927
3319.31 of the Revised Code. The fund shall consist of the amounts 2928
paid into the fund pursuant to division (B) of section 3301.071 2929
~~and~~, sections 3301.074, 3319.088, 3319.29, and 3319.302, and 2930
division (A) of section 3319.303 of the Revised Code and any 2931
appropriations to the fund by the general assembly. 2932

Sec. 3319.56. The department of education shall identify 2933
promising practices in Ohio and throughout the country for 2934
engaging teachers certified by the national board for professional 2935
teaching standards and other master teachers, as defined by the 2936

educator standards board pursuant to section 3319.61 of the 2937
Revised Code, in ways that add value beyond their own classrooms. 2938
Practices identified by the department as promising may include 2939
placing national board certified and master teachers in key roles 2940
in peer review programs; having such teachers serve as coaches, 2941
mentors, and trainers for other teachers; or having such teachers 2942
develop curricula or instructional integration strategies. 2943

Once the department has identified promising practices, the 2944
department shall inform all school districts of the practices by 2945
posting such information on the department's world wide web site. 2946

Sec. 3319.57. (A) A grant program is hereby established under 2947
which the department of education shall award grants to assist 2948
certain schools in a city, exempted village, local, or joint 2949
vocational school district in implementing one of the following 2950
innovations: 2951

(1) The use of instructional specialists to mentor and 2952
support classroom teachers; 2953

(2) The use of building managers to supervise the 2954
administrative functions of school operation so that a school 2955
principal can focus on supporting instruction, providing 2956
instructional leadership, and engaging teachers as part of the 2957
instructional leadership team; 2958

(3) The reconfiguration of school leadership structure in a 2959
manner that allows teachers to serve in leadership roles so that 2960
teachers may share the responsibility for making and implementing 2961
school decisions; 2962

(4) The adoption of new models for restructuring the school 2963
day or school year, such as including teacher planning and 2964
collaboration time as part of the school day; 2965

(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; 2966
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(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; 2970
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(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 2975
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(8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 2977
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(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 2979
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(10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 2982
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(11) The implementation of a program to increase the subject matter competency of veteran teachers. 2984
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(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 2986
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(1) Be hard to staff, as defined by the department. 2989

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage for the fiscal year in which the grant is awarded). 2990
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For purposes of division (B)(2) of this section, "state share percentage" shall be as calculated under section 3317.022 of the 2994
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Revised Code, in the case of a city, local, or exempted village 2996
school district, or as calculated under section 3317.16 of the 2997
Revised Code, in the case of a joint vocational school district. 2998

(C) The amount and number of grants awarded under this 2999
section shall be determined by the department based on any 3000
appropriations made by the general assembly for grants under this 3001
section. 3002

(D) The state board of education shall adopt rules for the 3003
administration of this grant program. 3004

Sec. 3319.60. There is hereby established the educator 3005
standards board. The board shall develop and recommend standards 3006
for entering and continuing in the teaching and principalship 3007
professions to the state board of education. 3008

(A) The board shall consist of the following members 3009
appointed by the state board of education within one hundred 3010
twenty days of the effective date of this section: 3011

(1) Seven persons employed as teachers in a school district. 3012
Two persons appointed under this division shall be employed as 3013
classroom teachers in a secondary school, two persons shall be 3014
employed as classroom teachers in a middle school, two persons 3015
shall be employed as classroom teachers in an elementary school, 3016
and one person shall be a teacher who serves on a local 3017
professional development committee pursuant to section 3319.22 of 3018
the Revised Code. At least one person appointed under this 3019
division shall hold a teaching certificate or license issued by 3020
the national board for professional teaching standards. The Ohio 3021
education association and the Ohio federation of teachers shall 3022
each submit nominations for these appointments in a number 3023
proportionate to the number of teachers each organization 3024
represents. 3025

(2) One person employed as a classroom teacher in a chartered nonpublic school. Stakeholder organizations selected by the state board shall submit nominations for this appointment. 3026
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(3) Four persons employed as school administrators. Of the four persons appointed under this division, one person shall be employed as a secondary school principal, one person shall be employed as a middle school principal, one person shall be employed as an elementary school principal, and one person shall be employed as a school district superintendent. Stakeholder organizations selected by the state board shall submit nominations for these appointments. 3029
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(4) One person who is a member of a school district board of education. Stakeholder organizations selected by the state board shall submit nominations for this appointment. 3037
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(5) Two persons employed by institutions of higher education that offer teacher preparation programs approved under section 3319.23 of the Revised Code. The Ohio board of regents, in consultation with appropriate stakeholder groups, shall submit nominations for these appointments. 3040
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(6) The superintendent of public instruction or a designee of the superintendent and the chancellor of the Ohio board of regents or a designee of the chancellor shall serve as nonvoting, ex officio members. 3045
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When appointing members under divisions (A)(1) to (5) of this section, the state board shall take into account the racial and ethnic make up of the state and the geographic diversity of school districts in the state, such as the differences among rural, urban, and suburban districts. 3049
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(B) All nominations under division (A) of this section shall be submitted to the state board not later than sixty days after the effective date of this section. 3054
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(C) Initial terms of office for eight members shall be for 3057
four years and two years for seven members, beginning on the day 3058
all members are appointed to the board. At the first meeting of 3059
the board, members shall draw lots to determine the length of the 3060
term each member shall serve. Thereafter terms of office shall be 3061
for four years. Each member shall hold office from the date of the 3062
member's appointment until the end of the term for which the 3063
member was appointed. At the first meeting, appointed members 3064
shall select a chairperson and a vice-chairperson. Vacancies on 3065
the board shall be filled in the same manner as the original 3066
appointments. Any member appointed to fill a vacancy occurring 3067
prior to the expiration of the term for which the member's 3068
predecessor was appointed shall hold office for the remainder of 3069
such term. Any member shall continue in office subsequent to the 3070
expiration date of the member's term until the member's successor 3071
takes office, or until a period of sixty days has elapsed, 3072
whichever occurs first. Members may serve not more than two 3073
four-year terms. 3074

