

As Reported by the House Education Committee

125th General Assembly

Regular Session

2003-2004

Sub. S. B. No. 2

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

Brady

Representatives Setzer, C. Evans, Callender, Chandler, Carano

A BILL

To amend sections 3301.079, 3301.0710, 3301.0711, 1
3301.0712, 3301.0715, 3302.04, 3307.01, 3313.28, 2
3313.53, 3313.713, 3318.031, 3319.09, 3319.11, 3
3319.111, 3319.22, 3319.225, 3319.227, 3319.23, 4
3319.26, 3319.283, 3319.29, 3319.291, 3319.31, 5
3319.311, 3319.36, 3319.39, 3319.51, and 3333.38; 6
to enact sections 3314.034, 3319.074, 3319.075, 7
3319.112, 3319.25, 3319.261, 3319.27, 3319.303, 8
3319.56, 3319.57, 3319.60, 3319.61, 3319.62, 9
3319.65, 3333.161, and 3333.36; to repeal sections 10
3301.801 and 3319.28 of the Revised Code; to amend 11
Section 12 of Sub. H.B. 364 of the 124th General 12
Assembly and to amend Section 12 of Sub. H.B. 364 13
of the 124th General Assembly for the purpose of 14
changing its number to section 3314.021 of the 15
Revised Code; to amend Sections 11, 12, 13, and 14 16
of Am. Sub. H.B. 3 of the 125th General Assembly; 17
and to amend Sections 41.03, 41.05, 41.10, 41.19, 18
41.33, 146, and 152 of Am. Sub. H.B. 95 of the 19
125th General Assembly to implement 20
recommendations of the Governor's Commission on 21

Teaching Success, to revise the laws with respect 22
to the teaching profession, academic standards, 23
and other education policies and programs, and to 24
extend to November 26, 2004, the deadline for the 25
Ohio Autism Task Force report. 26

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 27
3301.0712, 3301.0715, 3302.04, 3307.01, 3313.28, 3313.53, 28
3313.713, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3319.225, 29
3319.227, 3319.23, 3319.26, 3319.283, 3319.29, 3319.291, 3319.31, 30
3319.311, 3319.36, 3319.39, 3319.51, and 3333.38 be amended; that 31
Section 12 of Sub. H.B. 364 of the 124th General Assembly be 32
amended and renumbered as section 3314.021; and that sections 33
3314.034, 3319.074, 3319.075, 3319.112, 3319.25, 3319.261, 34
3319.27, 3319.303, 3319.56, 3319.57, 3319.60, 3319.61, 3319.62, 35
3319.65, 3333.161, and 3333.36 of the Revised Code be enacted to 36
read as follows: 37

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the 38
state board of education shall adopt statewide academic standards 39
for each of grades kindergarten through twelve in reading, 40
writing, and mathematics. Not later than December 31, 2002, the 41
state board shall adopt statewide academic standards for each of 42
grades kindergarten through twelve in science and social studies. 43
The standards shall specify the academic content and skills that 44
students are expected to know and be able to do at each grade 45
level. 46

(2) When academic standards have been completed for any 47
subject area required by this division, the state board shall 48
inform all school districts of the content of those standards. 49

(B) Not later than eighteen months after the completion of 50
academic standards for any subject area required by division (A) 51
of this section, the state board shall adopt a model curriculum 52
for instruction in that subject area for each of grades 53
kindergarten through twelve that is sufficient to meet the needs 54
of students in every community. The model curriculum shall be 55
aligned with the standards to ensure that the academic content and 56
skills specified for each grade level are taught to students. When 57
any model curriculum has been completed, the state board shall 58
inform all school districts of the content of that model 59
curriculum. 60

All school districts may utilize the state standards and the 61
model curriculum established by the state board, together with 62
other relevant resources, examples, or models to ensure that 63
students have the opportunity to attain the academic standards. 64
Upon request, the department of education shall provide technical 65
assistance to any district in implementing the model curriculum. 66

Nothing in this section requires any school district to 67
utilize all or any part of a model curriculum developed under this 68
division. 69

(C) The state board shall develop achievement tests aligned 70
with the academic standards and model curriculum for each of the 71
subject areas and grade levels required by section 3301.0710 of 72
the Revised Code. 73

When any achievement test has been completed, the state board 74
shall inform all school districts of its completion, and the 75
department of education shall make the achievement test available 76
to the districts. School districts shall administer the 77
achievement test beginning in the school year indicated in section 78
3301.0712 of the Revised Code. 79

(D)(1) Not later than July 1, ~~2007~~ 2008, and except as 80

provided in division (D)(3) of this section, the state board shall 81
adopt a diagnostic assessment aligned with the academic standards 82
and model curriculum for each of grades kindergarten through two 83
in reading, writing, and mathematics and for each of grades three 84
through eight in reading, writing, mathematics, science, and 85
social studies. The diagnostic assessment shall be designed to 86
measure student comprehension of academic content and mastery of 87
related skills for the relevant subject area and grade level. Any 88
diagnostic assessment shall not include components to identify 89
gifted students. Blank copies of diagnostic tests shall be public 90
records. 91

(2) When each diagnostic assessment has been completed, the 92
state board shall inform all school districts of its completion 93
and the department of education shall make the diagnostic 94
assessment available to the districts at no cost to the district. 95
School districts shall administer the diagnostic assessment 96
pursuant to section 3301.0715 of the Revised Code beginning the 97
first school year following the development of the assessment. 98

(3) The state board shall not adopt a diagnostic assessment 99
for any subject area and grade level for which the state board 100
develops an achievement test under division (C) of this section. 101

(E) Whenever the state board or the department of education 102
consults with persons for the purpose of drafting or reviewing any 103
standards, diagnostic assessments, achievement tests, or model 104
curriculum required under this section, the state board or the 105
department shall first consult with parents of students in 106
kindergarten through twelfth grade and with active Ohio classroom 107
teachers, other school personnel, and administrators with 108
expertise in the appropriate subject area. Whenever practicable, 109
the state board and department shall consult with teachers 110
recognized as outstanding in their fields. 111

If the department contracts with more than one outside entity 112

for the development of the achievement tests required by this 113
section, the department shall ensure the interchangeability of 114
those tests. 115

(F) The fairness sensitivity review committee, established by 116
rule of the state board of education, shall not allow any question 117
on any achievement test or diagnostic assessment developed under 118
this section or any proficiency test prescribed by former section 119
3301.0710 of the Revised Code, as it existed prior to September 120
11, 2001, to include, be written to promote, or inquire as to 121
individual moral or social values or beliefs. The decision of the 122
committee shall be final. This section does not create a private 123
cause of action. 124

Sec. 3301.0710. The state board of education shall adopt 125
rules establishing a statewide program to test student 126
achievement. The state board shall ensure that all tests 127
administered under the testing program are aligned with the 128
academic standards and model curricula adopted by the state board 129
and are created with input from Ohio parents, Ohio classroom 130
teachers, Ohio school administrators, and other Ohio school 131
personnel pursuant to section 3301.079 of the Revised Code. 132

The testing program shall be designed to ensure that students 133
who receive a high school diploma demonstrate at least high school 134
levels of achievement in reading, writing, mathematics, science, 135
and social studies. 136

(A)(1) The state board shall prescribe all of the following: 137

(a) Two statewide achievement tests, one each designed to 138
measure the level of reading and mathematics skill expected at the 139
end of third grade; 140

(b) Three statewide achievement tests, one each designed to 141
measure the level of reading, writing, and mathematics skill 142

expected at the end of fourth grade;	143
(c) Four statewide achievement tests, one each designed to measure the level of reading, mathematics, science, and social studies skill expected at the end of fifth grade;	144 145 146
(d) Two statewide achievement tests, one each designed to measure the level of reading and mathematics skill expected at the end of sixth grade;	147 148 149
(e) Three statewide achievement tests, one each designed to measure the level of reading, writing, and mathematics skill expected at the end of seventh grade;	150 151 152
(f) Four statewide achievement tests, one each designed to measure the level of reading, mathematics, science, and social studies skill expected at the end of eighth grade.	153 154 155
(2) The state board shall determine and designate at least five ranges of scores on each of the achievement tests described in divisions (A)(1) and (B) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	156 157 158 159 160 161
(a) An advanced level of skill;	162
(b) An accelerated level of skill;	163
(c) A proficient level of skill;	164
(d) A basic level of skill;	165
(e) A limited level of skill.	166
(B) The tests prescribed under this division shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school achievement tests, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at	167 168 169 170 171 172

least the range designated under division (A)(2)(c) of this 173
section on each such test that shall be deemed to be a passing 174
score on the test as a condition toward granting high school 175
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 176
of the Revised Code. 177

The state board may enter into a reciprocal agreement with 178
the appropriate body or agency of any other state that has similar 179
statewide achievement testing requirements for receiving high 180
school diplomas, under which any student who has met an 181
achievement testing requirement of one state is recognized as 182
having met the similar achievement testing requirement of the 183
other state for purposes of receiving a high school diploma. For 184
purposes of this section and sections 3301.0711 and 3313.61 of the 185
Revised Code, any student enrolled in any public high school in 186
this state who has met an achievement testing requirement 187
specified in a reciprocal agreement entered into under this 188
division shall be deemed to have attained at least the applicable 189
score designated under this division on each test required by this 190
division that is specified in the agreement. 191

(C) The state board shall annually designate as follows the 192
dates on which the tests prescribed under this section shall be 193
administered: 194

(1) For the reading test prescribed under division (A)(1)(a) 195
of this section, as follows: 196

(a) One date prior to the thirty-first day of December each 197
school year; 198

(b) At least one date of each school year that is not earlier 199
than ~~Monday of the week containing the eighth~~ first day of ~~March~~ 200
May; 201

(c) One date during the summer that is not earlier than the 202
tenth day of June nor later than the fifteenth day of July for 203

students receiving summer remediation services under section 204
3313.608 of the Revised Code. 205

(2) For the mathematics test prescribed under division 206
(A)(1)(a) of this section and the tests prescribed under divisions 207
(A)(1)(b), (c), (d), (e), and (f) of this section, at least one 208
date of each school year that is not earlier than ~~Monday of the~~ 209
~~week containing the eighth~~ first day of ~~March~~ May; 210

(3) For the tests prescribed under division (B) of this 211
section, at least one date in each school year that is not earlier 212
than ~~Monday of the week containing the fifteenth~~ first day of 213
~~March~~ May for all tenth grade students and at least one date prior 214
to the thirty-first day of December and at least one date 215
subsequent to that date but prior to the thirty-first day of March 216
of each school year for eleventh and twelfth grade students. 217

(D) In prescribing test dates pursuant to division (C)(3) of 218
this section, the state board shall, to the greatest extent 219
practicable, provide options to school districts in the case of 220
tests administered under that division to eleventh and twelfth 221
grade students and in the case of tests administered to students 222
pursuant to division (C)(2) of section 3301.0711 of the Revised 223
Code. Such options shall include at least an opportunity for 224
school districts to give such tests outside of regular school 225
hours. 226

(E) In prescribing test dates pursuant to this section, the 227
state board of education shall designate the dates in such a way 228
as to allow a reasonable length of time between the administration 229
of tests prescribed under this section and any administration of 230
the National Assessment of Education Progress Test given to 231
students in the same grade level pursuant to section 3301.27 of 232
the Revised Code or federal law. 233

(F) The state board shall prescribe a practice version of 234

each Ohio graduation test described in division (B) of this 235
section that is of comparable length to the actual test. 236

~~(F)~~(G) Any committee established by the department of 237
education for the purpose of making recommendations to the state 238
board regarding the state board's designation of scores on the 239
tests described by this section shall inform the state board of 240
the probable percentage of students who would score in each of the 241
ranges established under division (A)(2) of this section on the 242
tests if the committee's recommendations are adopted by the state 243
board. To the extent possible, these percentages shall be 244
disaggregated by gender, major racial and ethnic groups, limited 245
English proficient students, economically disadvantaged students, 246
students with disabilities, and migrant students. 247

If the state board intends to make any change to the 248
committee's recommendations, the state board shall explain the 249
intended change to the Ohio accountability task force established 250
by section 3302.021 of the Revised Code. The task force shall 251
recommend whether the state board should proceed to adopt the 252
intended change. Nothing in this division shall require the state 253
board to designate test scores based upon the recommendations of 254
the task force. 255

Sec. 3301.0711. (A) The department of education shall: 256

(1) Annually furnish to, grade, and score all tests required 257
by section 3301.0710 of the Revised Code to be administered by 258
city, local, exempted village, and joint vocational school 259
districts, except that each district shall score any test 260
administered pursuant to division (B)~~(8)~~(10) of this section. In 261
furnishing the practice versions of Ohio graduation tests 262
prescribed by division (F) of section 3301.0710 of the Revised 263
Code, the department shall make the tests available on its ~~website~~ 264
web site for reproduction by districts. In awarding contracts for 265

grading tests, the department shall give preference to Ohio-based 266
entities employing Ohio residents. 267

(2) Adopt rules for the ethical use of tests and prescribing 268
the manner in which the tests prescribed by section 3301.0710 of 269
the Revised Code shall be administered to students. 270

(B) Except as provided in divisions (C) and (J) of this 271
section, the board of education of each city, local, and exempted 272
village school district shall, in accordance with rules adopted 273
under division (A) of this section: 274

(1) Administer the reading test prescribed under division 275
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 276
to all students in the third grade who have not attained the score 277
designated for that test under division (A)(2)(c) of section 278
3301.0710 of the Revised Code and once each summer to students 279
receiving summer remediation services under section 3313.608 of 280
the Revised Code. 281

(2) Administer the mathematics test prescribed under division 282
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 283
annually to all students in the third grade. 284

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

(4) Administer the tests prescribed under division (A)(1)(c) 288
of section 3301.0710 of the Revised Code at least once annually to 289
all students in the fifth grade. 290

(5) Administer the tests prescribed under division (A)(1)(d) 291
of section 3301.0710 of the Revised Code at least once annually to 292
all students in the sixth grade. 293

(6) Administer the tests prescribed under division (A)(1)(e) 294
of section 3301.0710 of the Revised Code at least once annually to 295

all students in the seventh grade.	296
(7) Administer the tests prescribed under division (A)(1)(f)	297
of section 3301.0710 of the Revised Code at least once annually to	298
all students in the eighth grade.	299
(8) Except as provided in division (B)(9) of this section,	300
administer any test prescribed under division (B) of section	301
3301.0710 of the Revised Code as follows:	302
(a) At least once annually to all tenth grade students and at	303
least twice annually to all students in eleventh or twelfth grade	304
who have not yet attained the score on that test designated under	305
that division;	306
(b) To any person who has successfully completed the	307
curriculum in any high school or the individualized education	308
program developed for the person by any high school pursuant to	309
section 3323.08 of the Revised Code but has not received a high	310
school diploma and who requests to take such test, at any time	311
such test is administered in the district.	312
(9) In lieu of the board of education of any city, local, or	313
exempted village school district in which the student is also	314
enrolled, the board of a joint vocational school district shall	315
administer any test prescribed under division (B) of section	316
3301.0710 of the Revised Code at least twice annually to any	317
student enrolled in the joint vocational school district who has	318
not yet attained the score on that test designated under that	319
division. A board of a joint vocational school district may also	320
administer such a test to any student described in division	321
(B)(8)(b) of this section.	322
(8) <u>(10)</u> If the district has been declared to be under an	323
academic watch or in a state of academic emergency pursuant to	324
section 3302.03 of the Revised Code <u>or has a three-year average</u>	325
<u>graduation rate of not more than seventy-five per cent</u> , administer	326

each test prescribed by division (F) of section 3301.0710 of the Revised Code in September to all ninth grade students, beginning in the school year that starts July 1, ~~2004~~ 2005.

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

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

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

taking the test. 359

(2) A district board may, for medical reasons or other good 360
cause, excuse a student from taking a test administered under this 361
section on the date scheduled, but any such test shall be 362
administered to such excused student not later than nine days 363
following the scheduled date. The board shall annually report the 364
number of students who have not taken one or more of the tests 365
required by this section to the state board of education not later 366
than the thirtieth day of June. 367

(3) As used in this division, "limited English proficient 368
student" has the same meaning as in 20 U.S.C. 7801. 369

No school district board shall excuse any limited English 370
proficient student from taking any particular test required to be 371
administered under this section, but a board may permit any 372
limited English proficient student to take the test with 373
appropriate accommodations, as determined by the department. For 374
each limited English proficient student, each school district 375
shall annually assess that student's progress in learning English, 376
in accordance with procedures approved by the department. 377

The governing authority of a chartered nonpublic school may 378
excuse a limited English proficient student from taking any test 379
administered under this section. However, no governing authority 380
shall prohibit a limited English proficient student from taking 381
the test. 382

(D)(1) In the school year next succeeding the school year in 383
which the tests prescribed by division (A)(1) or (B) of section 384
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 385
or (B) of section 3301.0710 of the Revised Code as it existed 386
prior to September 11, 2001, are administered to any student, the 387
board of education of any school district in which the student is 388
enrolled in that year shall provide to the student intervention 389

services commensurate with the student's test performance, 390
including any intensive intervention required under section 391
3313.608 of the Revised Code, in any skill in which the student 392
failed to demonstrate at least a score at the proficient level on 393
the test. 394

(2) Following any administration of the tests prescribed by 395
division (F) of section 3301.0710 of the Revised Code to ninth 396
grade students, each school district that has ~~been declared to be~~ 397
~~in a state of academic emergency pursuant to section 3302.03 of~~ 398
~~the Revised Code~~ a three-year average graduation rate of not more 399
than seventy-five per cent shall determine for each high school in 400
the district whether the school shall be required to provide 401
intervention services to any students who took the tests. In 402
determining which high schools shall provide intervention services 403
based on the resources available, the district shall consider each 404
school's graduation rate and scores on the practice tests. ~~If any~~ 405
~~achievement tests in reading and math are adopted by the state~~ 406
~~board of education for administration in the eighth grade, the~~ The 407
district also shall consider the scores received by ninth grade 408
students on ~~those~~ the reading and mathematics tests prescribed 409
under division (A)(1)(f) of section 3301.0710 of the Revised Code 410
in the eighth grade in determining which high schools shall 411
provide intervention services. 412

Each high school selected to provide intervention services 413
under this division shall provide intervention services to any 414
student whose test results indicate that the student is failing to 415
make satisfactory progress toward being able to attain scores at 416
the proficient level on the Ohio ~~Graduation Tests~~ graduation 417
tests. Intervention services shall be provided in any skill in 418
which a student demonstrates unsatisfactory progress and shall be 419
commensurate with the student's test performance. Schools shall 420
provide the intervention services prior to the end of the school 421

year, during the summer following the ninth grade, in the next 422
succeeding school year, or at any combination of those times. 423

(E) Except as provided in section 3313.608 of the Revised 424
Code and division (M) of this section, no school district board of 425
education shall utilize any student's failure to attain a 426
specified score on any test administered under this section as a 427
factor in any decision to deny the student promotion to a higher 428
grade level. However, a district board may choose not to promote 429
to the next grade level any student who does not take any test 430
administered under this section or make up such test as provided 431
by division (C)(2) of this section. 432

(F) No person shall be charged a fee for taking any test 433
administered under this section. 434

(G) ~~Not later than sixty days after any administration of any~~ 435
~~test prescribed by section 3301.0710 of the Revised Code, the~~ The 436
department shall send to each school district board a list of the 437
individual test scores of all persons taking ~~the~~ any test 438
prescribed by division (A)(1) or (B) of section 3301.0710 of the 439
Revised Code within sixty days after its administration, but in no 440
case shall the scores be returned later than the fifteenth day of 441
June following the administration. For any tests administered 442
under this section by a joint vocational school district, the 443
department shall also send to each city, local, or exempted 444
village school district a list of the individual test scores of 445
any students of such city, local, or exempted village school 446
district who are attending school in the joint vocational school 447
district. 448

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

in any manner that conflicts with rules for the ethical use of 454
tests adopted pursuant to division (A) of this section. 455

(I) Except as provided in division (G) of this section, the 456
department shall not release any individual test scores on any 457
test administered under this section and shall adopt rules to 458
ensure the protection of student confidentiality at all times. 459