(D) Members shall receive no compensation for their services 3075
but shall be paid their actual and necessary expenses while 3076
engaged in the discharge of official duties. 3077

(E) The board is not subject to section 101.83 of the Revised 3078
Code. 3079

Sec. 3319.61. (A) The educator standards board, in 3080
consultation with the joint council of the state board of 3081
education and the Ohio board of regents, shall do all of the 3082
following: 3083

(1) Develop state standards for teachers and principals that 3084
reflect what teachers and principals are expected to know and be 3085
able to do at all stages of their careers. These standards shall 3086
be aligned with the statewide academic content standards for 3087

students adopted pursuant to section 3301.079 of the Revised Code, 3088
be primarily based on educator performance instead of years of 3089
experience or certain courses completed, and rely on 3090
evidence-based factors. 3091

(a) The standards for teachers shall reflect the following 3092
additional criteria: 3093

(i) Alignment with the interstate new teacher assessment and 3094
support consortium standards; 3095

(ii) Differentiation among novice, experienced, and advanced 3096
teachers; 3097

(iii) Reliance on competencies that can be measured; 3098

(iv) Reliance on content knowledge, teaching skills, 3099
discipline-specific teaching methods, and requirements for 3100
professional development; 3101

(v) Alignment with a career-long system of professional 3102
development and evaluation that ensures teachers receive the 3103
support and training needed to achieve the teaching standards as 3104
well as reliable feedback about how well they meet the standards. 3105

(b) The standards for principals shall be aligned with the 3106
interstate school leaders licensing consortium standards. 3107

(2) Develop standards for the renewal of educator licenses 3108
under section 3319.22 of the Revised Code; 3109

(3) Develop standards for educator professional development. 3110

(B) The educator standards board shall incorporate indicators 3111
of cultural competency into the standards developed under division 3112
(A) of this section. For this purpose, the educator standards 3113
board shall develop a definition of cultural competency based upon 3114
content and experiences that enable educators to know, understand, 3115
and appreciate the students, families, and communities that they 3116
serve and skills for addressing cultural diversity in ways that 3117

<u>respond equitably and appropriately to the cultural needs of</u>	3118
<u>individual students.</u>	3119
<u>(C) In developing the standards under division (A) of this</u>	3120
<u>section, the educator standards board shall consider the impact of</u>	3121
<u>the standards on closing the achievement gap between students of</u>	3122
<u>different subgroups.</u>	3123
<u>(D) In developing the standards under division (A) of this</u>	3124
<u>section, the educator standards board shall ensure that teachers</u>	3125
<u>and principals have sufficient knowledge to provide appropriate</u>	3126
<u>instruction for students identified as gifted pursuant to Chapter</u>	3127
<u>3324. of the Revised Code and to assist in the identification of</u>	3128
<u>such students.</u>	3129
<u>(E) The educator standards board shall also perform the</u>	3130
<u>following functions:</u>	3131
<u>(1) Collaborate with colleges and universities that offer</u>	3132
<u>teacher preparation programs approved pursuant to section 3319.23</u>	3133
<u>of the Revised Code to align teacher and principal preparation</u>	3134
<u>courses with the standards developed under division (A) of this</u>	3135
<u>section and with student academic content standards adopted under</u>	3136
<u>section 3301.079 of the Revised Code;</u>	3137
<u>(2) Monitor compliance with the teacher and principal</u>	3138
<u>standards developed under division (A) of this section and make</u>	3139
<u>recommendations to the state board of education for appropriate</u>	3140
<u>corrective action if such standards are not met;</u>	3141
<u>(3) Research, develop, and recommend policies on the</u>	3142
<u>professions of teaching and school administration;</u>	3143
<u>(4) Define a "master teacher" in a manner that can be used</u>	3144
<u>uniformly by all school districts;</u>	3145
<u>(5) Recommend policies to close the achievement gap between</u>	3146
<u>students of different subgroups.</u>	3147

(F) The educator standards board shall submit recommendations 3148
of standards developed under division (A) of this section to the 3149
state board of education by August 31, 2004. The state board of 3150
education shall review and adopt standards based on these 3151
recommendations. 3152

Sec. 3319.62. The department of education shall establish the 3153
state office of educator standards within the center for the 3154
teaching profession to provide administrative services to the 3155
educator standards board. The department may employ a director for 3156
the office and such other staff as are necessary for the operation 3157
of the office. When appropriate, current employees of the 3158
department shall conduct the operation of the office. 3159

Sec. 3319.65. The state board of education shall establish a 3160
credential review board. The credential review board shall carry 3161
out any functions assigned to it by the state board with respect 3162
to assessing individuals pursuing alternative routes to educator 3163
licensure and out of state educators seeking licensure in Ohio. 3164
The credential review board may also carry out any other duties 3165
the state board considers appropriate. 3166

The board is not subject to section 101.83 of the Revised 3167
Code. 3168

Sec. 3333.161. (A) As used in this section: 3169

(1) "Articulation agreement" means an agreement between two 3170
or more state institutions of higher education to facilitate the 3171
transfer of students and credits between such institutions. 3172

(2) "State institution of higher education" and "state 3173
university" have the same meanings as in section 3345.011 of the 3174
Revised Code. 3175

(3) "Two year college" includes a community college, state 3176

<u>community college, technical college, and university branch.</u>	3177
<u>(B) Not later than December 31, 2004, the Ohio board of regents shall do both of the following:</u>	3178
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3179
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3180
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3181
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3182
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3183
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3184
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3185
<u>(1) Adopt rules for the development of articulation agreements between two year colleges and state universities that are located within the same geographic region of the state, as determined by the board of regents, for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between such institutions to include all of the following:</u>	3186
<u>(a) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;</u>	3187
<u>(a) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;</u>	3188
<u>(a) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;</u>	3189
<u>(a) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;</u>	3190
<u>(a) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;</u>	3191
<u>(b) A foundation of general studies courses that have been identified as part of the transfer module for teacher education and have been evaluated as appropriate for the preparation of teachers and consistent with the academic content standards adopted under section 3301.079 of the Revised Code;</u>	3192
<u>(b) A foundation of general studies courses that have been identified as part of the transfer module for teacher education and have been evaluated as appropriate for the preparation of teachers and consistent with the academic content standards adopted under section 3301.079 of the Revised Code;</u>	3193
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<u>(c) A clear identification of university faculty who are partnered with two year college faculty;</u>	3197
<u>(c) A clear identification of university faculty who are partnered with two year college faculty;</u>	3198
<u>(d) The publication of the articulation agreement that is available to all students, faculty, and staff.</u>	3199
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<u>(2) Submit formal recommendations to the general assembly for a statewide articulation agreement system for teacher education programs.</u>	3201
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<u>(2) Submit formal recommendations to the general assembly for a statewide articulation agreement system for teacher education programs.</u>	3203
Sec. 3333.38. (A) As used in this section:	3204
<u>(1) "Institution of higher education" includes all of the</u>	3205

following:	3206
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	3207 3208
(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;	3209 3210 3211
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	3212 3213 3214
(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.	3215 3216 3217
(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.	3218 3219 3220 3221 3222 3223
(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:	3224 3225 3226 3227 3228 3229
(1) A violation of section 2917.02 or 2917.03 of the Revised Code;	3230 3231
(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code;	3232 3233 3234 3235

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

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

Section 2. That existing sections 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 3307.01, 3313.28, 3313.53, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3319.225, 3319.23, 3319.26, 3319.29, 3319.291, 3319.31, 3319.311, 3319.36, 3319.39, 3319.51, and 3333.38 and sections 3301.801, 3314.12, and 3319.28 of the Revised Code are hereby repealed.

Section 3. The Legislative Office of Education Oversight shall conduct a study of minimum starting salaries for teachers with bachelor degrees. The Office shall, in consultation with Ohio's education stakeholders, identify a select number of states that are demographically and economically similar to Ohio, including states that because of geographic proximity compete with

Ohio for new teachers. For the state of Ohio and each of the 3266
selected states, the Office shall determine the minimum 3267
compensation levels for beginning teachers, calculate the average 3268
compensation for beginning teachers, and project, based on recent 3269
history and current economic conditions, the average compensation 3270
for beginning teachers in the 2007-2008 academic year. The Office 3271
shall also compare the selected states to Ohio. 3272

The Office shall submit the final results of this study to 3273
the Governor and members of the General Assembly not later than 3274
September 30, 2004. 3275

Section 4. As used in this section, "career ladder program" 3276
means a performance-based multilevel system of teaching positions 3277
or compensation levels within a school district or district 3278
building. 3279

The department of education shall develop a proposal for a 3280
career ladder program on a pilot basis. In developing this 3281
program, the department shall incorporate all of the following: 3282

(A) A knowledge and skills based career ladder component. 3283
This component shall permit a teacher to progress through tiers, 3284
such as novice teacher, accomplished teacher, advanced teacher, 3285
and master teacher as the teacher demonstrates increased levels of 3286
knowledge and skills. As a teacher progresses through these tiers, 3287
levels of compensation increase accordingly. 3288

(B) A responsibility-based career ladder component. This 3289
component shall permit a teacher to take on increased 3290
responsibilities such as mentoring other teachers, serving as 3291
teacher leaders or adjunct faculty for a college or university, or 3292
developing curriculum. A teacher with expanded job 3293
responsibilities such as these shall receive increased 3294
compensation. 3295

(C) A student progress-based career ladder component. This 3296
component shall award teachers monetary bonuses based on measures 3297
of student progress. 3298

Section 5. The Department of Education and the Ohio Board of 3299
Regents shall develop a proposal for a pilot program between a 3300
school district and a college or university that is approved to 3301
offer teacher preparation programs pursuant to section 3319.23 of 3302
the Revised Code. The pilot program shall encourage the college or 3303
university's faculty to spend more time in the school district's 3304
buildings and classrooms and engage in other clinical experiences. 3305
In addition, participation in the pilot program shall require a 3306
college or university to provide incentives for faculty to share 3307
what they have learned from the pilot program with their 3308
colleagues through publications and other learning experiences. 3309

Section 6. The Educator Standards Board established by this 3310
act shall work with the Ohio Teacher Education and Licensure 3311
Advisory Commission to transition the duties formerly performed by 3312
the Commission to the Educator Standards Board. 3313

Section 7. Within ninety days of the effective date of this 3314
section, the Ohio Department of Education shall develop a 3315
definition of a "hard to staff" school. In defining this term, the 3316
Department shall examine whether a school: 3317