(J) Notwithstanding division (D) of section 3311.52 of the 460
Revised Code, this section does not apply to the board of 461
education of any cooperative education school district except as 462
provided under rules adopted pursuant to this division. 463

(1) In accordance with rules that the state board of 464
education shall adopt, the board of education of any city, 465
exempted village, or local school district with territory in a 466
cooperative education school district established pursuant to 467
divisions (A) to (C) of section 3311.52 of the Revised Code may 468
enter into an agreement with the board of education of the 469
cooperative education school district for administering any test 470
prescribed under this section to students of the city, exempted 471
village, or local school district who are attending school in the 472
cooperative education school district. 473

(2) In accordance with rules that the state board of 474
education shall adopt, the board of education of any city, 475
exempted village, or local school district with territory in a 476
cooperative education school district established pursuant to 477
section 3311.521 of the Revised Code shall enter into an agreement 478
with the cooperative district that provides for the administration 479
of any test prescribed under this section to both of the 480
following: 481

(a) Students who are attending school in the cooperative 482
district and who, if the cooperative district were not 483
established, would be entitled to attend school in the city, 484

local, or exempted village school district pursuant to section 485
3313.64 or 3313.65 of the Revised Code; 486

(b) Persons described in division (B)(8)(b) of this section. 487

Any testing of students pursuant to such an agreement shall 488
be in lieu of any testing of such students or persons pursuant to 489
this section. 490

(K)(1) Any chartered nonpublic school may participate in the 491
testing program by administering any of the tests prescribed by 492
section 3301.0710 or 3301.0712 of the Revised Code if the chief 493
administrator of the school specifies which tests the school 494
wishes to administer. Such specification shall be made in writing 495
to the superintendent of public instruction prior to the first day 496
of August of any school year in which tests are administered and 497
shall include a pledge that the nonpublic school will administer 498
the specified tests in the same manner as public schools are 499
required to do under this section and rules adopted by the 500
department. 501

(2) The department of education shall furnish the tests 502
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 503
to any chartered nonpublic school electing to participate under 504
this division. 505

(L)(1) The superintendent of the state school for the blind 506
and the superintendent of the state school for the deaf shall 507
administer the tests described by section 3301.0710 of the Revised 508
Code. Each superintendent shall administer the tests in the same 509
manner as district boards are required to do under this section 510
and rules adopted by the department of education and in conformity 511
with division (C)(1)(a) of this section. 512

(2) The department of education shall furnish the tests 513
described by section 3301.0710 of the Revised Code to each 514
superintendent. 515

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

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

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

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

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

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

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

Proficiency Test	Last administration in school year beginning July 1 of	Achievement Test	First administration in school year beginning July 1 of	
		3rd grade reading test	2003	572
		3rd grade mathematics test	2004	573
4th grade reading test	2003	4th grade reading test	2004	574
4th grade	2004	4th grade	2005	575

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

9th grade mathematics test	2002, except as provided in division (B) of this section	Ohio graduation test in mathematics	2002	591
9th grade writing test	2002, except as provided in division (B) of this section	Ohio graduation test in writing	2004	592
9th grade science test	2002, except as provided in division (B) of this section	Ohio graduation test in science	2004	593
9th grade citizenship test	2002, except as provided in division (B) of this section	Ohio graduation test in social studies	2004	594

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

Sec. 3301.0715. (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:

- (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 if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer⁺. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student.

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

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

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

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(C) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. Except as required by division (B)(1)(o) of section 3301.0714 of

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the Revised Code, neither the state board of education nor the 641
department shall require school districts to report the results of 642
diagnostic assessments for any students to the department or to 643
make any such results available in any form to the public. After 644
the administration of any diagnostic assessment, each district 645
shall provide a student's completed diagnostic assessment, the 646
results of such assessment, and any other accompanying documents 647
used during the administration of the assessment to the parent of 648
that student upon the parent's request. 649

(D) Each district board shall provide intervention services 650
to students whose diagnostic assessments show that they are 651
failing to make satisfactory progress toward attaining the 652
academic standards for their grade level. 653

(E) Any district that made adequate yearly progress, as 654
defined in section 3302.01 of the Revised Code, in the immediately 655
preceding school year may assess student progress in grades one 656
through eight using a diagnostic assessment other than the 657
diagnostic assessment required by division (A) of this section. 658

(F) A district board may administer any diagnostic assessment 659
provided to the district in accordance with section 3301.079 of 660
the Revised Code to any student enrolled in a building that is not 661
subject to division (A)(1) of this section. Any district electing 662
to administer diagnostic assessments to students under this 663
division shall provide intervention services to any such student 664
whose diagnostic assessment shows unsatisfactory progress toward 665
attaining the academic standards for the student's grade level. 666

Sec. 3302.04. (A) The department of education shall establish 667
a system of intensive, ongoing support for the improvement of 668
school districts and school buildings. The system shall give 669
priority to districts and buildings that have been declared to be 670
under an academic watch or in a state of academic emergency under 671

section 3302.03 of the Revised Code and shall include services 672
provided to districts and buildings through regional service 673
providers, such as educational service centers, regional 674
professional development centers, and special education regional 675
resource centers. 676

(B) When a school district has been notified by the 677
department pursuant to division (A) of section 3302.03 of the 678
Revised Code that the district or a building within the district 679
has failed to make adequate yearly progress for two consecutive 680
school years, the district shall develop a three-year continuous 681
improvement plan for the district or building containing each of 682
the following: 683

(1) An analysis of the reasons for the failure of the 684
district or building to meet any of the applicable performance 685
indicators established under section 3302.02 of the Revised Code 686
that it did not meet and an analysis of the reasons for its 687
failure to make adequate yearly progress; 688

(2) Specific strategies that the district or building will 689
use to address the problems in academic achievement identified in 690
division (B)(1) of this section; 691

(3) Identification of the resources that the district will 692
allocate toward improving the academic achievement of the district 693
or building; 694

(4) A description of any progress that the district or 695
building made in the preceding year toward improving its academic 696
achievement; 697

(5) An analysis of how the district is utilizing the 698
professional development standards adopted by the state board 699
pursuant to section 3319.61 of the Revised Code; 700

(6) Strategies that the district or building will use to 701

improve the cultural competency, as defined pursuant to section 702
3319.61 of the Revised Code, of teachers and other educators. 703

No three-year continuous improvement plan shall be developed 704
or adopted pursuant to this division unless at least one public 705
hearing is held within the affected school district or building 706
concerning the final draft of the plan. Notice of the hearing 707
shall be given two weeks prior to the hearing by publication in 708
one newspaper of general circulation within the territory of the 709
affected school district or building. Copies of the plan shall be 710
made available to the public. 711

(C) When a school district or building has been notified by 712
the department pursuant to division (A) of section 3302.03 of the 713
Revised Code that the district or building is under an academic 714
watch or in a state of academic emergency, the district or 715
building shall be subject to any rules establishing intervention 716
in academic watch or emergency school districts or buildings. 717

(D)(1) Within one hundred twenty days after any school 718
district or building is declared to be in a state of academic 719
emergency under section 3302.03 of the Revised Code, the 720
department may initiate a site evaluation of the building or 721
school district. 722

(2) If any school district that is declared to be in a state 723
of academic emergency or in a state of academic watch under 724
section 3302.03 of the Revised Code or encompasses a building that 725
is declared to be in a state of academic emergency or in a state 726
of academic watch fails to demonstrate to the department 727
satisfactory improvement of the district or applicable buildings 728
or fails to submit to the department any information required 729
under rules established by the state board of education, prior to 730
approving a three-year continuous improvement plan under rules 731
established by the state board of education, the department shall 732

conduct a site evaluation of the school district or applicable 733
buildings to determine whether the school district is in 734
compliance with minimum standards established by law or rule. 735

(3) Site evaluations conducted under divisions (D)(1) and (2) 736
of this section shall include, but not be limited to, the 737
following: 738

(a) Determining whether teachers are assigned to subject 739
areas for which they are licensed or certified; 740

(b) Determining pupil-teacher ratios; 741

(c) Examination of compliance with minimum instruction time 742
requirements for each school day and for each school year; 743

(d) Determining whether materials and equipment necessary to 744
implement the curriculum approved by the school district board are 745
available; 746

(e) Examination of whether the teacher and principal 747
evaluation system reflects the evaluation system guidelines 748
adopted by the state board of education under section 3319.112 of 749
the Revised Code; 750

(f) Examination of the adequacy of efforts to improve the 751
cultural competency, as defined pursuant to section 3319.61 of the 752
Revised Code, of teachers and other educators. 753

(E) This division applies only to school districts that 754
operate a school building that fails to make adequate yearly 755
progress for two or more consecutive school years. 756

(1) For any school building that fails to make adequate 757
yearly progress for two consecutive school years, the district 758
shall do all of the following: 759

(a) Provide written notification of the academic issues that 760
resulted in the building's failure to make adequate yearly 761
progress to the parent or guardian of each student enrolled in the 762

building. The notification shall also describe the actions being 763
taken by the district or building to improve the academic 764
performance of the building and any progress achieved toward that 765
goal in the immediately preceding school year. 766

(b) If the building receives funds under Title 1, Part A of 767
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 768
6311 to 6339, from the district, in accordance with section 769
3313.97 of the Revised Code, offer all students enrolled in the 770
building the opportunity to enroll in an alternative building 771
within the district that is not in school improvement status as 772
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 773
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 774
the district shall spend an amount equal to twenty per cent of the 775
funds it receives under Title I, Part A of the "Elementary and 776
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to 777
provide transportation for students who enroll in alternative 778
buildings under this division, unless the district can satisfy all 779
demand for transportation with a lesser amount. If an amount equal 780
to twenty per cent of the funds the district receives under Title 781
I, Part A of the "Elementary and Secondary Education Act of 1965," 782
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 783
transportation, the district shall grant priority over all other 784
students to the lowest achieving students among the subgroup 785
described in division (F)(3) of section 3302.01 of the Revised 786
Code in providing transportation. Any district that does not 787
receive funds under Title I, Part A of the "Elementary and 788
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall 789
not be required to provide transportation to any student who 790
enrolls in an alternative building under this division. 791

(2) For any school building that fails to make adequate 792
yearly progress for three consecutive school years, the district 793
shall do both of the following: 794

(a) If the building receives funds under Title 1, Part A of 795
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 796
6311 to 6339, from the district, in accordance with section 797
3313.97 of the Revised Code, provide all students enrolled in the 798
building the opportunity to enroll in an alternative building 799
within the district that is not in school improvement status as 800
defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 801
20 U.S.C. 6316. Notwithstanding Chapter 3327. of the Revised Code, 802
the district shall provide transportation for students who enroll 803
in alternative buildings under this division to the extent 804
required under division (E)(2) of this section. 805

(b) If the building receives funds under Title 1, Part A of 806
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 807
6311 to 6339, from the district, offer supplemental educational 808
services to students who are enrolled in the building and who are 809
in the subgroup described in division (F)(3) of section 3302.01 of 810
the Revised Code. 811

The district shall spend a combined total of an amount equal 812
to twenty per cent of the funds it receives under Title I, Part A 813
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 814
6311 to 6339, to provide transportation for students who enroll in 815
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 816
this section and to pay the costs of the supplemental educational 817
services provided to students under division (E)(2)(b) of this 818
section, unless the district can satisfy all demand for 819
transportation and pay the costs of supplemental educational 820
services for those students who request them with a lesser amount. 821
~~In allocating the funds the district receives under Title I, Part~~ 822
~~A of the "Elementary and Secondary Education Act of 1965," 20~~ 823
~~U.S.C. 6311 to 6339,~~ between the requirements of divisions 824
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 825
shall spend at least an amount equal to five per cent of ~~such the~~ 826

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

Any district that does not receive funds under Title I, Part 850
A of the "Elementary and Secondary Education Act of 1965," 20 851
U.S.C. 6311 to 6339, shall not be required to provide 852
transportation to any student who enrolls in an alternative 853
building under division (E)(2)(a) of this section or to pay the 854
costs of supplemental educational services provided to any student 855
under division (E)(2)(b) of this section. 856

No student who enrolls in an alternative building under 857
division (E)(2)(a) of this section shall be eligible for 858

supplemental educational services under division (E)(2)(b) of this section. 859
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(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement at least one of the following options with respect to the building: 861
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(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code; 866
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(b) Decrease the degree of authority the building has to manage its internal operations; 869
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(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section. 871
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(d) Extend the length of the school day or year; 875

(e) Replace the building principal or other key personnel; 876

(f) Reorganize the administrative structure of the building. 877

(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options: 878
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(a) Reopen the school as a community school under Chapter 3314. of the Revised Code; 884
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(b) Replace personnel; 886

(c) Contract with a nonprofit or for-profit entity to operate 887

the building; 888

(d) Turn operation of the building over to the department; 889

(e) Other significant restructuring of the building's 890
governance. 891

(5) For any school building that fails to make adequate 892
yearly progress for six consecutive school years, the district 893
shall continue to comply with division (E)(2) of this section and 894
shall implement the plan developed pursuant to division (E)(4) of 895
this section. 896

(6) A district shall continue to comply with division 897
(E)(1)(b) or (E)(2) of this section, whichever was most recently 898
applicable, with respect to any building formerly subject to one 899
of those divisions until the building makes adequate yearly 900
progress for two consecutive school years. 901

(F) This division applies only to school districts that fail 902
to make adequate yearly progress for two or more consecutive 903
school years. 904

(1) If a school district fails to make adequate yearly 905
progress for two consecutive school years, the district shall 906
provide a written description of the continuous improvement plan 907
developed by the district pursuant to division (B) of this section 908
to the parent or guardian of each student enrolled in the 909
district. 910

(2) If a school district fails to make adequate yearly 911
progress for three consecutive school years, the district shall 912
continue to implement the continuous improvement plan developed by 913
the district pursuant to division (B) of this section. 914

(3) If a school district fails to make adequate yearly 915
progress for four consecutive school years, the department shall 916
take at least one of the following corrective actions with respect 917

to the district:	918
(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;	919 920 921
(b) Direct the district to replace key district personnel;	922
(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;	923 924 925
(d) Establish alternative forms of governance for individual school buildings within the district;	926 927
(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.	928 929
The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.	930 931 932
(4) If a school district fails to make adequate yearly progress for five consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.	933 934 935 936 937
(5) If a school district fails to make adequate yearly 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.	938 939 940 941 942 943 944
(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	945 946 947

allocation, and scheduling. Any such intervention team shall be 948
appointed by the department and shall include teachers and 949
administrators recognized as outstanding in their fields. The 950
intervention team shall make recommendations regarding methods for 951
improving the performance of the district or building. 952

The department shall not approve a district's request for an 953
intervention team under division (E)(3) of this section if the 954
department cannot adequately fund the work of the team, unless the 955
district agrees to pay for the expenses of the team. 956

(H) The department shall conduct individual audits of a 957
sampling of community schools established under Chapter 3314. of 958
the Revised Code to determine compliance with this section. 959

(I) The state board shall adopt rules for implementing this 960
section. 961

Sec. 3307.01. As used in this chapter: 962

(A) "Employer" means the board of education, school district, 963
governing authority of any community school established under 964
Chapter 3314. of the Revised Code, college, university, 965
institution, or other agency within the state by which a teacher 966
is employed and paid. 967

(B) "Teacher" means all of the following: 968

(1) Any person paid from public funds and employed in the 969
public schools of the state under any type of contract described 970
in section 3319.08 of the Revised Code in a position for which the 971
person is required to have a license issued pursuant to sections 972
3319.22 to 3319.31 of the Revised Code; 973

(2) Any person employed as a teacher by a community school 974
pursuant to Chapter 3314. of the Revised Code; 975

~~(3) Any person holding an internship certificate issued under 976
section 3319.28 of the Revised Code and employed in a public 977~~

school in this state;	978
(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;	979 980 981 982 983 984 985 986
(5) <u>(4)</u> Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, the university of Toledo, and the medical college of Ohio at Toledo;	987 988 989 990 991 992
(6) <u>(5)</u> The educational employees of the department of education, as determined by the state superintendent of public instruction.	993 994 995
In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.	996 997 998
"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.	999 1000 1001 1002 1003
(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	1004 1005 1006 1007 1008

chapter, the following persons shall not be considered members: 1009

(1) A student, intern, or resident who is not a member while 1010
employed part-time by a school, college, or university at which 1011
the student, intern, or resident is regularly attending classes; 1012

(2) A person denied membership pursuant to section 3307.24 of 1013
the Revised Code; 1014

(3) An other system retirant, as defined in section 3307.35 1015
of the Revised Code, or a superannuate; 1016

(4) An individual employed in a program established pursuant 1017
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 1018
U.S.C.A. 1501. 1019

(D) "Contributor" means any person who has an account in the 1020
teachers' savings fund or defined contribution fund. 1021

(E) "Beneficiary" means any person eligible to receive, or in 1022
receipt of, a retirement allowance or other benefit provided by 1023
this chapter. 1024

(F) "Year" means the year beginning the first day of July and 1025
ending with the thirtieth day of June next following, except that 1026
for the purpose of determining final average salary under the plan 1027
described in sections 3307.50 to 3307.79 of the Revised Code, 1028
"year" may mean the contract year. 1029

(G) "Local district pension system" means any school teachers 1030
pension fund created in any school district of the state in 1031
accordance with the laws of the state prior to September 1, 1920. 1032

(H) "Employer contribution" means the amount paid by an 1033
employer, as determined by the employer rate, including the normal 1034
and deficiency rates, contributions, and funds wherever used in 1035
this chapter. 1036

(I) "Five years of service credit" means employment covered 1037
under this chapter and employment covered under a former 1038

retirement plan operated, recognized, or endorsed by a college, 1039
institute, university, or political subdivision of this state 1040
prior to coverage under this chapter. 1041

(J) "Actuary" means the actuarial consultant to the state 1042
teachers retirement board, who shall be either of the following: 1043

(1) A member of the American academy of actuaries; 1044

(2) A firm, partnership, or corporation of which at least one 1045
person is a member of the American academy of actuaries. 1046

(K) "Fiduciary" means a person who does any of the following: 1047

(1) Exercises any discretionary authority or control with 1048
respect to the management of the system, or with respect to the 1049
management or disposition of its assets; 1050

(2) Renders investment advice for a fee, direct or indirect, 1051
with respect to money or property of the system; 1052

(3) Has any discretionary authority or responsibility in the 1053
administration of the system. 1054

(L)(1) Except as provided in this division, "compensation" 1055
means all salary, wages, and other earnings paid to a teacher by 1056
reason of the teacher's employment, including compensation paid 1057
pursuant to a supplemental contract. The salary, wages, and other 1058
earnings shall be determined prior to determination of the amount 1059
required to be contributed to the teachers' savings fund or 1060
defined contribution fund under section 3307.26 of the Revised 1061
Code and without regard to whether any of the salary, wages, or 1062
other earnings are treated as deferred income for federal income 1063
tax purposes. 1064

(2) Compensation does not include any of the following: 1065

(a) Payments for accrued but unused sick leave or personal 1066
leave, including payments made under a plan established pursuant 1067
to section 124.39 of the Revised Code or any other plan 1068

established by the employer;	1069
(b) Payments made for accrued but unused vacation leave,	1070
including payments made pursuant to section 124.13 of the Revised	1071
Code or a plan established by the employer;	1072
(c) Payments made for vacation pay covering concurrent	1073
periods for which other salary, compensation, or benefits under	1074
this chapter are paid;	1075
(d) Amounts paid by the employer to provide life insurance,	1076
sickness, accident, endowment, health, medical, hospital, dental,	1077
or surgical coverage, or other insurance for the teacher or the	1078
teacher's family, or amounts paid by the employer to the teacher	1079
in lieu of providing the insurance;	1080
(e) Incidental benefits, including lodging, food, laundry,	1081
parking, or services furnished by the employer, use of the	1082
employer's property or equipment, and reimbursement for	1083
job-related expenses authorized by the employer, including moving	1084
and travel expenses and expenses related to professional	1085
development;	1086
(f) Payments made by the employer in exchange for a member's	1087
waiver of a right to receive any payment, amount, or benefit	1088
described in division (L)(2) of this section;	1089
(g) Payments by the employer for services not actually	1090
rendered;	1091
(h) Any amount paid by the employer as a retroactive increase	1092
in salary, wages, or other earnings, unless the increase is one of	1093
the following:	1094
(i) A retroactive increase paid to a member employed by a	1095
school district board of education in a position that requires a	1096
license designated for teaching and not designated for being an	1097
administrator issued under section 3319.22 of the Revised Code	1098

that is paid in accordance with uniform criteria applicable to all 1099
members employed by the board in positions requiring the licenses; 1100

(ii) A retroactive increase paid to a member employed by a 1101
school district board of education in a position that requires a 1102
license designated for being an administrator issued under section 1103
3319.22 of the Revised Code that is paid in accordance with 1104
uniform criteria applicable to all members employed by the board 1105
in positions requiring the licenses; 1106

(iii) A retroactive increase paid to a member employed by a 1107
school district board of education as a superintendent that is 1108
also paid as described in division (L)(2)(h)(i) of this section; 1109

(iv) A retroactive increase paid to a member employed by an 1110
employer other than a school district board of education in 1111
accordance with uniform criteria applicable to all members 1112
employed by the employer. 1113

(i) Payments made to or on behalf of a teacher that are in 1114
excess of the annual compensation that may be taken into account 1115
by the retirement system under division (a)(17) of section 401 of 1116
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1117
401(a)(17), as amended. For a teacher who first establishes 1118
membership before July 1, 1996, the annual compensation that may 1119
be taken into account by the retirement system shall be determined 1120
under division (d)(3) of section 13212 of the "Omnibus Budget 1121
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1122

(j) Payments made under division (B), (C), or (E) of section 1123
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1124
No. 3 of the 119th general assembly, Section 3 of Amended 1125
Substitute Senate Bill No. 164 of the 124th general assembly, or 1126
Amended Substitute House Bill No. 405 of the 124th general 1127
assembly; 1128

(k) Anything of value received by the teacher that is based 1129

on or attributable to retirement or an agreement to retire. 1130

(3) The retirement board shall determine by rule both of the 1131
following: 1132

(a) Whether particular forms of earnings are included in any 1133
of the categories enumerated in this division; 1134

(b) Whether any form of earnings not enumerated in this 1135
division is to be included in compensation. 1136

Decisions of the board made under this division shall be 1137
final. 1138

(M) "Superannuate" means both of the following: 1139

(1) A former teacher receiving from the system a retirement 1140
allowance under section 3307.58 or 3307.59 of the Revised Code; 1141

(2) A former teacher receiving a benefit from the system 1142
under a plan established under section 3307.81 of the Revised 1143
Code, except that "superannuate" does not include a former teacher 1144
who is receiving a benefit based on disability under a plan 1145
established under section 3307.81 of the Revised Code. 1146

For purposes of sections 3307.35 and 3307.353 of the Revised 1147
Code, "superannuate" also means a former teacher receiving from 1148
the system a combined service retirement benefit paid in 1149
accordance with section 3307.57 of the Revised Code, regardless of 1150
which retirement system is paying the benefit. 1151

Sec. 3313.28. The treasurer of a board of education, at the 1152
expiration of the treasurer's term of office, shall deliver to the 1153
treasurer's successor all books and papers in the treasurer's 1154
hands relating to the affairs of the district, including educator 1155
licenses ~~and internship certificates~~, and copies thereof, and 1156
reports of school statistics, filed by teachers. 1157

Sec. 3313.53. (A) As used in this section: 1158

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

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

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

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

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

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

(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~~ 1190
~~coach a pupil activity program and that shall not be more~~ 1191
~~stringent than the standards set forth in rules applicable to~~ 1192
~~nonlicensed individuals. A~~ 1193

(D) ~~A nonlicensed individual who meets the standards adopted~~ 1194
~~by the state board holds a valid pupil-activity program permit~~ may 1195
be ~~se~~ employed under division (C) of this section only after the 1196
school district's board of education adopts a resolution stating 1197
that it has offered such position to those employees of the 1198
district who ~~have a license issued under section 3319.22 of the~~ 1199
~~Revised Code~~ are licensed individuals and no such employee 1200
qualified to fill the position has accepted it, and has then 1201
advertised the position as available to any licensed individual 1202
~~with such a license~~ who is qualified to fill it and who is not 1203
employed by the board, and no such person has applied for and 1204
accepted the position. A nonlicensed individual so employed is a 1205
nonteaching employee and is not an educational assistant as 1206
defined in section 3319.088 of the Revised Code. As used in this 1207
~~paragraph~~ division and division (C) of this section, 1208
pupil-activity program does not include any class or course 1209
required or offered for credit toward a pupil's promotion to the 1210
next grade or for graduation, or any activity conducted as a part 1211
of or required for such a class or course. A nonlicensed 1212
individual employed under this section may perform only the duties 1213
of the director, supervisor, or coach of the pupil-activity 1214
program for which the nonlicensed individual is employed. 1215

The board shall fix the compensation of the nonlicensed 1216
individual so employed, which shall be the same amount as the 1217
position was offered to the district's licensed employees, and 1218
execute a written contract with the nonlicensed individual for a 1219
term not to exceed one year. The contract shall specify the 1220
compensation, duration, and other terms of employment, and the 1221

compensation shall not be reduced unless such reduction is a part 1222
of a uniform plan affecting the entire district. ~~No~~ 1223

If the state board suspends, revokes, or limits the 1224
pupil-activity program permit of a nonlicensed individual, the 1225
school district board may terminate or suspend the employment 1226
contract of that individual. Otherwise, no contract issued under 1227
this section shall be terminated or suspended except pursuant to 1228
the procedure established by division (C) of section 3319.081 of 1229
the Revised Code. 1230

Sec. 3313.713. (A) As used in this section: 1231

(1) "Drug ~~prescribed by a physician~~" means a drug ~~described,~~ 1232
as defined in section 4729.01 of the Revised Code, that is to be 1233
administered pursuant to the instructions of the ~~prescribing~~ 1234
~~physician~~ prescriber, whether or not required by law to be sold 1235
only upon a prescription. 1236

(2) "Federal law" means the "~~Education For All Handicapped~~ 1237
~~Children~~ Individuals with Disabilities Education Act of ~~1975~~ 1238
1997," ~~89~~ 111 Stat. ~~775~~ 37, 20 U.S.C. ~~1401~~ 1400, as amended. 1239

(3) "Prescriber" has the same meaning as in section 4729.01 1240
of the Revised Code. 1241

(B) The board of education of each city, local, exempted 1242
village, and joint vocational school district, shall, not later 1243
than one hundred twenty days after ~~the effective date of this~~ 1244
~~section~~ September 20, 1984, adopt a policy on the authority of its 1245
employees, when acting in situations other than those governed by 1246
sections 2305.23, 2305.231, and 3313.712 of the Revised Code, to 1247
administer drugs prescribed ~~by physicians~~ to students enrolled in 1248
the schools of the district. The policy shall provide either that: 1249

(1) Except as otherwise required by federal law, no person 1250
employed by the board shall, in the course of such employment, 1251

administer any drug prescribed ~~by a physician~~ to any student 1252
enrolled in the schools of the district. 1253

(2) Designated persons employed by the board are authorized 1254
to administer to a student a drug prescribed ~~by a physician~~ for 1255
the student. Except as otherwise provided by federal law, the 1256
board's policy may provide that certain drugs or types of drugs 1257
shall not be administered or that no employee, or no employee 1258
without appropriate training, shall use certain procedures, such 1259
as injection, to administer a drug to a student. 1260

(C) No drug prescribed ~~by a physician~~ for a student shall be 1261
administered pursuant to federal law or a policy adopted under 1262
division (B) of this section until the following occur: 1263

(1) The board, or a person designated by the board, receives 1264
a written request, signed by the parent, guardian, or other person 1265
having care or charge of the student, that the drug be 1266
administered to the student. 1267

(2) The board, or a person designated by the board, receives 1268
a statement, signed by the ~~physician who prescribed the drug~~ 1269
prescriber, that includes all of the following information: 1270

(a) The name and address of the student; 1271

(b) The school and class in which the student is enrolled; 1272

(c) The name of the drug and the dosage to be administered; 1273

(d) The times or intervals at which each dosage of the drug 1274
is to be administered; 1275

(e) The date the administration of the drug is to begin; 1276

(f) The date the administration of the drug is to cease; 1277

(g) Any severe adverse reactions that should be reported to 1278
the ~~physician~~ prescriber and one or more phone numbers at which 1279
the ~~physician~~ prescriber can be reached in an emergency; 1280

(h) Special instructions for administration of the drug, 1281
including sterile conditions and storage. 1282

(3) The parent, guardian, or other person having care or 1283
charge of the student agrees to submit a revised statement signed 1284
by the ~~physician who prescribed the drug~~ prescriber to the board 1285
or a person designated by the board if any of the information 1286
provided by the ~~physician~~ prescriber pursuant to division (C)(2) 1287
of this section changes. 1288

(4) The person authorized by the board to administer the drug 1289
receives a copy of the statement required by division (C)(2) or 1290
(3) of this section. 1291

(5) The drug is received by the person authorized to 1292
administer the drug to the student for whom the drug is prescribed 1293
in the container in which it was dispensed by the ~~prescribing~~ 1294
~~physician~~ prescriber or a licensed pharmacist. 1295

(6) Any other procedures required by the board are followed. 1296

(D) If a drug ~~prescribed by a physician~~ is administered to a 1297
student, the board of education shall acquire and retain copies of 1298
the written requests required by division (C)(1) and the 1299
statements required by divisions (C)(2) and (3) of this section 1300
and shall ensure that by the next school day following the receipt 1301
of any such statement a copy is given to the person authorized to 1302
administer drugs to the student for whom the statement has been 1303
received. The board, or a person designated by the board, shall 1304
establish a location in each school building for the storage of 1305
drugs to be administered under this section and federal law. All 1306
such drugs shall be stored in that location in a locked storage 1307
place, except that drugs that require refrigeration may be kept in 1308
a refrigerator in a place not commonly used by students. 1309

(E) No person who has been authorized by a board of education 1310
to administer a drug and has a copy of the most recent statement 1311

required by division (C)(2) or (3) of this section given to the 1312
person in accordance with division (D) of this section prior to 1313
administering the drug is liable in civil damages for 1314
administering or failing to administer the drug, unless such 1315
person acts in a manner that constitutes gross negligence or 1316
wanton or reckless misconduct. 1317

(F) ~~Whenever a~~ A board of education ~~is required to~~ may 1318
designate a person or persons to perform any function or functions 1319
in connection with a drug policy adopted under this section, ~~the~~ 1320
~~board may designate such persons~~ either by name or by position, 1321
training, qualifications, or similar distinguishing factors. 1322

Nothing in this section shall be construed to require a 1323
person employed by a board of education to administer a drug to a 1324
student unless the board's policy adopted in compliance with this 1325
section establishes such a requirement. A board shall not require 1326
an employee to administer a drug to a student if the employee 1327
objects, on the basis of religious convictions, to administering 1328
the drug. 1329

A policy adopted by a board of education pursuant to this 1330
section may be changed, modified, or revised by action of the 1331
board. 1332

Nothing in this section affects the application of section 1333
2305.23, 2305.231, or 3313.712 of the Revised Code to the 1334
administration of emergency care or treatment to a student. 1335

Sec. 12 3314.021. (A) This section applies to any entity that 1336
is exempt from taxation under ~~Section~~ section 501(c)(3) of the 1337
Internal Revenue Code and that satisfies the conditions specified 1338
in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 1339
Revised Code but does not satisfy the condition specified in 1340
division (C)(1)(f)(i) of that section. 1341

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

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

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

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

Sec. 3314.034. (A) No internet- or computer-based community school shall enter into a contract with a nonpublic school to use or rent any facility space at the nonpublic school for the provision of instructional services to students enrolled in the

internet- or computer-based community school. 1373

(B) If, on the effective date of this section, an internet- 1374
or computer-based community school has a contract with a nonpublic 1375
school as described in division (A) of this section, the 1376
department of education shall not make any payments under section 1377
3314.08 of the Revised Code to the internet- or computer-based 1378
community school for any student who is enrolled in the internet- 1379
or computer-based community school and receives any instructional 1380
services from the internet- or computer-based community school at 1381
the nonpublic school. 1382

Sec. 3318.031. (A) The Ohio school facilities commission 1383
shall consider student and staff safety and health when reviewing 1384
design plans for classroom facility construction projects proposed 1385
under this chapter. After consulting with appropriate education, 1386
health, and law enforcement personnel, the commission may require 1387
as a condition of project approval under either section 3318.03 or 1388
division (B)(1) of section 3318.41 of the Revised Code such 1389
changes in the design plans as the commission believes will 1390
advance or improve student and staff safety and health in the 1391
proposed classroom facility. 1392

To carry out its duties under this ~~section~~ division, the 1393
commission shall review and, if necessary, amend any construction 1394
and design standards used in its project approval process, 1395
including standards for location and number of exits, standards 1396
for lead safety in classroom facilities constructed before 1978 in 1397
which services are provided to children under six years of age, 1398
and location of restrooms, with a focus on advancing student and 1399
staff safety and health. 1400

(B) When reviewing design standards for classroom facility 1401
construction projects proposed under this chapter, the commission 1402

<u>shall also consider the extent to which the design standards</u>	1403
<u>support the following:</u>	1404
<u>(1) Support and facilitation of smaller classes and the trend</u>	1405
<u>toward smaller schools;</u>	1406
<u>(2) Provision of sufficient space for training new teachers</u>	1407
<u>and promotion of collaboration among teaching candidates,</u>	1408
<u>experienced teachers, and teacher educators;</u>	1409
<u>(3) Provision of adequate space for teacher planning and</u>	1410
<u>collaboration;</u>	1411
<u>(4) Provision of adequate space for parent involvement</u>	1412
<u>activities;</u>	1413
<u>(5) Provision of sufficient space for innovative partnerships</u>	1414
<u>between schools and health and social service agencies.</u>	1415
<u>Sec. 3319.074. (A) As used in this section:</u>	1416
<u>(1) "Core subject area" means reading and English language</u>	1417
<u>arts, mathematics, science, foreign language, government,</u>	1418
<u>economics, fine arts, history, and geography.</u>	1419
<u>(2) "Fully licensed" means having successfully completed all</u>	1420
<u>requirements for an educator license commensurate with years of</u>	1421
<u>teaching experience pursuant to section 3319.22 of the Revised</u>	1422
<u>Code and not having had any such requirements waived on an</u>	1423
<u>emergency, temporary, or provisional basis.</u>	1424
<u>(3) "Highly qualified teacher" means a classroom teacher who</u>	1425
<u>satisfies all of the following conditions:</u>	1426
<u>(a) Holds a baccalaureate degree;</u>	1427
<u>(b) Is fully licensed or is participating in an alternative</u>	1428
<u>route to licensure in which the teacher receives professional</u>	1429
<u>development and mentoring, teaches for not longer than three</u>	1430
<u>years, and demonstrates satisfactory progress toward becoming</u>	1431

<u>fully licensed;</u>	1432
<u>(c) If teaching in grades kindergarten through six, satisfies</u>	1433
<u>at least one of the following:</u>	1434
<u>(i) Passage of an assessment of subject matter content and</u>	1435
<u>professional knowledge required for licensure;</u>	1436
<u>(ii) Successful completion of a graduate degree or advanced</u>	1437
<u>certification in the teaching assignment;</u>	1438
<u>(iii) Achievement of one hundred points on the Ohio highly</u>	1439
<u>qualified teacher rubric developed by the Ohio department of</u>	1440
<u>education;</u>	1441
<u>(iv) Completion of an individual professional development</u>	1442
<u>program approved by the applicable local professional development</u>	1443
<u>committee that includes ninety hours of high quality professional</u>	1444
<u>development incorporating grade appropriate academic subject</u>	1445
<u>matter knowledge, teaching skills, and state academic content</u>	1446
<u>standards.</u>	1447
<u>(d) If teaching in grades seven through twelve, satisfies at</u>	1448
<u>least one of the following:</u>	1449
<u>(i) Passage of an assessment of subject matter content</u>	1450
<u>required for licensure;</u>	1451
<u>(ii) Successful completion of either an undergraduate</u>	1452
<u>academic major, coursework equivalent to such major, a graduate</u>	1453
<u>degree, or advanced certification in each subject area in which</u>	1454
<u>the teacher provides instruction;</u>	1455
<u>(iii) Achievement of one hundred points on the Ohio highly</u>	1456
<u>qualified teacher rubric developed by the department;</u>	1457
<u>(iv) Completion of an individual professional development</u>	1458
<u>program approved by the applicable local professional development</u>	1459
<u>committee that includes ninety hours of high quality professional</u>	1460
<u>development incorporating grade appropriate academic subject</u>	1461

matter knowledge, teaching skills, and state academic content 1462
standards. 1463

(B) No city, exempted village, local, joint vocational, or 1464
cooperative education school district shall employ any classroom 1465
teacher hired after July 1, 2002, to provide instruction in a core 1466
subject area to any student enrolled in a school that receives 1467
funds under Title I, Part A of the "Elementary and Secondary 1468
Education Act of 1965," 115 Stat. 1425, 20 U.S.C. 6301 et seq., 1469
unless such teacher is a highly qualified teacher. 1470

(C) Each school district annually shall notify through a 1471
school wide publication the parent or guardian of each student 1472
enrolled in a school that receives funds under Title I, Part A of 1473
the "Elementary and Secondary Education Act of 1965," 115 Stat. 1474
1425, 20 U.S.C. 6301 et seq., that the parent or guardian may 1475
request information on the professional qualifications of each 1476
classroom teacher who provides instruction to the parent's or 1477
guardian's child. The district shall provide the information on 1478
each applicable teacher to any parent or guardian who requests it. 1479
Such information shall include all of the following: 1480

(1) Whether the teacher has satisfied all requirements for 1481
licensure adopted by the state board of education pursuant to 1482
section 3319.22 of the Revised Code for the grade levels and 1483
subject areas in which the teacher provides instruction or whether 1484
the teacher provides instruction under a waiver of any such 1485
requirements; 1486

(2) The major subject area in which the teacher was awarded a 1487
baccalaureate degree and, if applicable, any other degrees or 1488
certification; 1489

(3) Whether a paraprofessional provides any services to the 1490
student and, if so, the qualifications of the paraprofessional. 1491

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

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

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

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

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

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

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

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

Sec. 3319.09. As used in sections 3319.08 to 3319.18, inclusive, of the Revised Code:

(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~~ 1521
having a license issued pursuant to sections 3319.22 to 3319.31 of 1522
the Revised Code and employed in an educational position, as 1523
determined by the state board of education, under programs 1524
provided for by federal acts or regulations and financed in whole 1525
or in part from federal funds, but for which no licensure 1526
requirements for the position can be made under the provisions of 1527
such federal acts or regulations. 1528

(B) "Year" as applied to term of service means actual service 1529
of not less than one hundred twenty days within a school year; 1530
provided that any board of education may grant a leave of absence 1531
for professional advancement with full credit for service. 1532

(C) "Continuing service status" for a teacher means 1533
employment under a continuing contract. 1534

Sec. 3319.11. (A) As used in this section: 1535

(1) "Evaluation procedures" means the procedures adopted 1536
pursuant to division (B) of section 3319.111 of the Revised Code. 1537

(2) "Limited contract" means a limited contract, as described 1538
in section 3319.08 of the Revised Code, that a school district 1539
board of education or governing board of an educational service 1540
center enters into with a teacher who is not eligible for 1541
continuing service status. 1542

(3) "Extended limited contract" means a limited contract, as 1543
described in section 3319.08 of the Revised Code, that a board of 1544
education or governing board enters into with a teacher who is 1545
eligible for continuing service status. 1546

(B) Teachers eligible for continuing service status in any 1547
city, exempted village, local, or joint vocational school district 1548
or educational service center shall be those teachers qualified as 1549
described in division (B)(1) or (2) of section 3319.08 of the 1550