(A) Has difficulty recruiting and retaining high quality 3318
school personnel, as determined by the Department; 3319

(B) Has a high number of teachers who are teaching 3320
out-of-field, as determined by the Department; 3321

(C) Has high student poverty, as determined by the 3322
Department; 3323

(D) Has a high number of students who do not attain at least 3324

a proficient score on the tests prescribed in section 3301.0710 or 3301.0712 of the Revised Code; 3325
3326

(E) Has a significant achievement gap among various groups of students. 3327
3328

In addition, the Department shall consider definitions and models used by other states. 3329
3330

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. 3331
3332
3333

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. 3334
3335
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The selected districts shall use any funds allocated under the pilot project for one or more of the following purposes: 3340
3341

(A) The use of instructional specialists to mentor and support classroom teachers; 3342
3343

(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; 3344
3345
3346
3347
3348

(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; 3349
3350
3351
3352

(D) The adoption of new models for restructuring the school 3353

day or school year, such as including teacher planning and	3354
collaboration time as part of the school day;	3355
(E) The creation of smaller schools or smaller units within	3356
larger schools for the purpose of facilitating teacher	3357
collaboration to improve and advance the professional practice of	3358
teaching;	3359
(F) The implementation of "grow your own" recruitment	3360
strategies that are designed to assist individuals who show a	3361
commitment to education become licensed teachers, to assist	3362
experienced teachers obtain licensure in subject areas for which	3363
there is need, and to assist teachers in becoming principals;	3364
(G) The provision of better conditions for new teachers, such	3365
as reduced teaching load and reduced class size;	3366
(H) The provision of incentives to attract qualified	3367
mathematics, science, or special education teachers;	3368
(I) The development and implementation of a partnership with	3369
teacher preparation programs at colleges and universities to help	3370
attract teachers qualified to teach in shortage areas;	3371
(J) The implementation of a program to increase the cultural	3372
competency of both new and veteran teachers;	3373
(K) The implementation of a program to increase the subject	3374
matter competency of veteran teachers.	3375
Section 9. It is the intent of the General Assembly that the	3376
noninstructional needs of students, including special physical,	3377
mental, and emotional needs, be met so as to not hinder learning.	3378
Therefore, it is the further intent of the General Assembly that	3379
school districts and appropriate state health and social service	3380
agencies work together to provide appropriate noninstructional	3381
services to students so that teachers are able to focus their	3382
efforts on the instructional needs of students.	3383

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

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

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

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

(A) The types of intervention services that districts are 3413
currently providing to students; 3414

(B) The manner in which the Department of Education informs 3415
districts of their obligation to provide intervention services and 3416
assists the districts in developing appropriate intervention 3417
strategies; 3418

(C) The manner in which the Department tracks compliance by 3419
school districts with requirements to provide intervention 3420
services; 3421

(D) The cost to districts of providing intervention services; 3422

(E) Whether there are any intervention services that 3423
districts are not providing due to insufficient funding. 3424

The Office shall issue a written report of its findings to 3425
the General Assembly not later than ~~December~~ March 31, ~~2004~~ 2005. 3426

Sec. 13. The Legislative Office of Education Oversight shall 3427
conduct a study of the performance of students in the Class of 3428
2007 on the Ohio Graduation Tests prescribed by division (B) of 3429
section 3301.0710 of the Revised Code to determine how well 3430
students meet the statewide academic standards developed pursuant 3431
to section 3301.079 of the Revised Code. The study shall include 3432
all students who enter the ninth grade in the school year 3433
beginning July 1, 2003; the Office shall not exclude from any 3434
analysis students who leave school prior to graduation. In 3435
conducting the study, the Office shall determine the number of 3436
such students who attain a score at the proficient level on all 3437
five of the Ohio Graduation Tests by June 30, 2007. To the extent 3438
possible, the Office also shall determine the number of such 3439
students who satisfy the alternative conditions described in 3440
section 3313.615 of the Revised Code for meeting the testing 3441
requirement to be eligible for a diploma. The Office shall issue 3442

annual written reports in June 2006 and June 2007 to the General 3443
Assembly, and shall issue a final, comprehensive written report of 3444
its findings to the General Assembly not later than ~~December 31,~~ 3445
~~2007~~ June 30, 2008. 3446

Sec. 14. The Legislative Office of Education Oversight shall 3447
conduct a study that reviews the progress of school districts and 3448
the Department of Education in hiring highly qualified teachers in 3449
the core subject areas of English, reading, language arts, 3450
mathematics, science, foreign language, civics and government, 3451
economics, arts, history, and geography, as required by Title I of 3452
the "No Child Left Behind Act," Pub. L. No. 107-110. The study 3453
shall evaluate, over a five-year period, all of the following: 3454

(A) The progress of individual school districts in complying 3455
with the highly qualified teacher requirement; 3456

(B) Whether the definition of "highly qualified teacher" 3457
adopted by the State Board of Education complies with the "No 3458
Child Left Behind Act"; 3459

(C) The efforts of the Department of Education in assisting 3460
school districts to comply with the "No Child Left Behind Act's" 3461
requirement, and in monitoring the progress of school districts in 3462
ensuring highly qualified teachers are employed in core subject 3463
areas. 3464

The Office shall submit three interim reports of its findings 3465
to the General Assembly. The first interim report, due September 3466
30, 2005, shall evaluate compliance with the highly qualified 3467
teacher requirement in the 2002-2003 and 2003-2004 school years, 3468
~~the.~~ The second interim report, due September 30, 2006, shall 3469
evaluate compliance with the requirement in the 2004-2005 school 3470
year, ~~and the.~~ The third interim report, due September 30, 2007, 3471
shall evaluate compliance with the requirement in the 2005-2006 3472

school year. A final report shall be submitted to the General 3473
Assembly, not later than September 30, 2008, that evaluates 3474
compliance in the 2006-2007 school year and the prior four school 3475
years. 3476