Revised Code, who within the last five years have taught for at 1551
least three years in the district or center, and those teachers 1552
who, having attained continuing contract status elsewhere, have 1553
served two years in the district or center, but the board, upon 1554
the recommendation of the superintendent, may at the time of 1555
employment or at any time within such two-year period, declare any 1556
of the latter teachers eligible. 1557

(1) Upon the recommendation of the superintendent that a 1558
teacher eligible for continuing service status be reemployed, a 1559
continuing contract shall be entered into between the board and 1560
the teacher unless the board by a three-fourths vote of its full 1561
membership rejects the recommendation of the superintendent. If 1562
the board rejects by a three-fourths vote of its full membership 1563
the recommendation of the superintendent that a teacher eligible 1564
for continuing service status be reemployed and the superintendent 1565
makes no recommendation to the board pursuant to division (C) of 1566
this section, the board may declare its intention not to reemploy 1567
the teacher by giving the teacher written notice on or before the 1568
thirtieth day of April of its intention not to reemploy the 1569
teacher. If evaluation procedures have not been complied with 1570
pursuant to division (A) of section 3319.111 of the Revised Code 1571
or the board does not give the teacher written notice on or before 1572
the thirtieth day of April of its intention not to reemploy the 1573
teacher, the teacher is deemed reemployed under an extended 1574
limited contract for a term not to exceed one year at the same 1575
salary plus any increment provided by the salary schedule. The 1576
teacher is presumed to have accepted employment under the extended 1577
limited contract for a term not to exceed one year unless such 1578
teacher notifies the board in writing to the contrary on or before 1579
the first day of June, and an extended limited contract for a term 1580
not to exceed one year shall be executed accordingly. Upon any 1581
subsequent reemployment of the teacher only a continuing contract 1582
may be entered into. 1583

(2) If the superintendent recommends that a teacher eligible 1584
for continuing service status not be reemployed, the board may 1585
declare its intention not to reemploy the teacher by giving the 1586
teacher written notice on or before the thirtieth day of April of 1587
its intention not to reemploy the teacher. If evaluation 1588
procedures have not been complied with pursuant to division (A) of 1589
section 3319.111 of the Revised Code or the board does not give 1590
the teacher written notice on or before the thirtieth day of April 1591
of its intention not to reemploy the teacher, the teacher is 1592
deemed reemployed under an extended limited contract for a term 1593
not to exceed one year at the same salary plus any increment 1594
provided by the salary schedule. The teacher is presumed to have 1595
accepted employment under the extended limited contract for a term 1596
not to exceed one year unless such teacher notifies the board in 1597
writing to the contrary on or before the first day of June, and an 1598
extended limited contract for a term not to exceed one year shall 1599
be executed accordingly. Upon any subsequent reemployment of a 1600
teacher only a continuing contract may be entered into. 1601

(3) Any teacher receiving written notice of the intention of 1602
a board not to reemploy such teacher pursuant to this division is 1603
entitled to the hearing provisions of division (G) of this 1604
section. 1605

(C)(1) If a board rejects the recommendation of the 1606
superintendent for reemployment of a teacher pursuant to division 1607
(B)(1) of this section, the superintendent may recommend 1608
reemployment of the teacher, if continuing service status has not 1609
previously been attained elsewhere, under an extended limited 1610
contract for a term not to exceed two years, provided that written 1611
notice of the superintendent's intention to make such 1612
recommendation has been given to the teacher with reasons directed 1613
at the professional improvement of the teacher on or before the 1614
thirtieth day of April. Upon subsequent reemployment of the 1615

teacher only a continuing contract may be entered into. 1616

(2) If a board of education takes affirmative action on a 1617
superintendent's recommendation, made pursuant to division (C)(1) 1618
of this section, of an extended limited contract for a term not to 1619
exceed two years but the board does not give the teacher written 1620
notice of its affirmative action on the superintendent's 1621
recommendation of an extended limited contract on or before the 1622
thirtieth day of April, the teacher is deemed reemployed under a 1623
continuing contract at the same salary plus any increment provided 1624
by the salary schedule. The teacher is presumed to have accepted 1625
employment under such continuing contract unless such teacher 1626
notifies the board in writing to the contrary on or before the 1627
first day of June, and a continuing contract shall be executed 1628
accordingly. 1629

(3) A board shall not reject a superintendent's 1630
recommendation, made pursuant to division (C)(1) of this section, 1631
of an extended limited contract for a term not to exceed two years 1632
except by a three-fourths vote of its full membership. If a board 1633
rejects by a three-fourths vote of its full membership the 1634
recommendation of the superintendent of an extended limited 1635
contract for a term not to exceed two years, the board may declare 1636
its intention not to reemploy the teacher by giving the teacher 1637
written notice on or before the thirtieth day of April of its 1638
intention not to reemploy the teacher. If evaluation procedures 1639
have not been complied with pursuant to division (A) of section 1640
3319.111 of the Revised Code or if the board does not give the 1641
teacher written notice on or before the thirtieth day of April of 1642
its intention not to reemploy ~~him~~ the teacher, the teacher is 1643
deemed reemployed under an extended limited contract for a term 1644
not to exceed one year at the same salary plus any increment 1645
provided by the salary schedule. The teacher is presumed to have 1646
accepted employment under the extended limited contract for a term 1647

not to exceed one year unless such teacher notifies the board in 1648
writing to the contrary on or before the first day of June, and an 1649
extended limited contract for a term not to exceed one year shall 1650
be executed accordingly. Upon any subsequent reemployment of the 1651
teacher only a continuing contract may be entered into. 1652

Any teacher receiving written notice of the intention of a 1653
board not to reemploy such teacher pursuant to this division is 1654
entitled to the hearing provisions of division (G) of this 1655
section. 1656

(D) A teacher eligible for continuing contract status 1657
employed under an extended limited contract pursuant to division 1658
(B) or (C) of this section, is, at the expiration of such extended 1659
limited contract, deemed reemployed under a continuing contract at 1660
the same salary plus any increment granted by the salary schedule, 1661
unless evaluation procedures have been complied with pursuant to 1662
division (A) of section 3319.111 of the Revised Code and the 1663
employing board, acting on the superintendent's recommendation 1664
that the teacher not be reemployed, gives the teacher written 1665
notice on or before the thirtieth day of April of its intention 1666
not to reemploy such teacher. A teacher who does not have 1667
evaluation procedures applied in compliance with division (A) of 1668
section 3319.111 of the Revised Code or who does not receive 1669
notice on or before the thirtieth day of April of the intention of 1670
the board not to reemploy such teacher is presumed to have 1671
accepted employment under a continuing contract unless such 1672
teacher notifies the board in writing to the contrary on or before 1673
the first day of June, and a continuing contract shall be executed 1674
accordingly. 1675

Any teacher receiving a written notice of the intention of a 1676
board not to reemploy such teacher pursuant to this division is 1677
entitled to the hearing provisions of division (G) of this 1678
section. 1679

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

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

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

(F) The failure of a superintendent to make a recommendation to the board under any of the conditions set forth in divisions

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

(G)(1) Any teacher receiving written notice of the intention 1719
of a board of education not to reemploy such teacher pursuant to 1720
division (B), (C)(3), (D), or (E) of this section may, within ten 1721
days of the date of receipt of the notice, file with the treasurer 1722
of the board a written demand for a written statement describing 1723
the circumstances that led to the board's intention not to 1724
reemploy the teacher. 1725

(2) The treasurer of a board, on behalf of the board, shall, 1726
within ten days of the date of receipt of a written demand for a 1727
written statement pursuant to division (G)(1) of this section, 1728
provide to the teacher a written statement describing the 1729
circumstances that led to the board's intention not to reemploy 1730
the teacher. 1731

(3) Any teacher receiving a written statement describing the 1732
circumstances that led to the board's intention not to reemploy 1733
the teacher pursuant to division (G)(2) of this section may, 1734
within five days of the date of receipt of the statement, file 1735
with the treasurer of the board a written demand for a hearing 1736
before the board pursuant to divisions (G)(4) to (6) of this 1737
section. 1738

(4) The treasurer of a board, on behalf of the board, shall, 1739
within ten days of the date of receipt of a written demand for a 1740
hearing pursuant to division (G)(3) of this section, provide to 1741
the teacher a written notice setting forth the time, date, and 1742
place of the hearing. The board shall schedule and conclude the 1743

hearing within forty days of the date on which the treasurer of 1744
the board receives a written demand for a hearing pursuant to 1745
division (G)(3) of this section. 1746

(5) Any hearing conducted pursuant to this division shall be 1747
conducted by a majority of the members of the board. The hearing 1748
shall be held in executive session of the board unless the board 1749
and the teacher agree to hold the hearing in public. The 1750
superintendent, assistant superintendent, the teacher, and any 1751
person designated by either party to take a record of the hearing 1752
may be present at the hearing. The board may be represented by 1753
counsel and the teacher may be represented by counsel or a 1754
designee. A record of the hearing may be taken by either party at 1755
the expense of the party taking the record. 1756

(6) Within ten days of the conclusion of a hearing conducted 1757
pursuant to this division, the board shall issue to the teacher a 1758
written decision containing an order affirming the intention of 1759
the board not to reemploy the teacher reported in the notice given 1760
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 1761
this section or an order vacating the intention not to reemploy 1762
and expunging any record of the intention, notice of the 1763
intention, and the hearing conducted pursuant to this division. 1764

(7) A teacher may appeal an order affirming the intention of 1765
the board not to reemploy the teacher to the court of common pleas 1766
of the county in which the largest portion of the territory of the 1767
school district or service center is located, within thirty days 1768
of the date on which the teacher receives the written decision, on 1769
the grounds that the board has not complied with section 3319.11 1770
or 3319.111 of the Revised Code. 1771

Notwithstanding section 2506.04 of the Revised Code, the 1772
court in an appeal under this division is limited to the 1773
determination of procedural errors and to ordering the correction 1774
of procedural errors and shall have no jurisdiction to order a 1775

board to reemploy a teacher, except that the court may order a 1776
board to reemploy a teacher in compliance with the requirements of 1777
division (B), (C)(3), (D), or (E) of this section when the court 1778
determines that evaluation procedures have not been complied with 1779
pursuant to division (A) of section 3319.111 of the Revised Code 1780
or the board has not given the teacher written notice on or before 1781
the thirtieth day of April of its intention not to reemploy the 1782
teacher pursuant to division (B), (C)(3), (D), or (E) of this 1783
section. Otherwise, the determination whether to reemploy or not 1784
reemploy a teacher is solely a board's determination and not a 1785
proper subject of judicial review and, except as provided in this 1786
division, no decision of a board whether to reemploy or not 1787
reemploy a teacher shall be invalidated by the court on any basis, 1788
including that the decision was not warranted by the results of 1789
any evaluation or was not warranted by any statement given 1790
pursuant to division (G)(2) of this section. 1791

No appeal of an order of a board may be made except as 1792
specified in this division. 1793

(H)(1) In giving a teacher any notice required by division 1794
(B), (C), (D), or (E) of this section, the board or the 1795
superintendent shall do either of the following: 1796

(a) Deliver the notice by personal service upon the teacher; 1797

(b) Deliver the notice by certified mail, return receipt 1798
requested, addressed to the teacher at the teacher's place of 1799
employment and deliver a copy of the notice by certified mail, 1800
return receipt requested, addressed to the teacher at the 1801
teacher's place of residence. 1802

(2) In giving a board any notice required by division (B), 1803
(C), (D), or (E) of this section, the teacher shall do either of 1804
the following: 1805

(a) Deliver the notice by personal delivery to the office of 1806

the superintendent during regular business hours; 1807

(b) Deliver the notice by certified mail, return receipt 1808
requested, addressed to the office of the superintendent and 1809
deliver a copy of the notice by certified mail, return receipt 1810
requested, addressed to the president of the board at the 1811
president's place of residence. 1812

(3) When any notice and copy of the notice are mailed 1813
pursuant to division (H)(1)(b) or (2)(b) of this section, the 1814
notice or copy of the notice with the earlier date of receipt 1815
shall constitute the notice for the purposes of division (B), (C), 1816
(D), or (E) of this section. 1817

(I) The provisions of this section shall not apply to any 1818
supplemental written contracts entered into pursuant to section 1819
3319.08 of the Revised Code. 1820

Sec. 3319.111. (A) Any board of education that has entered 1821
into any limited contract or extended limited contract with a 1822
teacher pursuant to section 3319.11 of the Revised Code, ~~except~~ 1823
~~with a teacher who holds an internship certificate granted under~~ 1824
~~division (A) of section 3319.28 of the Revised Code,~~ shall 1825
evaluate such a teacher in compliance with the requirements of 1826
this section in any school year in which the board may wish to 1827
declare its intention not to re-employ the teacher pursuant to 1828
division (B), (C)(3), (D), or (E) of section 3319.11 of the 1829
Revised Code. 1830

This evaluation shall be conducted at least twice in the 1831
school year in which the board may wish to declare its intention 1832
not to re-employ the teacher. One evaluation shall be conducted 1833
and completed not later than the fifteenth day of January and the 1834
teacher being evaluated shall receive a written report of the 1835
results of this evaluation not later than the twenty-fifth day of 1836
January. One evaluation shall be conducted and completed between 1837

the tenth day of February and the first day of April and the 1838
teacher being evaluated shall receive a written report of the 1839
results of this evaluation not later than the tenth day of April. 1840

Any evaluation conducted pursuant to this section shall be 1841
conducted by one or more of the following: 1842

(1) A person who is under contract with a board of education 1843
pursuant to section 3319.01 or 3319.02 of the Revised Code and 1844
holds a license designated for being a superintendent, assistant 1845
superintendent, or principal issued under section 3319.22 of the 1846
Revised Code; 1847

(2) A person who is under contract with a board of education 1848
pursuant to section 3319.02 of the Revised Code and holds a 1849
license designated for being a vocational director or a supervisor 1850
in any educational area issued under section 3319.22 of the 1851
Revised Code; 1852

(3) A person designated to conduct evaluations under an 1853
agreement providing for peer review entered into by a board of 1854
education and representatives of teachers employed by that board. 1855

(B) Any board of education evaluating a teacher pursuant to 1856
this section shall adopt evaluation procedures that shall be 1857
applied each time a teacher is evaluated pursuant to this section. 1858
These evaluation procedures shall include, but not be limited to: 1859

(1) Criteria of expected job performance in the areas of 1860
responsibility assigned to the teacher being evaluated; 1861

(2) Observation of the teacher being evaluated by the person 1862
conducting the evaluation on at least two occasions for not less 1863
than thirty minutes on each occasion; 1864

(3) A written report of the results of the evaluation that 1865
includes specific recommendations regarding any improvements 1866
needed in the performance of the teacher being evaluated and 1867

regarding the means by which the teacher may obtain assistance in 1868
making such improvements. 1869

(C) This section does not apply to teachers subject to 1870
evaluation procedures under sections 3319.01 and 3319.02 of the 1871
Revised Code or to any teacher employed as a substitute for less 1872
than one hundred twenty days during a school year pursuant to 1873
section 3319.10 of the Revised Code. 1874

Sec. 3319.112. (A) The state board of education, in 1876
consultation with the Ohio board of regents, shall establish 1877
guidelines for the evaluation of teachers and principals. The 1878
guidelines shall include the following principles:

(1) A school district should evaluate the performance of 1879
teachers on a regular basis. 1880

(2) The evaluation system adopted by a school district should 1881
be fair, credible, and evidence-based and should use multiple 1882
measures of a teacher or principal's use of knowledge and skills 1883
and of students' academic progress. 1884

(3) The evaluation system adopted by a school district should 1885
be aligned with the standards for teachers and principals adopted 1886
pursuant to section 3319.61 of the Revised Code. 1887

(4) The evaluation system adopted by a school district should 1888
provide clear statements of expectation for professional 1889
performance. 1890

(5) The evaluation of a teacher or principal should suggest 1891
professional development that will enhance future performance in 1892
areas that do not meet expected performance levels. 1893

(6) The criteria included in a school district's evaluation 1894
system should be reviewed on a regular basis and revised as 1895
necessary to ensure effectiveness over time. 1896

(7) The evaluation system adopted by a school district should 1897

address the extent to which a teacher or principal exhibits 1898
cultural competency as defined pursuant to section 3319.61 of the 1899
Revised Code. 1900

(B) Once the state board has established the guidelines, the 1901
state board shall inform school districts of the contents of the 1902
guidelines. All school districts may use the guidelines in 1903
creating or modifying evaluation systems. 1904

(C) To assist school districts that modify evaluation systems 1905
to better reflect a standards-based method, the department of 1906
education shall do both of the following: 1907

(1) Serve as a clearinghouse of promising evaluation 1908
procedures and evaluation models that school districts may use; 1909

(2) Provide technical assistance to school districts that 1910
request assistance in modifying evaluation systems. 1911

Sec. 3319.22. (A)(1) The state board of education shall adopt 1912
rules establishing the standards and requirements for obtaining 1913
temporary, associate, provisional, and professional educator 1914
licenses of any categories, types, and levels the board elects to 1915
provide. However, no educator license shall be required for 1916
teaching children two years old or younger. 1917

(2) If the state board requires any examinations for educator 1918
licensure, the department of education shall provide the results 1919
of such examinations received by the department to the Ohio board 1920
of regents, in the manner and to the extent permitted by state and 1921
federal law. 1922

(B) Any rules the state board of education adopts, amends, or 1923
rescinds for educator licenses under this section, division (D) of 1924
section 3301.07 of the Revised Code, or any other law shall be 1925
adopted, amended, or rescinded under Chapter 119. of the Revised 1926
Code except as follows: 1927

(1) Notwithstanding division (D) of section 119.03 and 1928
division (A)(1) of section 119.04 of the Revised Code, ~~the~~ 1929
~~effective date in the case of the adoption of any rules, rule or~~ 1930
~~the~~ amendment or rescission of any ~~rules, rule that necessitates~~ 1931
~~institutions' offering teacher preparation programs that are~~ 1932
~~approved by the state board of education under section 3319.23 of~~ 1933
~~the Revised Code to revise the curriculum of those programs, the~~ 1934
~~effective date~~ shall not be as prescribed in division (D) of 1935
section 119.03 and division (A)(1) of section 119.04 of the 1936
Revised Code. Instead, the effective date of such rules, or the 1937
amendment or rescission of such rules, shall be the date 1938
prescribed by section 3319.23 of the Revised Code. 1939

(2) Notwithstanding the authority to adopt, amend, or rescind 1940
emergency rules in division (F) of section 119.03 of the Revised 1941
Code, this authority shall not apply to the state board of 1942
education with regard to rules for educator licenses. 1943

(C)(1) The rules adopted under this section establishing 1944
standards requiring additional coursework for the renewal of any 1945
educator license shall require a school district and a chartered 1946
nonpublic school to establish local professional development 1947
committees. In a nonpublic school, the chief administrative 1948
officer shall establish the committees in any manner acceptable to 1949
such officer. The committees established under this division shall 1950
determine whether coursework that a district or chartered 1951
nonpublic school teacher proposes to complete meets the 1952
requirement of the rules. The department of education shall 1953
provide technical assistance and support to committees as the 1954
committees incorporate the professional development standards 1955
adopted by the state board of education pursuant to section 1956
3319.61 of the Revised Code into their review of coursework that 1957
is appropriate for license renewal. The rules shall establish a 1958
procedure by which a teacher may appeal the decision of a local 1959

professional development committee. 1960

(2) In any school district in which there is no exclusive 1961
representative established under Chapter 4117. of the Revised 1962
Code, the professional development committees shall be established 1963
as described in division (C)(2) of this section. 1964

Not later than the effective date of the rules adopted under 1965
this section, the board of education of each school district shall 1966
establish the structure for one or more local professional 1967
development committees to be operated by such school district. The 1968
committee structure so established by a district board shall 1969
remain in effect unless within thirty days prior to an anniversary 1970
of the date upon which the current committee structure was 1971
established, the board provides notice to all affected district 1972
employees that the committee structure is to be modified. 1973
Professional development committees may have a district-level or 1974
building-level scope of operations, and may be established with 1975
regard to particular grade or age levels for which an educator 1976
license is designated. 1977