Section 12. That existing Sections 11, 12, 13, and 14 of Am. 3477
Sub. H.B. 3 of the 125th General Assembly are hereby repealed. 3478

Section 13. That Sections 41.03, 41.05, 41.10, and 146 of Am. 3479
Sub. H.B. 95 of the 125th General Assembly be amended to read as 3480
follows: 3481

Sec. 41.03. PROFESSIONAL DEVELOPMENT 3491

The foregoing appropriation item 200-410, Professional 3482
Development, shall be used to fund professional development 3483
programs in Ohio. The Ohio Department of Education shall, where 3484
possible, incorporate cultural competency as a component of 3485
professional development and actively promote the development of 3486
cultural competency in the operation of its professional 3487
development programs. As used in this section, "cultural 3488
competency" has the meaning specified by the Educator Standards 3489
Board under section 3319.61 of the Revised Code. 3490

Of the foregoing appropriation item 200-410, Professional 3492
Development, \$5,200,000 in fiscal year 2004 shall be used by the 3493
Department of Education to support a statewide comprehensive 3494
system of regional professional development centers that support 3495
local educators' ability to foster academic achievement in the 3496
students they serve. Of the foregoing appropriation item 200-410, 3497
Professional Development, \$5,200,000 in fiscal year 2005 shall be 3498
used by the regional education delivery system. Before releasing 3499
these funds in fiscal year 2005, the Department of Education shall 3500
submit a spending plan to the Controlling Board. The release of 3501
the funds is contingent on Controlling Board approval of the 3502

spending plan. Both the regional professional development centers 3503
in fiscal year 2004 and the regional education delivery system in 3504
fiscal year 2005 shall include training that assists educators, 3505
school leadership, and technical assistance providers in 3506
understanding and implementing standards-based education, data 3507
analysis, and development of assessment systems for quality 3508
instruction. 3509

Of the foregoing appropriation item 200-410, Professional 3510
Development, \$7,079,625 in fiscal year 2004 and \$7,329,625 in 3511
fiscal year 2005 shall be used by the Department of Education to 3512
provide grants to pay \$2,000 of the application fee in order to 3513
assist teachers from public and chartered nonpublic schools 3514
applying for the first time to the National Board for Professional 3515
Teaching Standards for professional teaching certificates or 3516
licenses that the board offers. This set aside shall also be used 3517
to recognize and reward teachers who become certified by the 3518
National Board for Professional Teaching Standards pursuant to 3519
section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal 3520
year of this set aside may be used by the Department to pay for 3521
costs associated with activities to support candidates through the 3522
application and certification process. 3523

These moneys shall be used to pay up to the first 500 3524
applications in fiscal year 2004 and the first 400 applications in 3525
fiscal year 2005 received by the Department. 3526

Of the foregoing appropriation item 200-410, Professional 3527
Development, up to \$10,442,358 in each fiscal year shall be 3528
allocated for entry year programs. These funds shall be used to 3529
support mentoring services and performance assessments of 3530
beginning teachers in school districts and chartered nonpublic 3531
schools. 3532

Of the foregoing appropriation item 200-410, Professional 3533
Development, up to \$188,090 in each fiscal year shall be used to 3534

provide technical assistance and grants for districts to develop 3535
local knowledge/skills-based compensation systems. Each district 3536
receiving grants shall issue an annual report to the Department of 3537
Education detailing the use of the funds and the impact of the 3538
system developed by the district. 3539

Of the foregoing appropriation item 200-410, Professional 3540
Development, up to \$670,000 in each fiscal year shall be used for 3541
training and professional development of school administrators, 3542
school treasurers, and school business officials. 3543

Of the foregoing appropriation item 200-410, Professional 3544
Development, \$144,000 in each fiscal year shall be used by the 3545
Department of Education to develop a supply and demand report that 3546
describes the availability of quality educators and critical 3547
educator shortage areas in Ohio. 3548

Of the foregoing appropriation item 200-410, Professional 3549
Development, \$1,056,000 in each fiscal year shall be used for 3550
educator recruitment programs targeting special need areas, 3551
including recruiting highly qualified minority candidates into 3552
teaching, recruiting prospective mathematics and science teachers, 3553
and targeting other areas of special need. 3554

Of the foregoing appropriation item 200-410, Professional 3555
Development, \$60,000 in fiscal year 2004 and \$70,000 in fiscal 3556
year 2005 shall be used to support the Ohio University Leadership 3557
Program. 3558

Of the foregoing appropriation item 200-410, Professional 3559
Development, \$4,650,000 in ~~each~~ fiscal year 2004 shall be 3560
allocated by the Department of Education on a per pupil basis, to 3561
school districts in academic emergency at any time in 2003, and 3562
\$4,650,000 in fiscal year 2005 shall be allocated by the 3563
Department of Education, on a per pupil basis, to school districts 3564
with a three-year average graduation rate of not more than 3565

seventy-five per cent. As used in this section, "three-year 3566
average" and "graduation rate" have the meanings specified in 3567
section 3302.01 of the Revised Code. These funds shall be used by 3568
the districts to provide an equivalent of five days of ongoing 3569
embedded professional development for classroom teachers who 3570
provide instruction in the subject areas of reading, writing, 3571
mathematics, science, or social studies to students enrolled in 3572
the ninth or tenth grade. This professional development shall 3573
focus on developing subject competency, developing cultural 3574
competency, developing skills for analyzing test data, and 3575
developing data-based intervention strategies to prepare students 3576
below grade level to pass the Ohio Graduation Test. Districts 3577
shall submit a research-based, professional development plan for 3578
five days of embedded professional development to the Department 3579
of Education prior to receiving funds. The plan shall detail how 3580
ninth and tenth grade teachers will learn and implement classroom 3581
strategies for students to reach state standards in mathematics, 3582
reading, writing, social studies, and science. 3583

Sec. 41.05. SCHOOL IMPROVEMENT INITIATIVES 3584

Of the foregoing appropriation item 200-431, School 3585
Improvement Initiatives, \$10,505,625 in each fiscal year shall be 3586
used to provide technical assistance to school districts that are 3587
declared to be in a state of academic watch or academic emergency 3588
under section 3302.03 of the Revised Code to provide support to 3589
districts in the development and implementation of their 3590
continuous improvement plans as required in section 3302.04 of the 3591
Revised Code and to provide technical assistance and support in 3592
accordance with Title I of the "No Child Left Behind Act of 2001," 3593
115 Stat. 1425, 20 U.S.C. 6317. 3594

Of the foregoing appropriation item 200-431, School 3595
Improvement Initiatives, up to \$350,000 in each fiscal year shall 3596

be used to reduce the dropout rate by addressing the academic and 3597
social problems of inner-city students through Project GRAD. 3598

Of the foregoing appropriation item 200-431, School 3599
Improvement Initiatives, \$50,000 in each fiscal year shall be used 3600
to support LEAF. 3601

READING/WRITING/MATH IMPROVEMENT 3602

Of the foregoing appropriation item 200-433, 3603
Reading/Writing/Math Improvement, up to \$12,675,000 in each fiscal 3604
year shall be used for professional development in literacy for 3605
classroom teachers, administrators, and literacy specialists, and 3606
to provide intensive summer training for mathematics teachers. 3607

Of the foregoing appropriation item 200-433, 3608
Reading/Writing/Math Improvement, \$250,000 in each fiscal year 3609
shall be used to continue the Waterford Early Reading Program. 3610

Of the foregoing appropriation item 200-433, 3611
Reading/Writing/Math Improvement, up to \$1,000,000 in each fiscal 3612
year shall be used by the Department of Education to fund the 3613
Reading Recovery Training Network, to cover the cost of release 3614
time for the teacher trainers, and to provide grants to districts 3615
to implement other reading improvement programs on a pilot basis. 3616
Funds from this appropriation item also may be used to conduct 3617
evaluations of the impact and effectiveness of Reading Recovery 3618
and other reading improvement programs. 3619

The remainder of appropriation item 200-433, 3620
Reading/Writing/Math Improvement, shall be used to support 3621
standards-based classroom reading and writing instruction and 3622
reading intervention and the design/development of standards-based 3623
literacy curriculum materials; to support literacy professional 3624
development partnerships between the Department of Education, 3625
higher education institutions, the literacy specialists project, 3626
the Ohio principals' literacy network, regional literacy teams, 3627

literacy networks, and school districts. 3628

STUDENT ASSESSMENT 3629

Of the foregoing appropriation item 200-437, Student 3630
Assessment, \$500,000 in fiscal year 2004 and \$100,000 in fiscal 3631
year 2005 shall be used by the Department of Education to train 3632
school district personnel to score the practice version of the 3633
Ohio Graduation Test to be taken by students enrolled in the ninth 3634
grade in school districts that are in academic watch or academic 3635
emergency or that have a three-year average graduation rate of not 3636
more than seventy-five per cent pursuant to sections 3301.0710 and 3637
3301.0711 of the Revised Code. As used in this section, 3638
"three-year average" and "graduation rate" have the same meanings 3639
as in section 3302.01 of the Revised Code. 3640

The remainder of appropriation item 200-437, Student 3641
Assessment, shall be used to develop, field test, print, 3642
distribute, score, report results, and support other associated 3643
costs for the tests required under sections 3301.0710 and 3644
3301.0711 of the Revised Code and for similar purposes as required 3645
by section 3301.27 of the Revised Code. 3646

ACCOUNTABILITY/REPORT CARDS 3647

The foregoing appropriation item 200-439, 3648
Accountability/Report Cards, shall be used for the development of 3649
an accountability system that includes the preparation and 3650
distribution of school report cards pursuant to section 3302.03 of 3651
the Revised Code. 3652

AMERICAN SIGN LANGUAGE 3653

Of the foregoing appropriation item 200-441, American Sign 3654
Language, up to \$136,943 in each fiscal year shall be used to 3655
implement pilot projects for the integration of American Sign 3656
Language deaf language into the kindergarten through twelfth-grade 3657

curriculum. 3658

The remainder of the appropriation shall be used by the 3659
Department of Education to provide supervision and consultation to 3660
school districts in dealing with parents of children who are deaf 3661
or hard of hearing, in integrating American Sign Language as a 3662
foreign language, and in obtaining interpreters and improving 3663
their skills. 3664

CHILD CARE LICENSING 3665

The foregoing appropriation item 200-442, Child Care 3666
Licensing, shall be used by the Department of Education to license 3667
and to inspect preschool and school-age child care programs in 3668
accordance with sections 3301.52 to 3301.59 of the Revised Code. 3669