Each professional development committee shall consist of at 1978
least three classroom teachers employed by the district, one 1979
principal employed by the district, and one other employee of the 1980
district appointed by the district superintendent. For committees 1981
with a building-level scope, the teacher and principal members 1982
shall be assigned to that building, and the teacher members shall 1983
be elected by majority vote of the classroom teachers assigned to 1984
that building. For committees with a district-level scope, the 1985
teacher members shall be elected by majority vote of the classroom 1986
teachers of the district, and the principal member shall be 1987
elected by a majority vote of the principals of the district, 1988
unless there are two or fewer principals employed by the district, 1989
in which case the one or two principals employed shall serve on 1990
the committee. If a committee has a particular grade or age level 1991

scope, the teacher members shall be licensed to teach such grade 1992
or age levels, and shall be elected by majority vote of the 1993
classroom teachers holding such a license and the principal shall 1994
be elected by all principals serving in buildings where any such 1995
teachers serve. The district superintendent shall appoint a 1996
replacement to fill any vacancy that occurs on a professional 1997
development committee, except in the case of vacancies among the 1998
elected classroom teacher members, which shall be filled by vote 1999
of the remaining members of the committee so selected. 2000

Terms of office on professional development committees shall 2001
be prescribed by the district board establishing the committees. 2002
The conduct of elections for members of professional development 2003
committees shall be prescribed by the district board establishing 2004
the committees. A professional development committee may include 2005
additional members, except that the majority of members on each 2006
such committee shall be classroom teachers employed by the 2007
district. Any member appointed to fill a vacancy occurring prior 2008
to the expiration date of the term for which a predecessor was 2009
appointed shall hold office as a member for the remainder of that 2010
term. 2011

The initial meeting of any professional development 2012
committee, upon election and appointment of all committee members, 2013
shall be called by a member designated by the district 2014
superintendent. At this initial meeting, the committee shall 2015
select a chairperson and such other officers the committee deems 2016
necessary, and shall adopt rules for the conduct of its meetings. 2017
Thereafter, the committee shall meet at the call of the 2018
chairperson or upon the filing of a petition with the district 2019
superintendent signed by a majority of the committee members 2020
calling for the committee to meet. 2021

(3) In the case of a school district in which an exclusive 2022
representative has been established pursuant to Chapter 4117. of 2023

the Revised Code, professional development committees shall be 2024
established in accordance with any collective bargaining agreement 2025
in effect in the district that includes provisions for such 2026
committees. 2027

If the collective bargaining agreement does not specify a 2028
different method for the selection of teacher members of the 2029
committees, the exclusive representative of the district's 2030
teachers shall select the teacher members. 2031

If the collective bargaining agreement does not specify a 2032
different structure for the committees, the board of education of 2033
the school district shall establish the structure, including the 2034
number of committees and the number of teacher and administrative 2035
members on each committee; the specific administrative members to 2036
be part of each committee; whether the scope of the committees 2037
will be district levels, building levels, or by type of grade or 2038
age levels for which educator licenses are designated; the lengths 2039
of terms for members; the manner of filling vacancies on the 2040
committees; and the frequency and time and place of meetings. 2041
However, in all cases, except as provided in division (C)(4) of 2042
this section, there shall be a majority of teacher members of any 2043
professional development committee, there shall be at least five 2044
total members of any professional development committee, and the 2045
exclusive representative shall designate replacement members in 2046
the case of vacancies among teacher members, unless the collective 2047
bargaining agreement specifies a different method of selecting 2048
such replacements. 2049

(4) Whenever an administrator's coursework plan is being 2050
discussed or voted upon, the local professional development 2051
committee shall, at the request of one of its administrative 2052
members, cause a majority of the committee to consist of 2053
administrative members by reducing the number of teacher members 2054
voting on the plan. 2055

(D)(1) The department of education, educational service 2056
centers, county boards of mental retardation and developmental 2057
disabilities, regional professional development centers, special 2058
education regional resource centers, college and university 2059
departments of education, head start programs, the Ohio SchoolNet 2060
commission, and the Ohio education computer network may establish 2061
local professional development committees to determine whether the 2062
coursework proposed by their employees who are licensed or 2063
certificated under this section or section 3319.222 of the Revised 2064
Code meet the requirements of the rules adopted under this 2065
section. They may establish local professional development 2066
committees on their own or in collaboration with a school district 2067
or other agency having authority to establish them. 2068

Local professional development committees established by 2069
county boards of mental retardation and developmental disabilities 2070
shall be structured in a manner comparable to the structures 2071
prescribed for school districts in divisions (C)(2) and (3) of 2072
this section, as shall the committees established by any other 2073
entity specified in division (D)(1) of this section that provides 2074
educational services by employing or contracting for services of 2075
classroom teachers licensed or certificated under this section or 2076
section 3319.222 of the Revised Code. All other entities specified 2077
in division (D)(1) of this section shall structure their 2078
committees in accordance with guidelines which shall be issued by 2079
the state board. 2080

(2) Any public agency that is not specified in division 2081
(D)(1) of this section but provides educational services and 2082
employs or contracts for services of classroom teachers licensed 2083
or certificated under this section or section 3319.222 of the 2084
Revised Code may establish a local professional development 2085
committee, subject to the approval of the department of education. 2086
The committee shall be structured in accordance with guidelines 2087

issued by the state board. 2088

Sec. 3319.225. (A) No temporary educator license shall be 2089
issued under this section for employment as a principal after the 2090
effective date of the rules prescribed by division (A) of section 2091
3319.27 of the Revised Code. No temporary educator license shall 2092
be issued under this section for employment as a superintendent or 2093
in any other administrative position except principal after the 2094
effective date of the rules prescribed by division (B) of section 2095
3319.27 of the Revised Code. 2096

(B) Notwithstanding sections 3319.01 and 3319.22 of the 2097
Revised Code, the board of education of any city, local, or 2098
exempted village, or joint vocational school district, or the 2099
governing board of any educational service center may request the 2100
state board of education to issue a one-year temporary educator 2101
license valid for being employed as a superintendent, or in any 2102
other administrative position, to an individual specified by the 2103
district board. The state board of education may issue the 2104
educator license if the requesting district board has determined 2105
both of the following: 2106

~~(A)~~(1) The individual is of good moral character; 2107

~~(B)~~(2) The individual holds at least a baccalaureate degree 2108
from an accredited institution of higher education in a field 2109
related to finance or administration, or has five years of recent 2110
work experience in education, management, or administration. 2111

A one-year temporary educator license is valid only in the 2112
district whose board requested the license. An individual holding 2113
such a license may be employed as a superintendent or in any other 2114
administrative position in such district. The state board of 2115
education may renew such license annually upon request of the 2116
employing district. 2117

Sec. 3319.227. This section does not apply to any classroom 2118
teacher required to be a highly qualified teacher pursuant to 2119
section 3319.074 of the Revised Code. 2120

Notwithstanding any provision to the contrary in this chapter 2121
or in any educator licensing rule adopted by the state board of 2122
education under authority granted under this chapter, any 2123
individual who holds an educator license issued under section 2124
3319.22 of the Revised Code or a teacher's certificate issued 2125
under former section 3319.22 of the Revised Code that has 2126
continuing effect under section 3319.222 of the Revised Code may 2127
be employed to teach for up to two school years in a grade level 2128
or in a subject or teaching area for which the individual's 2129
license or certificate is not valid, as long as the individual 2130
agrees that during that time the individual will enroll in, 2131
attend, and complete coursework required by rule of the state 2132
board for licensure to teach in that grade level or in that 2133
subject or teaching area. The necessary coursework may be 2134
completed through classes developed and offered by regional 2135
professional development providers, such as special education 2136
regional resource centers, regional professional development 2137
centers, educational service centers, local education agencies, 2138
professional organizations, and institutions of higher education, 2139
provided the coursework is taken for credit in collaboration with 2140
a college or university that has a teacher education program 2141
approved by the state board. No person shall teach in a grade 2142
level or subject or teaching area under this section beyond two 2143
years until the person has completed all coursework and tests 2144
prescribed by the state board for licensure in that grade level or 2145
subject or teaching area. 2146

Sec. 3319.23. The state board of education shall establish 2147
standards and courses of study for the preparation of teachers, 2148

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

The standards and courses of study for the preparation of 2159
teachers together with the standards, rules, and regulations set 2160
for each kind of license and for the renewal and conversion 2161
thereof shall be adopted and published by the board in accordance 2162
with Chapter 119. of the Revised Code ~~and no change therein.~~ 2163
Notwithstanding division (D) of section 119.03 and division (A)(1) 2164
of section 119.04 of the Revised Code, any standards, courses of 2165
study, rules, and regulations, or any amendment or rescission of 2166
such standards, courses of study, rules, and regulations, adopted 2167
by the board under this section that necessitate institutions 2168
offering teacher preparation programs approved by the board to 2169
revise the curriculum of those programs shall not be effective for 2170
at least one year from the first day of January next succeeding 2171
the publication of the said change. 2172

Sec. 3319.25. Any teacher performance assessment entity with 2173
which the department of education or the state board of education 2174
contracts or any independent agent with whom such entity, the 2175
department, or the state board contracts to provide services as a 2176
teacher performance assessor, trainer of assessors, or assessment 2177
coordinator is not liable for damages in a civil action concerning 2178
the actions of such entity or agent made in the conduct of a 2179

teacher performance assessment unless those actions were conducted 2180
with malicious purpose, in bad faith, or in a wanton or reckless 2181
manner. 2182

As used in this section, "teacher performance assessment" 2183
means an assessment prescribed by the state board of education to 2184
measure the classroom performance of a teacher who is a candidate 2185
for a professional educator license based on observations 2186
conducted by a trained assessor while the teacher is engaged in 2187
actual classroom instruction. 2188

Sec. 3319.26. (A) The state board of education shall adopt 2189
rules establishing the standards and requirements for obtaining an 2190
alternative educator license for teaching in grades seven to 2191
twelve, or the equivalent, in a designated subject area. However, 2192
an alternative educator license in the area of intervention 2193
specialist, as defined by rule of the state board, shall be valid 2194
for teaching in grades kindergarten to twelve. ~~The~~ 2195

(B)(1) The rules shall require applicants for the license to 2196
~~hold~~ satisfy the following conditions prior to issuance of the 2197
license: 2198

(a) Hold a minimum of a baccalaureate degree, ~~to have~~ 2199
~~successfully completed;~~ 2200

(b) Successfully complete three semester hours or the 2201
equivalent of college coursework in the developmental 2202
characteristics of adolescent youths and three semester hours or 2203
the equivalent in teaching methods, ~~and to have passed;~~ 2204

(c) Pass an examination in the subject area for which 2205
application is being made. ~~An~~ 2206

(2) An alternative educator license shall be valid for two 2207
years and shall not be renewable. 2208

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

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

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

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

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

Sec. 3319.261. An individual who otherwise qualifies for an alternative educator license for employment as an intervention specialist as authorized under section 3319.26 of the Revised Code shall be issued such license without successful completion of the examination specified in division (B)(1)(c) of section 3319.26 of the Revised Code. The individual to whom the alternative educator license is issued under this section shall be required to successfully complete that examination prior to issuance of a provisional educator license as provided in division (C) of

section 3319.26 of the Revised Code only after completing the 2239
coursework prescribed in division (B)(3) of that section. 2240

Sec. 3319.27. (A) The state board of education shall adopt 2241
rules that establish an alternative principal license. The rules 2242
establishing an alternative principal license shall include a 2243
requirement that an applicant have obtained classroom teaching 2244
experience. Beginning on the effective date of the rules, the 2245
state board shall cease to issue temporary educator licenses 2246
pursuant to section 3319.225 of the Revised Code for employment as 2247
a principal. Any person who on the effective date of the rules 2248
holds a valid temporary educator license issued under that section 2249
and is employed as a principal shall be allowed to continue 2250
employment as a principal until the expiration of the license. 2251
Employment of any such person as a principal by a school district 2252
after the expiration of the temporary educator license shall be 2253
contingent upon the state board issuing the person an alternative 2254
principal license in accordance with the rules adopted under this 2255
division. 2256

(B) The state board shall adopt rules that establish an 2257
alternative administrator license, which shall be valid for 2258
employment as a superintendent or in any other administrative 2259
position except principal. Beginning on the effective date of the 2260
rules, the state board shall cease to issue temporary educator 2261
licenses pursuant to section 3319.225 of the Revised Code for 2262
employment as a superintendent or in any other administrative 2263
position except principal. Any person who on the effective date of 2264
the rules holds a valid temporary educator license issued under 2265
that section and is employed as a superintendent or in any other 2266
administrative position except principal shall be allowed to 2267
continue employment in that position until the expiration of the 2268
license. Employment of any such person as a superintendent or in 2269

any other administrative position except principal by a school 2270
district after the expiration of the temporary educator license 2271
shall be contingent upon the state board issuing the person an 2272
alternative administrator license in accordance with the rules 2273
adopted under this division. 2274

Sec. 3319.283. (A) The board of education of any school 2275
district may employ an individual who is not certificated or 2276
licensed as required by Chapter 3319. of the Revised Code, but who 2277
meets the following qualifications, as a teacher in the schools of 2278
the district: 2279

(1) The individual is a veteran of the armed forces of the 2280
United States and was honorably discharged within three years of 2281
~~the effective date of this amendment~~ June 30, 1997; 2282

(2) While in the armed forces the individual had meaningful 2283
teaching or other instructional experience; 2284

(3) The individual holds at least a baccalaureate degree. 2285

(B) An individual employed under this section shall be deemed 2286
to hold a teaching certificate or educator license for the 2287
purposes of state and federal law and rules and regulations and 2288
school district policies, rules, and regulations. ~~Such individuals~~ 2289
However, an individual employed under this section is not a highly 2290
qualified teacher for purposes of the school district's compliance 2291
with section 3319.074 of the Revised Code. Each individual 2292
employed under this section shall meet the requirement to 2293
successfully complete fifteen hours, or the equivalent, of 2294
coursework every five years that is approved by the local 2295
professional development committee as is required of other 2296
teachers licensed in accordance with Chapter 3319. of the Revised 2297
Code. 2298

(C) The superintendent of public instruction may revoke the 2299

right of an individual employed under division (A) of this section 2300
to teach if, after an investigation and an adjudication conducted 2301
pursuant to Chapter 119. of the Revised Code, the superintendent 2302
finds that the person is not competent to teach the subject the 2303
person has been employed to teach or did not fulfill the 2304
requirements of division (A) of this section. No individual whose 2305
right to teach has been revoked under this division shall teach in 2306
a public school, and no board of education may engage such an 2307
individual to teach in the schools of its district. 2308

Notwithstanding division (B) of this section, a board of 2309
education is not required to comply with the provisions of 2310
sections 3319.11 and 3319.16 of the Revised Code with regard to 2311
termination of employment if the superintendent, after an 2312
investigation and an adjudication, has revoked the individual's 2313
right to teach. 2314

Sec. 3319.29. Each application for any license or certificate 2315
pursuant to ~~section~~ sections 3319.22 to ~~3319.28~~ 3319.27 of the 2316
Revised Code or for any permit pursuant to section 3319.301 or 2317
3319.303 of the Revised Code, or renewal or duplicate of such a 2318
license, certificate, or permit, shall be accompanied by the 2319
payment of a fee in the amount established under division (A) of 2320
section 3319.51 of the Revised Code. Any fees received under this 2321
section shall be paid into the state treasury to the credit of the 2322
state board of education licensure fund established under division 2323
(B) of section 3319.51 of the Revised Code. 2324

Any person applying for or holding a license, certificate, or 2325
permit pursuant to this section and sections 3319.22 to ~~3319.28~~ 2326
3319.27 or section 3319.301 or 3319.303 of the Revised Code is 2327
subject to sections 3123.41 to 3123.50 of the Revised Code and any 2328
applicable rules adopted under section 3123.63 of the Revised Code 2329
and sections 3319.31 and 3319.311 of the Revised Code. 2330

Sec. 3319.291. (A) ~~Except for a certificate of the type~~ 2331
~~described in division (B) of section 3319.281 of the Revised Code,~~ 2332
~~when~~ When any person initially applies for any certificate, 2333
license, or permit described in division (B) of section 3301.071 2334
~~or,~~ in section 3301.074, 3319.088, or 3319.29, or in division (A) 2335
of section 3319.303 of the Revised Code, the state board of 2336
education shall require the person to submit with the application 2337
two complete sets of fingerprints and written permission that 2338
authorizes the superintendent of public instruction to forward the 2339
fingerprints to the bureau of criminal identification and 2340
investigation pursuant to division (F) of section 109.57 of the 2341
Revised Code and that authorizes that bureau to forward the 2342
fingerprints to the federal bureau of investigation for purposes 2343
of obtaining any criminal records that the federal bureau 2344
maintains on the person. 2345

(B) The state board of education or the superintendent of 2346
public instruction may request the superintendent of the bureau of 2347
criminal identification and investigation to do either or both of 2348
the following: 2349

(1) Investigate and determine whether the bureau has any 2350
information, gathered pursuant to division (A) of section 109.57 2351
of the Revised Code, pertaining to any person submitting 2352
fingerprints and written permission under this section; 2353

(2) Obtain any criminal records that the federal bureau of 2354
investigation has on the person. 2355

Sec. 3319.303. (A) The state board of education shall adopt 2356
rules establishing standards and requirements for obtaining a 2357
pupil-activity program permit for any individual who does not hold 2358
a valid educator license, certificate, or permit issued by the 2359
state board under section 3319.22, 3319.26, 3319.27, or 3319.302 2360

of the Revised Code. The permit issued under this section shall be 2361
valid for coaching, supervising, or directing a pupil-activity 2362
program under section 3313.53 of the Revised Code. Subject to the 2363
provisions of section 3319.31 of the Revised Code, a permit issued 2364
under this section shall be valid for three years and shall be 2365
renewable. 2366

(B) The state board shall adopt rules applicable to 2367
individuals who hold valid educator licenses, certificates, or 2368
permits issued by the state board under section 3319.22, 3319.26, 2369
3319.27, or 3319.302 of the Revised Code setting forth standards 2370
to assure any such individual's competence to direct, supervise, 2371
or coach a pupil-activity program. The rules adopted under this 2372
division shall not be more stringent than the standards set forth 2373
in rules applicable to individuals who do not hold such licenses, 2374
certificates, or permits adopted under division (A) of this 2375
section. 2376

Sec. 3319.31. (A) As used in this section and sections 2377
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 2378
means a certificate, license, or permit described in division (B) 2379
of section 3301.071 ~~or~~, in section 3301.074, 3319.088, 3319.29, or 2380
3319.302, or in division (A) of section 3319.303 of the Revised 2381
Code. 2382

(B) For any of the following reasons, the state board of 2383
education, in accordance with Chapter 119. and section 3319.311 of 2384
the Revised Code, may refuse to issue a license to an applicant, 2385
may limit a license it issues to an applicant, or may suspend, 2386
revoke, or limit a license that has been issued to any person: 2387

(1) Engaging in an immoral act, incompetence, negligence, or 2388
conduct that is unbecoming to the applicant's or person's 2389
position; 2390

(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:	2391 2392
(a) A felony;	2393
(b) A violation of section 2907.04 or 2907.06 or division (A) or (B) of section 2907.07 of the Revised Code;	2394 2395
(c) An offense of violence;	2396
(d) A theft offense, as defined in section 2913.01 of the Revised Code;	2397 2398
(e) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor;	2399 2400
(f) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e) of this section.	2401 2402 2403
(C) The state board may take action under division (B) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.	2404 2405 2406 2407
(D) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.	2408 2409 2410
Sec. 3319.311. (A) The state board of education, or the superintendent of public instruction on behalf of the board, may investigate any information received about a person that reasonably appears to be a basis for action under section 3319.31 of the Revised Code. The board shall contract with the office of the Ohio attorney general to conduct any investigation of that nature. The board shall pay for the costs of the contract only from moneys in the state board of education licensure fund established under division (B) of section 3319.51 of the Revised	2411 2412 2413 2414 2415 2416 2417 2418 2419