OHIOREADS ADMIN/VOLUNTEER SUPPORT 3670

The foregoing appropriation item 200-445, OhioReads 3671
Admin/Volunteer Support, may be allocated by the OhioReads Office 3672
in the Department of Education at the direction of the OhioReads 3673
Council for volunteer coordinators in public school buildings, to 3674
educational service centers for costs associated with volunteer 3675
coordination, for background checks for volunteers, to evaluate 3676
the OhioReads Program, and for operating expenses associated with 3677
administering the program. 3678

Sec. 41.10. ADULT LITERACY EDUCATION 3679

The foregoing appropriation item 200-509, Adult Literacy 3680
Education, shall be used to support adult basic and literacy 3681
education instructional programs and the State Literacy Resource 3682
Center Program. 3683

Of the foregoing appropriation item 200-509, Adult Literacy 3684
Education, up to \$519,188 in each fiscal year shall be used for 3685
the support and operation of the State Literacy Resource Center. 3686

Of the foregoing appropriation item 200-509, Adult Literacy 3687

Education, \$146,250 in each fiscal year shall be used to support 3688
initiatives for English as a second language programs in 3689
combination with citizenship. Funding shall be provided to 3690
organizations that received such funds during fiscal year 2003 3691
from appropriation item 200-570, School Improvement Incentive 3692
Grants. 3693

The remainder of the appropriation shall be used to continue 3694
to satisfy the state match and maintenance of effort requirements 3695
for the support and operation of the Department of 3696
Education-administered instructional grant program for adult basic 3697
and literacy education in accordance with the department's state 3698
plan for adult basic and literacy education as approved by the 3699
State Board of Education and the Secretary of the United States 3700
Department of Education. 3701

AUXILIARY SERVICES 3702

The foregoing appropriation item 200-511, Auxiliary Services, 3703
shall be used by the Department of Education for the purpose of 3704
implementing section 3317.06 of the Revised Code. Of the 3705
appropriation, up to \$1,462,500 in each fiscal year may be used 3706
for payment of the Post-Secondary Enrollment Options Program for 3707
nonpublic students pursuant to section 3365.10 of the Revised 3708
Code. 3709

STUDENT INTERVENTION SERVICES 3710

Of the foregoing appropriation item 200-513, Student 3711
Intervention Services, \$3,700,000 in fiscal year 2004 ~~and~~ 3712
~~\$5,900,000 in fiscal year 2005~~ shall be allocated by the 3713
Department of Education, on a per pupil basis, to school districts 3714
in academic emergency at any time in 2003, and \$5,900,000 in 3715
fiscal year 2005 shall be allocated by the Department of 3716
Education, on a per pupil basis, to school districts with a 3717
three-year average graduation rate of not more than seventy-five 3718

per cent. As used in this section, "three-year average" and 3719
"graduation rate" have the meanings specified in section 3302.01 3720
of the Revised Code. Districts shall use these funds for salaries, 3721
materials, and training to provide after-school, in-school, 3722
Saturday school, summer school, or other related intervention 3723
programs to students as specified in division (D)(2) of section 3724
3301.0711 of the Revised Code. In fiscal year 2004 these programs 3725
shall be provided to students enrolled in the ninth grade. In 3726
fiscal year 2005, these programs shall be provided to students 3727
enrolled in the ninth and tenth grades. At the end of each fiscal 3728
year, the school districts receiving these funds shall report to 3729
the Department of Education the number of students who were 3730
offered intervention, the number of students who participated, and 3731
the number of students who completed the intervention program, and 3732
shall provide an evaluation of the impact of the intervention on 3733
students. 3734

Of the foregoing appropriation item 200-513, Student 3735
Intervention Services, \$150,000 in each fiscal year shall be used 3736
for Read Baby Read. 3737

The remainder of appropriation item 200-513, Student 3738
Intervention Services, shall be used to assist districts providing 3739
the intervention services specified in section 3313.608 of the 3740
Revised Code. The Department of Education shall establish 3741
guidelines for the use and distribution of these moneys. School 3742
districts receiving funds from this appropriation shall report to 3743
the Department of Education on how funds were used. 3744

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 3745

Of the foregoing appropriation item 200-514, Postsecondary 3746
Adult Career-Technical Education, \$40,000 in each fiscal year 3747
shall be used for the statewide coordination of the activities of 3748
the Ohio Young Farmers. 3749

The remainder of appropriation item 200-514, Postsecondary 3750
Adult Career-Technical Education, shall be used by the State Board 3751
of Education to provide postsecondary adult career-technical 3752
education under sections 3313.52 and 3313.53 of the Revised Code. 3753

DISADVANTAGED PUPIL IMPACT AID 3754

Notwithstanding the distribution formula outlined in section 3755
3317.029 of the Revised Code, each school district shall receive 3756
an additional two per cent in Disadvantaged Pupil Impact Aid 3757
(DPIA) funding in fiscal year 2004 over what was received in 3758
fiscal year 2003 unless the district receives DPIA funding from 3759
the DPIA guarantee provision pursuant to division (B) of section 3760
3317.029 of the Revised Code in fiscal year 2003. For such a 3761
district, its DPIA funding in fiscal year 2004 shall equal the 3762
amount of DPIA funding the district received in fiscal year 2003. 3763

Notwithstanding the distribution formula outlined in section 3764
3317.029 of the Revised Code, each school district shall receive 3765
an additional two per cent in DPIA funding in fiscal year 2005 3766
over what was received in fiscal year 2004 unless the district 3767
receives DPIA funding from the DPIA guarantee provision pursuant 3768
to division (B) of section 3317.029 of the Revised Code in fiscal 3769
year 2003. For such a district, its DPIA funding in fiscal year 3770
2005 shall equal the amount of DPIA funding the district received 3771
in fiscal year 2004. 3772