Code. All information obtained during an investigation is 2420
confidential and is not a public record under section 149.43 of 2421
the Revised Code. If an investigation is conducted under this 2422
division regarding information received about a person and no 2423
action is taken against the person under this section or section 2424
3319.31 of the Revised Code within two years of the completion of 2425
the investigation, all records of the investigation shall be 2426
expunged. 2427

(B) The superintendent of public instruction shall review the 2428
results of each investigation of a person conducted under division 2429
(A) of this section and shall determine, on behalf of the state 2430
board, whether the results warrant initiating action under section 2431
3319.31 of the Revised Code. The superintendent shall advise the 2432
board of such determination at a meeting of the board. Within 2433
fourteen days of the next meeting of the board, any member of the 2434
board may ask that the question of initiating action under section 2435
3319.31 of the Revised Code be placed on the board's agenda for 2436
that next meeting. Prior to initiating that action against any 2437
person, the person's name and any other personally identifiable 2438
information shall remain confidential. 2439

(C) The board shall take no action against a person under 2440
section 3319.31 of the Revised Code without providing the person 2441
with written notice of the charges and with an opportunity for a 2442
hearing in accordance with Chapter 119. of the Revised Code. ~~For~~ 2443

(D) For purposes of the an investigation under division (A) 2444
of this section or a hearing under division (C) of this section, 2445
the board, or the superintendent on behalf of the board, may 2446
administer oaths, order the taking of depositions, issue 2447
subpoenas, and compel the attendance of witnesses and the 2448
production of books, accounts, papers, records, documents, and 2449
testimony. The issuance of subpoenas under this division may be by 2450

certified mail or personal delivery to the person. 2451

~~(D)~~(E) The superintendent, on behalf of the board, may enter 2452
into a consent agreement with a person against whom action is 2453
being taken under section 3319.31 of the Revised Code. The board 2454
may adopt rules governing the superintendent's action under this 2455
division. 2456

~~(E)~~(F) The board automatically may suspend any license 2457
without a prior hearing if the license holder is convicted of or 2458
pleads guilty to one or more of the following offenses or a 2459
violation of an ordinance of a municipal corporation or a law of 2460
another state that is substantially comparable to one of the 2461
following offenses: aggravated murder; murder; aggravated arson; 2462
aggravated robbery; aggravated burglary; voluntary manslaughter; 2463
felonious assault; kidnapping; rape; sexual battery; gross sexual 2464
imposition; or unlawful sexual conduct with a minor. A suspension 2465
under this division is effective on the date of the conviction or 2466
guilty plea. 2467

For a suspension under this division, the board, in 2468
accordance with section 119.07 of the Revised Code, shall issue a 2469
written order of suspension to the license holder by certified 2470
mail or in person and shall afford the person a hearing upon 2471
request. If the person does not request a hearing within the time 2472
limits established by that section, the board shall enter a final 2473
order revoking the person's license. An order of suspension under 2474
this division is not subject to suspension by a court during the 2475
pendency of an appeal filed under section 119.12 of the Revised 2476
Code. 2477

An order of suspension under this division shall remain in 2478
effect, unless reversed on appeal, until the final order of the 2479
board, issued pursuant to this section and Chapter 119. of the 2480
Revised Code, becomes effective. The board shall issue a final 2481
order within sixty days of the date of an order of suspension 2482

under this division or a hearing on an order of suspension, 2483
whichever is later. If the board fails to issue a final order by 2484
that deadline, the order of suspension is dissolved. No 2485
dissolution of an order of suspension under this division shall 2486
invalidate a subsequent final order of the board. 2487

~~(F)~~(G) No surrender of a license shall be effective until the 2488
board takes action to accept the surrender unless the surrender is 2489
pursuant to a consent agreement entered into under division ~~(D)~~(E) 2490
of this section. 2491

Sec. 3319.36. (A) No treasurer of a board of education or 2492
educational service center shall draw a check for the payment of a 2493
teacher for services until the teacher files with the treasurer 2494
both of the following: 2495

(1) Such reports as are required by the state board of 2496
education, the school district board of education, or the 2497
superintendent of schools; 2498

(2) Except for a teacher who is engaged pursuant to section 2499
3319.301 of the Revised Code, a written statement from the city, 2500
exempted village, or local school district superintendent or the 2501
educational service center superintendent that the teacher has 2502
filed with the treasurer a legal educator license ~~or internship~~ 2503
~~certificate~~, or true copy of it, to teach the subjects or grades 2504
taught, with the dates of its validity. The state board of 2505
education shall prescribe the record and administration for such 2506
filing of educator licenses ~~and internship certificates~~ in 2507
educational service centers. 2508

(B) Notwithstanding division (A) of this section, the 2509
treasurer may pay either of the following: 2510

(1) Any teacher for services rendered during the first two 2511
months of the teacher's initial employment with the school 2512

district or educational service center, provided such teacher is 2513
the holder of a bachelor's degree or higher and has filed with the 2514
state board of education an application for the issuance of a 2515
provisional or professional educator license. 2516

(2) Any substitute teacher for services rendered while 2517
conditionally employed under section 3319.101 of the Revised Code. 2518

(C) Upon notice to the treasurer given by the state board of 2519
education or any superintendent having jurisdiction that reports 2520
required of a teacher have not been made, the treasurer shall 2521
withhold the salary of the teacher until the required reports are 2522
completed and furnished. 2523

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 2524
of section 109.57 of the Revised Code ~~and division (I) of this~~ 2525
~~section~~, the appointing or hiring officer of the board of 2526
education of a school district, the governing board of an 2527
educational service center, or of a chartered nonpublic school 2528
shall request the superintendent of the bureau of criminal 2529
identification and investigation to conduct a criminal records 2530
check with respect to any applicant who has applied to the school 2531
district, educational service center, or school for employment in 2532
any position as a person responsible for the care, custody, or 2533
control of a child. If the applicant does not present proof that 2534
the applicant has been a resident of this state for the five-year 2535
period immediately prior to the date upon which the criminal 2536
records check is requested or does not provide evidence that 2537
within that five-year period the superintendent has requested 2538
information about the applicant from the federal bureau of 2539
investigation in a criminal records check, the appointing or 2540
hiring officer shall request that the superintendent obtain 2541
information from the federal bureau of investigation as a part of 2542
the criminal records check for the applicant. If the applicant 2543

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

(2) A person required by division (A)(1) of this section to 2548
request a criminal records check shall provide to each applicant a 2549
copy of the form prescribed pursuant to division (C)(2) of section 2550
109.572 of the Revised Code, provide to each applicant a standard 2551
impression sheet to obtain fingerprint impressions prescribed 2552
pursuant to division (C)(2) of section 109.572 of the Revised 2553
Code, obtain the completed form and impression sheet from each 2554
applicant, and forward the completed form and impression sheet to 2555
the superintendent of the bureau of criminal identification and 2556
investigation at the time the person requests a criminal records 2557
check pursuant to division (A)(1) of this section. 2558

(3) An applicant who receives pursuant to division (A)(2) of 2559
this section a copy of the form prescribed pursuant to division 2560
(C)(1) of section 109.572 of the Revised Code and a copy of an 2561
impression sheet prescribed pursuant to division (C)(2) of that 2562
section and who is requested to complete the form and provide a 2563
set of fingerprint impressions shall complete the form or provide 2564
all the information necessary to complete the form and shall 2565
provide the impression sheet with the impressions of the 2566
applicant's fingerprints. If an applicant, upon request, fails to 2567
provide the information necessary to complete the form or fails to 2568
provide impressions of the applicant's fingerprints, the board of 2569
education of a school district, governing board of an educational 2570
service center, or governing authority of a chartered nonpublic 2571
school shall not employ that applicant for any position for which 2572
a criminal records check is required pursuant to division (A)(1) 2573
of this section. 2574

(B)(1) Except as provided in rules adopted by the department 2575
of education in accordance with division (E) of this section and 2576
as provided in division (B)(3) of this section, no board of 2577
education of a school district, no governing board of an 2578
educational service center, and no governing authority of a 2579
chartered nonpublic school shall employ a person as a person 2580
responsible for the care, custody, or control of a child if the 2581
person previously has been convicted of or pleaded guilty to any 2582
of the following: 2583

(a) A violation of section 2903.01, 2903.02, 2903.03, 2584
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2585
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2586
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2587
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2588
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2589
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2590
2925.06, or 3716.11 of the Revised Code, a violation of section 2591
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2592
violation of section 2919.23 of the Revised Code that would have 2593
been a violation of section 2905.04 of the Revised Code as it 2594
existed prior to July 1, 1996, had the violation been committed 2595
prior to that date, a violation of section 2925.11 of the Revised 2596
Code that is not a minor drug possession offense, or felonious 2597
sexual penetration in violation of former section 2907.12 of the 2598
Revised Code; 2599

(b) A violation of an existing or former law of this state, 2600
another state, or the United States that is substantially 2601
equivalent to any of the offenses or violations described in 2602
division (B)(1)(a) of this section. 2603

(2) A board, governing board of an educational service 2604
center, or a governing authority of a chartered nonpublic school 2605
may employ an applicant conditionally until the criminal records 2606

check required by this section is completed and the board or 2607
governing authority receives the results of the criminal records 2608
check. If the results of the criminal records check indicate that, 2609
pursuant to division (B)(1) of this section, the applicant does 2610
not qualify for employment, the board or governing authority shall 2611
release the applicant from employment. 2612

(3) No board and no governing authority of a chartered 2613
nonpublic school shall employ a teacher who previously has been 2614
convicted of or pleaded guilty to any of the offenses listed in 2615
section 3319.31 of the Revised Code. 2616

(C)(1) Each board and each governing authority of a chartered 2617
nonpublic school shall pay to the bureau of criminal 2618
identification and investigation the fee prescribed pursuant to 2619
division (C)(3) of section 109.572 of the Revised Code for each 2620
criminal records check conducted in accordance with that section 2621
upon the request pursuant to division (A)(1) of this section of 2622
the appointing or hiring officer of the board or governing 2623
authority. 2624

(2) A board and the governing authority of a chartered 2625
nonpublic school may charge an applicant a fee for the costs it 2626
incurs in obtaining a criminal records check under this section. A 2627
fee charged under this division shall not exceed the amount of 2628
fees the board or governing authority pays under division (C)(1) 2629
of this section. If a fee is charged under this division, the 2630
board or governing authority shall notify the applicant at the 2631
time of the applicant's initial application for employment of the 2632
amount of the fee and that, unless the fee is paid, the board or 2633
governing authority will not consider the applicant for 2634
employment. 2635

(D) The report of any criminal records check conducted by the 2636
bureau of criminal identification and investigation in accordance 2637
with section 109.572 of the Revised Code and pursuant to a request 2638

under division (A)(1) of this section is not a public record for 2639
the purposes of section 149.43 of the Revised Code and shall not 2640
be made available to any person other than the applicant who is 2641
the subject of the criminal records check or the applicant's 2642
representative, the board or governing authority requesting the 2643
criminal records check or its representative, and any court, 2644
hearing officer, or other necessary individual involved in a case 2645
dealing with the denial of employment to the applicant. 2646

(E) The department of education shall adopt rules pursuant to 2647
Chapter 119. of the Revised Code to implement this section, 2648
including rules specifying circumstances under which the board or 2649
governing authority may hire a person who has been convicted of an 2650
offense listed in division (B)(1) of this section but who meets 2651
standards in regard to rehabilitation set by the department. 2652

(F) Any person required by division (A)(1) of this section to 2653
request a criminal records check shall inform each person, at the 2654
time of the person's initial application for employment, of the 2655
requirement to provide a set of fingerprint impressions and that a 2656
criminal records check is required to be conducted and 2657
satisfactorily completed in accordance with section 109.572 of the 2658
Revised Code if the person comes under final consideration for 2659
appointment or employment as a precondition to employment for the 2660
school district, educational service center, or school for that 2661
position. 2662

(G) As used in this section: 2663

(1) "Applicant" means a person who is under final 2664
consideration for appointment or employment in a position with a 2665
board of education, governing board of an educational service 2666
center, or a chartered nonpublic school as a person responsible 2667
for the care, custody, or control of a child, except that 2668
"applicant" does not include a person already employed by a board 2669
or chartered nonpublic school in a position of care, custody, or 2670

control of a child who is under consideration for a different 2671
position with such board or school. 2672

(2) "Teacher" means a person holding an educator license, 2673
~~internship certificate,~~ or permit issued under section 3319.22, 2674
~~3319.28,~~ or 3319.301 of the Revised Code and teachers in a 2675
chartered nonpublic school. 2676

(3) "Criminal records check" has the same meaning as in 2677
section 109.572 of the Revised Code. 2678

(4) "Minor drug possession offense" has the same meaning as 2679
in section 2925.01 of the Revised Code. 2680

(H) If the board of education of a local school district 2681
adopts a resolution requesting the assistance of the educational 2682
service center in which the local district has territory in 2683
conducting criminal records checks of substitute teachers under 2684
this section, the appointing or hiring officer of such educational 2685
service center shall serve for purposes of this section as the 2686
appointing or hiring officer of the local board in the case of 2687
hiring substitute teachers for employment in the local district. 2688

~~(I) The requirements of this section shall not apply to a 2689
person holding a certificate of the type described in section 2690
3319.281 of the Revised Code who applies to a school district or 2691
school for employment in an adult instruction position under which 2692
that person is not responsible for the care, custody, or control 2693
of a child. 2694~~

Sec. 3319.51. (A) The state board of education shall annually 2695
establish the amount of the fees required to be paid under 2696
division (B) of section 3301.071 ~~and, under~~ sections 3301.074, 2697
3319.088, 3319.29, and 3319.302, and under division (A) of section 2698
3319.303 of the Revised Code. The amount of these fees shall be 2699
such that they, along with any appropriation made to the fund 2700

established under division (B) of this section, will be sufficient 2701
to cover the annual estimated cost of administering the sections 2702
of law listed under division (B) of this section. 2703

(B) There is hereby established in the state treasury the 2704
state board of education licensure fund, which shall be used by 2705
the state board of education solely to pay the cost of 2706
administering sections 3301.071, 3301.074, 3319.088, 3319.22, 2707
~~3319.28~~, 3319.29, 3319.291, 3319.301, 3319.302, 3319.303, and 2708
3319.31 of the Revised Code. The fund shall consist of the amounts 2709
paid into the fund pursuant to division (B) of section 3301.071 2710
~~and~~, sections 3301.074, 3319.088, 3319.29, and 3319.302, and 2711
division (A) of section 3319.303 of the Revised Code and any 2712
appropriations to the fund by the general assembly. 2713

Sec. 3319.56. The department of education shall identify 2714
promising practices in Ohio and throughout the country for 2715
engaging teachers certified by the national board for professional 2716
teaching standards in ways that add value beyond their own 2717
classrooms. Practices identified by the department as promising 2718
may include placing national board certified teachers in key roles 2719
in peer review programs; having such teachers serve as coaches, 2720
mentors, and trainers for other teachers; or having such teachers 2721
develop curricula or instructional integration strategies. 2722

Once the department has identified promising practices, the 2723
department shall inform all school districts of the practices by 2724
posting such information on the department's world wide web site. 2725

Sec. 3319.57. (A) A grant program is hereby established under 2726
which the department of education shall award grants to assist 2727
certain schools in a city, exempted village, local, or joint 2728
vocational school district in implementing one of the following 2729
innovations: 2730

<u>(1) The use of instructional specialists to mentor and support classroom teachers;</u>	2731 2732
<u>(2) The use of building managers to supervise the administrative functions of school operation so that a school principal can focus on supporting instruction, providing instructional leadership, and engaging teachers as part of the instructional leadership team;</u>	2733 2734 2735 2736 2737
<u>(3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions;</u>	2738 2739 2740 2741
<u>(4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;</u>	2742 2743 2744
<u>(5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;</u>	2745 2746 2747 2748
<u>(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals;</u>	2749 2750 2751 2752 2753
<u>(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;</u>	2754 2755
<u>(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;</u>	2756 2757
<u>(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;</u>	2758 2759 2760

(10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 2761
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(11) The implementation of a program to increase the subject matter competency of veteran teachers. 2763
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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: 2765
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(1) Be hard to staff, as defined by the department. 2768

(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). 2769
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For purposes of division (B)(2) of this section, "state share percentage" shall be as calculated under section 3317.022 of the Revised Code, in the case of a city, local, or exempted village school district, or as calculated under section 3317.16 of the Revised Code, in the case of a joint vocational school district. 2773
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(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section. 2778
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(D) The state board of education shall adopt rules for the administration of this grant program. 2782
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Sec. 3319.60. There is hereby established the educator standards board. The board shall develop and recommend to the state board of education standards for entering and continuing in the teaching and principalship professions and standards for educator professional development. 2784
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(A) The board shall consist of the following members 2789

appointed by the state board of education within sixty days of the 2790
effective date of this section: 2791

(1) Seven persons employed as teachers in a school district. 2792
Two persons appointed under this division shall be employed as 2793
teachers in a secondary school, two persons shall be employed as 2794
teachers in a middle school, two persons shall be employed as 2795
teachers in an elementary school, and one person shall be a 2796
teacher who serves on a local professional development committee 2797
pursuant to section 3319.22 of the Revised Code. At least one 2798
person appointed under this division shall hold a teaching 2799
certificate or license issued by the national board for 2800
professional teaching standards. The Ohio education association 2801
and the Ohio federation of teachers shall each submit a list of 2802
five nominees for these appointments. 2803

(2) One person employed as a teacher in a chartered, 2804
nonpublic school. Stakeholder groups selected by the state board 2805
shall submit a list of two nominees for this appointment. 2806

(3) Four persons employed as school administrators in a 2807
school district. Of the four persons appointed under this 2808
division, one person shall be employed as a secondary school 2809
principal, one person shall be employed as a middle school 2810
principal, one person shall be employed as an elementary school 2811
principal, and one person shall be employed as a school district 2812
superintendent. The state board shall solicit nominations for 2813
these appointments from the buckeye association of school 2814
administrators, the Ohio association of elementary school 2815
administrators, and the Ohio association of secondary school 2816
administrators. 2817

(4) One person who is a member of a school district board of 2818
education. The Ohio school boards association shall submit a list 2819
of two nominees for this appointment. 2820

(5) Five persons employed by institutions of higher education 2821
that offer teacher preparation programs approved under section 2822
3319.23 of the Revised Code. One person appointed under this 2823
division shall be employed in the education department of an 2824
institution of higher education that has a certificate of 2825
authorization under Chapter 1713. of the Revised Code; one person 2826
shall be employed in the education department of a state 2827
university, as defined in section 3345.011 of the Revised Code, or 2828
a university branch; one person shall be employed in the education 2829
department of a state community college, community college, or 2830
technical college; one person shall be employed in an 2831
administrative position by a state institution of higher 2832
education; and one person shall be employed in an administrative 2833
position by a private institution of higher education. The 2834
chancellor of the Ohio board of regents shall submit a list of six 2835
nominees for these appointments. 2836

(6) The superintendent of public instruction or a designee of 2837
the superintendent, the chancellor of the Ohio board of regents or 2838
a designee of the chancellor, and the chairpersons of the 2839
education committees of the senate and house of representatives 2840
shall serve as nonvoting, ex officio members. 2841

(B) Initial terms of office for nine members shall be for two 2842
years and three years for nine members, beginning on the day all 2843
members are appointed to the board. At the first meeting of the 2844
board, members shall draw lots to determine the length of the term 2845
each member shall serve. Thereafter terms of office shall be for 2846
two years. Each member shall hold office from the date of the 2847
member's appointment until the end of the term for which the 2848
member was appointed. At the first meeting, appointed members 2849
shall select a chairperson and a vice-chairperson. Vacancies on 2850
the board shall be filled in the same manner as the original 2851
appointments. Any member appointed to fill a vacancy occurring 2852

prior to the expiration of the term for which the member's 2853
predecessor was appointed shall hold office for the remainder of 2854
such term. Any member shall continue in office subsequent to the 2855
expiration date of the member's term until the member's successor 2856
takes office, or until a period of sixty days has elapsed, 2857
whichever occurs first. The terms of office of members are 2858
renewable. 2859

(C) Members shall receive no compensation for their services. 2860

Sec. 3319.61. (A) The educator standards board, in 2861
consultation with the Ohio board of regents, shall do all of the 2862
following: 2863