School districts must continue to comply with all expenditure 3773
guidelines and restrictions outlined in divisions (F), (G), (I), 3774
and (K) of section 3317.029 of the Revised Code by assuming a two 3775
per cent increase in funds for each program outlined in divisions 3776
(C), (D), and (E) of section 3317.029 of the Revised Code and by 3777
assuming a DPIA index equivalent to the index calculated in fiscal 3778
year 2003. 3779

The Department of Education shall pay all-day, everyday 3780

kindergarten funding to all school districts in each fiscal year 3781
that qualified for and provided the service in fiscal year 2003 3782
pursuant to section 3317.029 of the Revised Code. School districts 3783
and community schools that did not have a DPIA allocation in 3784
fiscal year 2003 shall not receive an allocation in fiscal year 3785
2004 or fiscal year 2005. 3786

Of the foregoing appropriation item 200-520, Disadvantaged 3787
Pupil Impact Aid, up to \$3,800,000 in each fiscal year shall be 3788
used for school breakfast programs. Of this amount, up to 3789
\$1,000,000 shall be used in each fiscal year by the Department of 3790
Education for the purpose of increasing participation in child 3791
nutrition programs, particularly school breakfast and summer 3792
meals. The Department shall collaborate with the Children's Hunger 3793
Alliance in the outreach effort. The remainder of the 3794
appropriation shall be used to partially reimburse school 3795
buildings within school districts that are required to have a 3796
school breakfast program pursuant to section 3313.813 of the 3797
Revised Code, at a rate decided by the Department. 3798

Of the foregoing appropriation item 200-520, Disadvantaged 3799
Pupil Impact Aid, \$4,500,000 in fiscal year 2004 and \$6,000,000 in 3800
fiscal year 2005 shall be used to operate the school choice 3801
program in the Cleveland Municipal School District pursuant to 3802
sections 3313.974 to 3313.979 of the Revised Code. 3803

Of the portion of the funds distributed to the Cleveland 3804
Municipal School District under this section, up to \$11,901,887 in 3805
each fiscal year shall be used to operate the school choice 3806
program in the Cleveland Municipal School District pursuant to 3807
sections 3313.974 to 3313.979 of the Revised Code. 3808

Sec. 146. (A) In September of 2003 (1) Within thirty days 3809
after the effective date of this amendment, each school district 3810
that has been declared to be under an academic watch or in a state 3811

of academic emergency pursuant to section 3302.03 of the Revised Code at any time in 2003 or that has a three-year average graduation rate of not more than seventy-five per cent shall administer a half-length practice version of ~~each~~ the reading and mathematics Ohio Graduation ~~Test~~ Tests prescribed by division (B) of section 3301.0710 of the Revised Code to all ninth grade students enrolled in the district. ~~Each~~ The district also shall assess all ninth grade students in each subject area of writing, science, and social studies to determine the students' preparedness for the Ohio Graduation Tests in those subject areas. The manner in which these assessments are conducted may be determined by the district, school, or individual teachers.

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

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

(B) ~~Each~~ In the 2003-2004 school year, each district declared to be in a state of academic emergency pursuant to section 3302.03 of the Revised Code at any time in 2003 and, in the 2004-2005 school year, each district that has a three-year average graduation rate of not more than seventy-five per cent shall

determine for each high school in the district whether the school shall be required to provide intervention services in accordance with this division to any students who took the tests or assessments required by division (A) of this section. In determining which high schools shall provide intervention services based upon available funding, the district shall consider each school's graduation rate and scores on the ~~practice~~ tests or assessments.

Each high school selected to provide intervention services under this division shall provide intervention services to students whose ~~practice~~ test or assessment results indicate that they are failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio Graduation Tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's test or assessment 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.

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

Section 14. That existing Sections 41.03, 41.05, 41.10, and 146 of Am. Sub. H.B. 95 of the 125th General Assembly are hereby repealed.

Section 15. Sections 41.03, 41.05, 41.10, and 146 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended in this act, and the items of law of which those sections as amended in this act are composed, are not subject to the referendum. Therefore, under

Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, Sections 41.03, 41.05, 41.10, and 146 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended in this act, and the items of law of which those sections as amended in this act are composed, go into immediate effect when this act becomes law.

Section 16. Section 3301.0710 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 17. Section 3301.0711 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 18. Section 3301.0714 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of

the section in effect prior to the effective date of the section 3903
as presented in this act. 3904

Section 19. Section 3318.031 of the Revised Code is presented 3905
in this act as a composite of the section as amended by both Sub. 3906
H.B. 248 and H.B. 675 of the 124th General Assembly. The General 3907
Assembly, applying the principle stated in division (B) of section 3908
1.52 of the Revised Code that amendments are to be harmonized if 3909
reasonably capable of simultaneous operation, finds that the 3910
composite is the resulting version of the section in effect prior 3911
to the effective date of the section as presented in this act. 3912

Section 20. Section 3319.39 of the Revised Code is presented 3913
in this act as a composite of the section as amended by Am. Sub. 3914
H.B. 445, Am. Sub. S.B. 269, and Am. Sub. S.B. 230 of the 121st 3915
General Assembly. The General Assembly, applying the principle 3916
stated in division (B) of section 1.52 of the Revised Code that 3917
amendments are to be harmonized if reasonably capable of 3918
simultaneous operation, finds that the composite is the resulting 3919
version of the section in effect prior to the effective date of 3920
the section as presented in this act. 3921