(1) Develop state standards for teachers and principals that 2864
reflect what teachers and principals are expected to know and be 2865
able to do at all stages of their careers. These standards shall 2866
be aligned with the statewide academic content standards for 2867
students adopted pursuant to section 3301.079 of the Revised Code, 2868
be primarily based on educator performance instead of years of 2869
experience or certain courses completed, and rely on 2870
evidence-based factors. 2871

(a) The standards for teachers shall reflect the following 2872
additional criteria: 2873

(i) Alignment with the interstate new teacher assessment and 2874
support consortium standards; 2875

(ii) Differentiation among novice, experienced, and advanced 2876
teachers; 2877

(iii) Reliance on competencies that can be measured; 2878

(iv) Reliance on content knowledge, teaching skills, 2879
discipline-specific teaching methods, and requirements for 2880
professional development; 2881

(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards. 2882
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(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards. 2886
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(2) Develop standards for the renewal of educator licenses under section 3319.22 of the Revised Code; 2888
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(3) Develop standards for educator professional development. 2890

(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students. 2891
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(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups. 2900
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(D) In developing the standards under division (A) of this section, the educator standards board shall ensure that teachers and principals have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students. 2904
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(E) The standards for educator professional development developed under division (A)(3) of this section shall include 2910
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standards that address the crucial link between academic 2912
achievement and mental health issues. 2913

(F) The educator standards board shall also perform the 2914
following functions: 2915

(1) Collaborate with colleges and universities that offer 2916
teacher preparation programs approved pursuant to section 3319.23 2917
of the Revised Code to align teacher and principal preparation 2918
courses with the standards developed under division (A) of this 2919
section and with student academic content standards adopted under 2920
section 3301.079 of the Revised Code. The educator standards board 2921
shall study the model developed by the college of food, 2922
agricultural, and environmental sciences and the college of 2923
education of the Ohio state university for aligning teacher 2924
preparation programs in agricultural education with recognized 2925
standards for this purpose. 2926

(2) Monitor compliance with the teacher and principal 2927
standards developed under division (A) of this section and make 2928
recommendations to the state board of education for appropriate 2929
corrective action if such standards are not met; 2930

(3) Research, develop, and recommend policies on the 2931
professions of teaching and school administration; 2932

(4) Recommend policies to close the achievement gap between 2933
students of different subgroups. 2934

(G) The educator standards board shall submit recommendations 2935
of standards developed under division (A) of this section to the 2936
state board of education within one year after the educator 2937
standards board first convenes. The state board of education shall 2938
review the recommendations of the educator standards board 2939
developed under division (A) of this section. The state board of 2940
education may adopt standards based on the recommendations, make 2941
changes to the recommendations prior to adopting the standards, or 2942

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

Sec. 3319.62. The department of education shall establish the 2950
state office of educator standards within the center for the 2951
teaching profession to provide administrative services to the 2952
educator standards board. The department may employ a director for 2953
the office and such other staff as are necessary for the operation 2954
of the office. When appropriate, current employees of the 2955
department shall conduct the operation of the office. 2956

Sec. 3319.65. The state board of education shall establish a 2957
credential review board. The credential review board shall carry 2958
out any functions assigned to it by the state board with respect 2959
to assessing individuals pursuing alternative routes to educator 2960
licensure and out of state educators seeking licensure in Ohio. 2961
The credential review board may also carry out any other duties 2962
the state board considers appropriate. 2963

Sec. 3333.161. (A) As used in this section: 2964

(1) "Articulation agreement" means an agreement between two 2965
or more state institutions of higher education to facilitate the 2966
transfer of students and credits between such institutions. 2967

(2) "State institution of higher education" and "state 2968
university" have the same meanings as in section 3345.011 of the 2969
Revised Code. 2970

(3) "Two year college" includes a community college, state 2971

<u>community college, technical college, and university branch.</u>	2972
<u>(B) Not later than April 15, 2005, the Ohio board of regents shall adopt rules establishing a statewide system for articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between institutions to include all of the following:</u>	2973
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<u>(1) 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>	2979
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<u>(2) 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>	2984
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<u>(3) A clear identification of university faculty who are partnered with two year college faculty;</u>	2989
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<u>(4) The publication of the articulation agreement that is available to all students, faculty, and staff.</u>	2991
	2992
<u>Sec. 3333.36. The chancellor of the Ohio board of regents may allocate up to seventy thousand dollars in each fiscal year to make payments to the Columbus program in intergovernmental issues, an Ohio internship program at Kent state university, for scholarships of up to two thousand dollars for each student enrolled in the program. The chancellor may utilize any funds appropriated to the board of regents that the chancellor determines to be available for purposes of this section.</u>	2993
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Sec. 3333.38. (A) As used in this section:	3001
(1) "Institution of higher education" includes all of the following:	3002
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	3003
(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code;	3004
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	3005
(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.	3006
(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.	3007
(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:	3008
(1) A violation of section 2917.02 or 2917.03 of the Revised Code;	3009
(2) A violation of section 2917.04 of the Revised Code that	3010
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is a misdemeanor of the fourth degree and occurs within the 3030
proximate area where four or more others are acting in a course of 3031
conduct in violation of section 2917.11 of the Revised Code; 3032

(3) A violation of section 2917.13 of the Revised Code that 3033
is a misdemeanor of the fourth or first degree and occurs within 3034
the proximate area where four or more others are acting in a 3035
course of conduct in violation of section 2917.11 of the Revised 3036
Code. 3037

(C) If an individual is convicted of, pleads guilty to, or is 3038
adjudicated a delinquent child for committing a violation of 3039
section ~~2907.02~~ 2917.02 or ~~2907.03~~ 2917.03 of the Revised Code, 3040
and if the individual is enrolled in a state-supported institution 3041
of higher education, the institution in which the individual is 3042
enrolled shall immediately dismiss the individual. No 3043
state-supported institution of higher education shall admit an 3044
individual of that nature for one academic year after the 3045
individual applies for admission to a state-supported institution 3046
of higher education. This division does not limit or affect the 3047
ability of a state-supported institution of higher education to 3048
suspend or otherwise discipline its students. 3049

Section 2. That existing sections 3301.079, 3301.0710, 3050
3301.0711, 3301.0712, 3301.0715, 3302.04, 3307.01, 3313.28, 3051
3313.53, 3313.713, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3052
3319.225, 3319.227, 3319.23, 3319.26, 3319.283, 3319.29, 3319.291, 3053
3319.31, 3319.311, 3319.36, 3319.39, 3319.51, and 3333.38, and 3054
existing Section 12 of Sub. H.B. 364 of the 124th General 3055
Assembly, and sections 3301.801 and 3319.28 of the Revised Code 3056
are hereby repealed. 3057

Section 3. The Legislative Office of Education Oversight 3058
shall conduct a study of minimum starting salaries for teachers 3059

with bachelor degrees. The Office shall, in consultation with 3060
Ohio's education stakeholders, identify a select number of states 3061
that are demographically and economically similar to Ohio, 3062
including states that because of geographic proximity compete with 3063
Ohio for new teachers. For the state of Ohio and each of the 3064
selected states, the Office shall determine the minimum 3065
compensation levels for beginning teachers, calculate the average 3066
compensation for beginning teachers, and project, based on recent 3067
history and current economic conditions, the average compensation 3068
for beginning teachers in the 2007-2008 academic year. The Office 3069
shall also compare the selected states to Ohio. 3070

The Office shall submit the final results of this study to 3071
the Governor and members of the General Assembly not later than 3072
September 30, 2004. 3073

Section 4. As used in this section, "career ladder program" 3074
means a performance-based multilevel system of teaching positions 3075
or compensation levels within a school district or district 3076
building. 3077

The Educator Standards Board established by this act and the 3078
Department of Education jointly shall develop a proposal for a 3079
career ladder program. The Educator Standards Board and the 3080
Department also shall determine the estimated cost of implementing 3081
the proposal and how the Department would reallocate its resources 3082
to cover the costs of implementation. Within eighteen months after 3083
the Educator Standards Board convenes for its initial meeting, the 3084
Board and the Department shall make a report to the General 3085
Assembly describing their proposal for a career ladder program, 3086
including estimated costs for implementation and the manner in 3087
which the Department would pay for those costs. 3088

Section 5. The Department of Education and the Ohio Board of 3089

Regents shall develop a proposal for a pilot program between a 3090
school district and a college or university that is approved to 3091
offer teacher preparation programs pursuant to section 3319.23 of 3092
the Revised Code. The pilot program shall encourage the college or 3093
university's faculty to spend more time in the school district's 3094
buildings and classrooms and engage in other clinical experiences. 3095
In addition, participation in the pilot program shall require a 3096
college or university to provide incentives for faculty to share 3097
what they have learned from the pilot program with their 3098
colleagues through publications and other learning experiences. 3099

The Department of Education shall study, using an appropriate 3100
research method, the effectiveness of the pilot program, if 3101
implemented, and shall report its findings to the General Assembly 3102
within one year after the program is implemented. 3103

Section 6. The Educator Standards Board established by this 3104
act shall work with the Ohio Teacher Education and Licensure 3105
Advisory Commission to transition the duties formerly performed by 3106
the Commission to the Educator Standards Board. 3107

Section 7. Within ninety days of the effective date of this 3108
section, the Ohio Department of Education shall develop a 3109
definition of a "hard to staff" school. In defining this term, the 3110
Department shall examine whether a school: 3111

(A) Has difficulty recruiting and retaining high quality 3112
school personnel, as determined by the Department; 3113

(B) Has a high number of teachers who are teaching 3114
out-of-field, as determined by the Department; 3115

(C) Has high student poverty, as determined by the 3116
Department; 3117

(D) Has a high number of students who do not attain at least 3118

a proficient score on the tests prescribed in section 3301.0710 or	3119
3301.0712 of the Revised Code;	3120
(E) Has a significant achievement gap among various groups of	3121
students.	3122
In addition, the Department shall consider definitions and	3123
models used by other states.	3124
The Department shall identify schools that meet the	3125
definition developed under this section and shall publish the list	3126
of those schools on the Department's web site.	3127
Section 8. At such time as sufficient funding is available,	3128
the Department of Education shall develop a pilot project in not	3129
fewer than two school districts selected by the Department, each	3130
of which contain a "hard to staff" school as that term is defined	3131
by the Department. One of the selected districts shall be an urban	3132
school district and one shall be a rural school district.	3133
The Department shall study, using an appropriate research	3134
method, the effectiveness of the pilot project and shall report	3135
its findings to the General Assembly within one year after the	3136
pilot project is implemented.	3137
The selected districts shall use any funds allocated under	3138
the pilot project for one or more of the following purposes:	3139
(A) The use of instructional specialists to mentor and	3140
support classroom teachers;	3141
(B) The use of building managers to supervise the	3142
administrative functions of school operation so that a school	3143
principal can focus on supporting instruction, providing	3144
instructional leadership, and engaging teachers as part of the	3145
instructional leadership team;	3146
(C) The reconfiguration of school leadership structure in a	3147

manner that allows teachers to serve in leadership roles so that 3148
teachers may share the responsibility for making and implementing 3149
school decisions; 3150

(D) The adoption of new models for restructuring the school 3151
day or school year, such as including teacher planning and 3152
collaboration time as part of the school day; 3153

(E) The creation of smaller schools or smaller units within 3154
larger schools for the purpose of facilitating teacher 3155
collaboration to improve and advance the professional practice of 3156
teaching; 3157

(F) The implementation of "grow your own" recruitment 3158
strategies that are designed to assist individuals who show a 3159
commitment to education become licensed teachers, to assist 3160
experienced teachers obtain licensure in subject areas for which 3161
there is need, and to assist teachers in becoming principals; 3162

(G) The provision of better conditions for new teachers, such 3163
as reduced teaching load and reduced class size; 3164

(H) The provision of incentives to attract qualified 3165
mathematics, science, or special education teachers; 3166

(I) The development and implementation of a partnership with 3167
teacher preparation programs at colleges and universities to help 3168
attract teachers qualified to teach in shortage areas; 3169

(J) The implementation of a program to increase the cultural 3170
competency of both new and veteran teachers; 3171

(K) The implementation of a program to increase the subject 3172
matter competency of veteran teachers. 3173

Section 9. Notwithstanding section 3301.0711 of the Revised 3174
Code, as amended by this act, the requirement that the Department 3175
of Education send scores from the proficiency and achievement 3176

tests administered in May to each school district board not later 3177
than the fifteenth day of June shall first apply in the 2004-2005 3178
school year. 3179

Section 10. Upon the effective date of this section, the 3180
State Board of Education shall forthwith begin procedures for the 3181
adoption of a rule that complies with section 3319.303 of the 3182
Revised Code, as enacted by this act, so that the rule is 3183
effective at the earliest possible date provided for by law. 3184

Section 11. Representatives from the College of Food, 3185
Agricultural, and Environmental Sciences and the College of 3186
Education of The Ohio State University shall make a presentation 3187
to the Educator Standards Board established by this act. The 3188
presentation shall familiarize the Educator Standards Board with 3189
the model developed by the College of Food, Agricultural, and 3190
Environmental Sciences and the College of Education for aligning 3191
teacher preparation programs in agricultural education with 3192
recognized standards and instruct the Board about how to apply 3193
that model to aligning teacher preparation programs in Ohio with 3194
standards developed by the Board pursuant to section 3319.61 of 3195
the Revised Code, as enacted by this act. 3196

Section 12. That Sections 11, 12, 13, and 14 of Am. Sub. H.B. 3197
3 of the 125th General Assembly be amended to read as follows: 3198

Sec. 11. The Legislative Office of Education Oversight shall 3199
conduct a study that evaluates the correlation between students' 3200
race and class and academic achievement, ~~particularly.~~ To the 3201
extent possible, the Office shall use existing data on district 3202
wealth to make a variety of comparisons, including comparing the 3203
academic achievement of low-income, African-American and Hispanic 3204
students with that of middle-class, white students. In conducting 3205

the study, the Office shall use at least five years of data 3206
collected and maintained by the Ohio Department of Education. The 3207
study shall focus on the academic achievement of students in the 3208
fourth, sixth, and ninth grades. The Office shall submit the final 3209
results of the study to the General Assembly not later than 3210
September 30, 2004. 3211

Sec. 12. The Legislative Office of Education Oversight shall 3212
conduct a study of the intervention services required to be 3213
provided by school districts under sections 3301.0711, 3313.608, 3214
and 3313.6012 of the Revised Code. If any diagnostic assessment is 3215
administered by school districts in accordance with section 3216
3301.0715 of the Revised Code in the school year beginning July 1, 3217
2003, the Office also shall include the intervention services 3218
required by that section in the study. In conducting the study, 3219
the Office shall examine each of the following issues: 3220

(A) The types of intervention services that districts are 3221
currently providing to students; 3222

(B) The manner in which the Department of Education informs 3223
districts of their obligation to provide intervention services and 3224
assists the districts in developing appropriate intervention 3225
strategies; 3226

(C) The manner in which the Department tracks compliance by 3227
school districts with requirements to provide intervention 3228
services; 3229

(D) The cost to districts of providing intervention services; 3230

(E) Whether there are any intervention services that 3231
districts are not providing due to insufficient funding. 3232

The Office shall issue a written report of its findings to 3233
the General Assembly not later than ~~December~~ March 31, ~~2004~~ 2005. 3234

Sec. 13. The Legislative Office of Education Oversight shall 3235
conduct a study of the performance of students in the Class of 3236
2007 on the Ohio Graduation Tests prescribed by division (B) of 3237
section 3301.0710 of the Revised Code to determine how well 3238
students meet the statewide academic standards developed pursuant 3239
to section 3301.079 of the Revised Code. The study shall include 3240
all students who enter the ninth grade in the school year 3241
beginning July 1, 2003; the Office shall not exclude from any 3242
analysis students who leave school prior to graduation. In 3243
conducting the study, the Office shall determine the number of 3244
such students who attain a score at the proficient level on all 3245
five of the Ohio Graduation Tests by June 30, 2007. To the extent 3246
possible, the Office also shall determine the number of such 3247
students who satisfy the alternative conditions described in 3248
section 3313.615 of the Revised Code for meeting the testing 3249
requirement to be eligible for a diploma. The Office shall issue 3250
annual written reports in June 2006 and June 2007 to the General 3251
Assembly, and shall issue a final, comprehensive written report of 3252
its findings to the General Assembly not later than ~~December 31,~~ 3253
2007 June 30, 2008. 3254

Sec. 14. The Legislative Office of Education Oversight shall 3255
conduct a study that reviews the progress of school districts and 3256
the Department of Education in hiring highly qualified teachers in 3257
the core subject areas of English, reading, language arts, 3258
mathematics, science, foreign language, civics and government, 3259
economics, arts, history, and geography, as required by Title I of 3260
the "No Child Left Behind Act," Pub. L. No. 107-110. The study 3261
shall evaluate, over a five-year period, all of the following: 3262

(A) The progress of individual school districts in complying 3263
with the highly qualified teacher requirement; 3264

(B) Whether the definition of "highly qualified teacher" 3265
adopted by the State Board of Education complies with the "No 3266
Child Left Behind Act"; 3267

(C) The efforts of the Department of Education in assisting 3268
school districts to comply with the "No Child Left Behind Act's" 3269
requirement, and in monitoring the progress of school districts in 3270
ensuring highly qualified teachers are employed in core subject 3271
areas. 3272

The Office shall submit three interim reports of its findings 3273
to the General Assembly. The first interim report, due September 3274
30, 2005, shall evaluate compliance with the highly qualified 3275
teacher requirement in the 2002-2003 and 2003-2004 school years, 3276
~~the.~~ The second interim report, due September 30, 2006, shall 3277
evaluate compliance with the requirement in the 2004-2005 school 3278
year, ~~and the.~~ The third interim report, due September 30, 2007, 3279
shall evaluate compliance with the requirement in the 2005-2006 3280
school year. A final report shall be submitted to the General 3281
Assembly, not later than September 30, 2008, that evaluates 3282
compliance in the 2006-2007 school year and the prior four school 3283
years. 3284

Section 13. That existing Sections 11, 12, 13, and 14 of Am. 3285
Sub. H.B. 3 of the 125th General Assembly are hereby repealed. 3286

Section 14. That Sections 41.03, 41.05, 41.10, 41.19, 41.33, 3287
146, and 152 of Am. Sub. H.B. 95 of the 125th General Assembly be 3288
amended to read as follows: 3289

Sec. 41.03. PROFESSIONAL DEVELOPMENT 3290

The foregoing appropriation item 200-410, Professional 3291
Development, shall be used to fund professional development 3292
programs in Ohio. The Ohio Department of Education shall, where 3293

possible, incorporate cultural competency as a component of 3294
professional development and actively promote the development of 3295
cultural competency in the operation of its professional 3296
development programs. As used in this section, "cultural 3297
competency" has the meaning specified by the Educator Standards 3298
Board under section 3319.61 of the Revised Code. 3299

Of the foregoing appropriation item 200-410, Professional 3300
Development, \$5,200,000 in fiscal year 2004 shall be used by the 3301
Department of Education to support a statewide comprehensive 3302
system of regional professional development centers that support 3303
local educators' ability to foster academic achievement in the 3304
students they serve. Of the foregoing appropriation item 200-410, 3305
Professional Development, \$5,200,000 in fiscal year 2005 shall be 3306
used by the regional education delivery system. Before releasing 3307
these funds in fiscal year 2005, the Department of Education shall 3308
submit a spending plan to the Controlling Board. The release of 3309
the funds is contingent on Controlling Board approval of the 3310
spending plan. Both the regional professional development centers 3311
in fiscal year 2004 and the regional education delivery system in 3312
fiscal year 2005 shall include training that assists educators, 3313
school leadership, and technical assistance providers in 3314
understanding and implementing standards-based education, data 3315
analysis, and development of assessment systems for quality 3316
instruction. 3317

Of the foregoing appropriation item 200-410, Professional 3318
Development, \$7,079,625 in fiscal year 2004 and \$7,329,625 in 3319
fiscal year 2005 shall be used by the Department of Education to 3320
provide grants to pay \$2,000 of the application fee in order to 3321
assist teachers from public and chartered nonpublic schools 3322
applying for the first time to the National Board for Professional 3323
Teaching Standards for professional teaching certificates or 3324
licenses that the board offers. This set aside shall also be used 3325

to recognize and reward teachers who become certified by the 3326
National Board for Professional Teaching Standards pursuant to 3327
section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal 3328
year of this set aside may be used by the Department to pay for 3329
costs associated with activities to support candidates through the 3330
application and certification process. 3331

These moneys shall be used to pay up to the first 500 3332
applications in fiscal year 2004 and the first 400 applications in 3333
fiscal year 2005 received by the Department. 3334

Of the foregoing appropriation item 200-410, Professional 3335
Development, up to \$10,442,358 in each fiscal year shall be 3336
allocated for entry year programs. These funds shall be used to 3337
support mentoring services and performance assessments of 3338
beginning teachers in school districts and chartered nonpublic 3339
schools. 3340

Of the foregoing appropriation item 200-410, Professional 3341
Development, up to \$188,090 in each fiscal year shall be used to 3342
provide technical assistance and grants for districts to develop 3343
local knowledge/skills-based compensation systems. Each district 3344
receiving grants shall issue an annual report to the Department of 3345
Education detailing the use of the funds and the impact of the 3346
system developed by the district. 3347

Of the foregoing appropriation item 200-410, Professional 3348
Development, up to \$670,000 in each fiscal year shall be used for 3349
training and professional development of school administrators, 3350
school treasurers, and school business officials. 3351

Of the foregoing appropriation item 200-410, Professional 3352
Development, \$144,000 in each fiscal year shall be used by the 3353
Department of Education to develop a supply and demand report that 3354
describes the availability of quality educators and critical 3355
educator shortage areas in Ohio. 3356

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

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

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

ninth and tenth grade teachers will learn and implement classroom 3389
strategies for students to reach state standards in mathematics, 3390
reading, writing, social studies, and science. 3391

Sec. 41.05. SCHOOL IMPROVEMENT INITIATIVES 3392

Of the foregoing appropriation item 200-431, School 3393
Improvement Initiatives, \$10,505,625 in each fiscal year shall be 3394
used to provide technical assistance to school districts that are 3395
declared to be in a state of academic watch or academic emergency 3396
under section 3302.03 of the Revised Code to provide support to 3397
districts in the development and implementation of their 3398
continuous improvement plans as required in section 3302.04 of the 3399
Revised Code and to provide technical assistance and support in 3400
accordance with Title I of the "No Child Left Behind Act of 2001," 3401
115 Stat. 1425, 20 U.S.C. 6317. 3402

Of the foregoing appropriation item 200-431, School 3403
Improvement Initiatives, up to \$350,000 in each fiscal year shall 3404
be used to reduce the dropout rate by addressing the academic and 3405
social problems of inner-city students through Project GRAD. 3406

Of the foregoing appropriation item 200-431, School 3407
Improvement Initiatives, \$50,000 in each fiscal year shall be used 3408
to support LEAF. 3409

READING/WRITING/MATH IMPROVEMENT 3410

Of the foregoing appropriation item 200-433, 3411
Reading/Writing/Math Improvement, up to \$12,675,000 in each fiscal 3412
year shall be used for professional development in literacy for 3413
classroom teachers, administrators, and literacy specialists, and 3414
to provide intensive summer training for mathematics teachers. 3415

Of the foregoing appropriation item 200-433, 3416
Reading/Writing/Math Improvement, \$250,000 in each fiscal year 3417
shall be used to continue the Waterford Early Reading Program. 3418

Of the foregoing appropriation item 200-433, 3419
Reading/Writing/Math Improvement, up to \$1,000,000 in each fiscal 3420
year shall be used by the Department of Education to fund the 3421
Reading Recovery Training Network, to cover the cost of release 3422
time for the teacher trainers, and to provide grants to districts 3423
to implement other reading improvement programs on a pilot basis. 3424
Funds from this appropriation item also may be used to conduct 3425
evaluations of the impact and effectiveness of Reading Recovery 3426
and other reading improvement programs. 3427

The remainder of appropriation item 200-433, 3428
Reading/Writing/Math Improvement, shall be used to support 3429
standards-based classroom reading and writing instruction and 3430
reading intervention and the design/development of standards-based 3431
literacy curriculum materials; to support literacy professional 3432
development partnerships between the Department of Education, 3433
higher education institutions, the literacy specialists project, 3434
the Ohio principals' literacy network, regional literacy teams, 3435
literacy networks, and school districts. 3436

STUDENT ASSESSMENT 3437

Of the foregoing appropriation item 200-437, Student 3438
Assessment, \$500,000 in fiscal year 2004 and \$100,000 in fiscal 3439
year 2005 shall be used by the Department of Education to train 3440
school district personnel to score the practice version of the 3441
Ohio Graduation Test to be taken by students enrolled in the ninth 3442
grade in school districts that are in academic watch or academic 3443
emergency or that have a three-year average graduation rate of not 3444
more than seventy-five per cent pursuant to sections 3301.0710 and 3445
3301.0711 of the Revised Code. As used in this section, 3446
"three-year average" and "graduation rate" have the same meanings 3447
as in section 3302.01 of the Revised Code. 3448

The remainder of appropriation item 200-437, Student 3449

Assessment, shall be used to develop, field test, print, 3450
distribute, score, report results, and support other associated 3451
costs for the tests required under sections 3301.0710 and 3452
3301.0711 of the Revised Code and for similar purposes as required 3453
by section 3301.27 of the Revised Code. 3454

ACCOUNTABILITY/REPORT CARDS 3455

The foregoing appropriation item 200-439, 3456
Accountability/Report Cards, shall be used for the development of 3457
an accountability system that includes the preparation and 3458
distribution of school report cards pursuant to section 3302.03 of 3459
the Revised Code. 3460

AMERICAN SIGN LANGUAGE 3461

Of the foregoing appropriation item 200-441, American Sign 3462
Language, up to \$136,943 in each fiscal year shall be used to 3463
implement pilot projects for the integration of American Sign 3464
Language deaf language into the kindergarten through twelfth-grade 3465
curriculum. 3466

The remainder of the appropriation shall be used by the 3467
Department of Education to provide supervision and consultation to 3468
school districts in dealing with parents of children who are deaf 3469
or hard of hearing, in integrating American Sign Language as a 3470
foreign language, and in obtaining interpreters and improving 3471
their skills. 3472

CHILD CARE LICENSING 3473

The foregoing appropriation item 200-442, Child Care 3474
Licensing, shall be used by the Department of Education to license 3475
and to inspect preschool and school-age child care programs in 3476
accordance with sections 3301.52 to 3301.59 of the Revised Code. 3477

OHIOREADS ADMIN/VOLUNTEER SUPPORT 3478

The foregoing appropriation item 200-445, OhioReads 3479

Admin/Volunteer Support, may be allocated by the OhioReads Office 3480
in the Department of Education at the direction of the OhioReads 3481
Council for volunteer coordinators in public school buildings, to 3482
educational service centers for costs associated with volunteer 3483
coordination, for background checks for volunteers, to evaluate 3484
the OhioReads Program, and for operating expenses associated with 3485
administering the program. 3486

Sec. 41.10. ADULT LITERACY EDUCATION 3487

The foregoing appropriation item 200-509, Adult Literacy 3488
Education, shall be used to support adult basic and literacy 3489
education instructional programs and the State Literacy Resource 3490
Center Program. 3491

Of the foregoing appropriation item 200-509, Adult Literacy 3492
Education, up to \$519,188 in each fiscal year shall be used for 3493
the support and operation of the State Literacy Resource Center. 3494

Of the foregoing appropriation item 200-509, Adult Literacy 3495
Education, \$146,250 in each fiscal year shall be used to support 3496
initiatives for English as a second language programs in 3497
combination with citizenship. Funding shall be provided to 3498
organizations that received such funds during fiscal year 2003 3499
from appropriation item 200-570, School Improvement Incentive 3500
Grants. 3501

The remainder of the appropriation shall be used to continue 3502
to satisfy the state match and maintenance of effort requirements 3503
for the support and operation of the Department of 3504
Education-administered instructional grant program for adult basic 3505
and literacy education in accordance with the department's state 3506
plan for adult basic and literacy education as approved by the 3507
State Board of Education and the Secretary of the United States 3508
Department of Education. 3509

AUXILIARY SERVICES 3510

The foregoing appropriation item 200-511, Auxiliary Services, 3511
shall be used by the Department of Education for the purpose of 3512
implementing section 3317.06 of the Revised Code. Of the 3513
appropriation, up to \$1,462,500 in each fiscal year may be used 3514
for payment of the Post-Secondary Enrollment Options Program for 3515
nonpublic students pursuant to section 3365.10 of the Revised 3516
Code. 3517

STUDENT INTERVENTION SERVICES 3518

Of the foregoing appropriation item 200-513, Student 3519
Intervention Services, \$3,700,000 in fiscal year 2004 ~~and~~ 3520
~~\$5,900,000 in fiscal year 2005~~ shall be allocated by the 3521
Department of Education, on a per pupil basis, to school districts 3522
in academic emergency at any time in 2003, and \$5,900,000 in 3523
fiscal year 2005 shall be allocated by the Department of 3524
Education, on a per pupil basis, to school districts with a 3525
three-year average graduation rate of not more than seventy-five 3526
per cent. As used in this section, "three-year average" and 3527
"graduation rate" have the meanings specified in section 3302.01 3528
of the Revised Code. Districts shall use these funds for salaries, 3529
materials, and training to provide after-school, in-school, 3530
Saturday school, summer school, or other related intervention 3531
programs to students as specified in division (D)(2) of section 3532
3301.0711 of the Revised Code. In fiscal year 2004 these programs 3533
shall be provided to students enrolled in the ninth grade. In 3534
fiscal year 2005, these programs shall be provided to students 3535
enrolled in the ninth and tenth grades. At the end of each fiscal 3536
year, the school districts receiving these funds shall report to 3537
the Department of Education the number of students who were 3538
offered intervention, the number of students who participated, and 3539
the number of students who completed the intervention program, and 3540
shall provide an evaluation of the impact of the intervention on 3541

students. 3542

Of the foregoing appropriation item 200-513, Student 3543
Intervention Services, \$150,000 in each fiscal year shall be used 3544
for Read Baby Read. 3545

The remainder of appropriation item 200-513, Student 3546
Intervention Services, shall be used to assist districts providing 3547
the intervention services specified in section 3313.608 of the 3548
Revised Code. The Department of Education shall establish 3549
guidelines for the use and distribution of these moneys. School 3550
districts receiving funds from this appropriation shall report to 3551
the Department of Education on how funds were used. 3552

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 3553

Of the foregoing appropriation item 200-514, Postsecondary 3554
Adult Career-Technical Education, \$40,000 in each fiscal year 3555
shall be used for the statewide coordination of the activities of 3556
the Ohio Young Farmers. 3557

The remainder of appropriation item 200-514, Postsecondary 3558
Adult Career-Technical Education, shall be used by the State Board 3559
of Education to provide postsecondary adult career-technical 3560
education under sections 3313.52 and 3313.53 of the Revised Code. 3561

DISADVANTAGED PUPIL IMPACT AID 3562

The Department of Education shall pay Disadvantaged Pupil 3563
Impact Aid (DPIA) in fiscal years 2004 and 2005 in accordance with 3564
section 3317.029 of the Revised Code to each school district that 3565
did not receive any DPIA allocation in fiscal year 2003 because 3566
its DPIA index in that fiscal year was less than 0.35 and it did 3567
not qualify for a DPIA guarantee payment. However, the Department 3568
shall calculate each such district's DPIA index and DPIA student 3569
count in each fiscal year based solely on Ohio Works First data 3570
certified for the district by the Department of Job and Family 3571
Services. Each district receiving payment under this paragraph 3572

shall comply with all expenditure guidelines and restrictions of 3573
section 3317.029 of the Revised Code. 3574

Notwithstanding the distribution formula outlined in section 3575
3317.029 of the Revised Code, each school district that received a 3576
DPIA allocation in fiscal year 2003 shall receive an additional 3577
two per cent in ~~Disadvantaged Pupil Impact Aid (DPIA)~~ DPIA funding 3578
in fiscal year 2004 over what was received in fiscal year 2003 3579
unless the district ~~receives~~ received DPIA funding from the DPIA 3580
guarantee provision pursuant to division (B) of section 3317.029 3581
of the Revised Code in fiscal year 2003. For such a district, its 3582
DPIA funding in fiscal year 2004 shall equal the amount of DPIA 3583
funding the district received in fiscal year 2003. 3584

Notwithstanding the distribution formula outlined in section 3585
3317.029 of the Revised Code, each school district that received a 3586
DPIA allocation in fiscal year 2003 shall receive an additional 3587
two per cent in DPIA funding in fiscal year 2005 over what was 3588
received in fiscal year 2004 unless the district ~~receives~~ received 3589
DPIA funding from the DPIA guarantee provision pursuant to 3590
division (B) of section 3317.029 of the Revised Code in fiscal 3591
year 2003. For such a district, its DPIA funding in fiscal year 3592
2005 shall equal the amount of DPIA funding the district received 3593
in fiscal year 2004. 3594

School districts whose DPIA allocations are calculated under 3595
the preceding two paragraphs must continue to comply with all 3596
expenditure guidelines and restrictions outlined in divisions (F), 3597
(G), (I), and (K) of section 3317.029 of the Revised Code by 3598
assuming a two per cent increase in funds for each program 3599
outlined in divisions (C), (D), and (E) of section 3317.029 of the 3600
Revised Code and by assuming a DPIA index equivalent to the index 3601
calculated in fiscal year 2003. 3602

The Department of Education shall pay all-day, everyday 3603

kindergarten funding to all school districts in each fiscal year 3604
that qualified for and provided the service in fiscal year 2003 3605
pursuant to section 3317.029 of the Revised Code. ~~School districts~~ 3606
~~and community schools that did not have a DPIA allocation in~~ 3607
~~fiscal year 2003 shall not receive an allocation in fiscal year~~ 3608
~~2004 or fiscal year 2005.~~ 3609

Of the foregoing appropriation item 200-520, Disadvantaged 3610
Pupil Impact Aid, up to \$3,800,000 in each fiscal year shall be 3611
used for school breakfast programs. Of this amount, up to 3612
\$1,000,000 shall be used in each fiscal year by the Department of 3613
Education for the purpose of increasing participation in child 3614
nutrition programs, particularly school breakfast and summer 3615
meals. The Department shall collaborate with the Children's Hunger 3616
Alliance in the outreach effort. The remainder of the 3617
appropriation shall be used to partially reimburse school 3618
buildings within school districts that are required to have a 3619
school breakfast program pursuant to section 3313.813 of the 3620
Revised Code, at a rate decided by the Department. 3621

Of the foregoing appropriation item 200-520, Disadvantaged 3622
Pupil Impact Aid, \$4,500,000 in fiscal year 2004 and \$6,000,000 in 3623
fiscal year 2005 shall be used to operate the school choice 3624
program in the Cleveland Municipal School District pursuant to 3625
sections 3313.974 to 3313.979 of the Revised Code. 3626

Of the portion of the funds distributed to the Cleveland 3627
Municipal School District under this section, up to \$11,901,887 in 3628
each fiscal year shall be used to operate the school choice 3629
program in the Cleveland Municipal School District pursuant to 3630
sections 3313.974 to 3313.979 of the Revised Code. 3631

Sec. 41.19. HEAD START PLUS/HEAD START 3632

There is hereby established the Title IV-A Head Start Program 3633
to be administered by the Department of Education in accordance 3634

with an interagency agreement entered into with the Department of 3635
Job and Family Services under division (A)(2) of section 5101.801 3636
of the Revised Code. The program shall provide benefits and 3637
services to TANF eligible individuals pursuant to the requirements 3638
of section 5101.801 of the Revised Code. Upon approval by the 3639
Department of Job and Family Services, the Department of Education 3640
shall adopt policies and procedures establishing program 3641
requirements for eligibility, services, fiscal accountability, and 3642
other criteria necessary to comply with the provisions of Title 3643
IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 3644
301, as amended. 3645

The foregoing appropriation item 200-663, Head Start 3646
Plus/Head Start, shall be used to reimburse Title IV-A Head Start 3647
Plus and Title IV-A Head Start programs for services to children. 3648
The Department of Education shall administer the Title IV-A Head 3649
Start Plus and Title IV-A Head Start programs in accordance with 3650
an interagency agreement between the Departments of Education and 3651
Job and Family Services. Title IV-A Head Start Plus and Title IV-A 3652
Head Start providers shall meet all requirements as outlined in 3653
section 3301.311 of the Revised Code. The Department of Education 3654
shall adopt policies and procedures to establish a procedure for 3655
approving Title IV-A Head Start Plus and Title IV-A Head Start 3656
agencies. 3657

Of the foregoing appropriation item 200-663, Head Start 3658
Plus/Head Start, up to \$57,170,000 in fiscal year 2004 shall be 3659
used to support the Title IV-A Head Start program. Up to two 3660
percent of this amount may be used by the Department of Education 3661
to provide associated program support and technical assistance. 3662

Of the foregoing appropriation item 200-663, Head Start 3663
Plus/Head Start, up to ~~\$83,457,126~~ \$86,600,000 in fiscal year 2005 3664
shall be used to support the Title IV-A Head Start Plus 3665
initiative. Title IV-A Head Start Plus shall provide up to 10,000 3666

slots of full-day, full-year programming for children at least 3667
three years of age and not kindergarten age eligible. The program 3668
shall meet the child care needs of low-income families who meet 3669
eligibility requirements established in rules and administrative 3670
orders adopted by the Ohio Department of Job and Family Services 3671
and provide early education and comprehensive services as provided 3672
through the Head Start program before the enactment of this act. 3673

Of the foregoing appropriation item 200-663, Head Start 3674
Plus/Head Start, up to ~~\$22,763,177~~ \$19,584,000 in fiscal year 2005 3675
shall be used to support the Title IV-A Head Start program. This 3676
funding shall be used to support up to 4,000 slots of traditional 3677
half-day center-based, home-based, combination, or 3678
locally-designed option, Title IV-A Head Start services. 3679

Of the foregoing appropriation line item 200-663, Head Start 3680
Plus/Head Start, up to ~~\$1,963,697~~ \$2,000,000 in fiscal year 2005 3681
may be used by the Department of Education to provide associated 3682
program support and technical assistance. 3683

For purposes of this section, "eligible child" means a child 3684
who is at least three years of age, has not entered kindergarten, 3685
and is not of compulsory school age whose family earns not more 3686
than 100 ~~per cent~~ percent of the federal poverty level, except as 3687
otherwise provided in the following paragraph. 3688

The Department of Education, in consultation with Title IV-A 3689
Head Start agencies and, beginning in July 1, 2004, Title IV-A 3690
Head Start Plus agencies, shall establish criteria under which 3691
these agencies may apply to the Department for a waiver to include 3692
as "eligible children" those children from families earning up to 3693
the level of eligibility established for child care subsidy by the 3694
Department of Job and Family Services who otherwise qualify as 3695
"eligible children" under the preceding paragraph. 3696

In fiscal year 2004, in order to serve children whose 3697

families receive child care subsidy and whose incomes do not
exceed the income eligibility requirement for child care subsidy,
Title IV-A Head Start agencies may enroll children whose families
receive this child care subsidy from the Ohio Department of Job
and Family Services, if they partner with child care centers or
family day_care homes, where appropriate. This provision is to
meet the child care needs of low-income families who are working,
in training or education programs, or participating in Ohio Works
First approved activities.

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

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

AUXILIARY SERVICES REIMBURSEMENT

Notwithstanding section 3317.064 of the Revised Code, if the
unobligated cash balance is sufficient, the Treasurer of State
shall transfer \$1,500,000 in fiscal year 2004 within thirty days
after ~~the effective date of this section~~ June 26, 2003, and
\$1,500,000 in fiscal year 2005 by August 1, 2004, from the
Auxiliary Services Personnel Unemployment Compensation Fund to the

Department of Education's Auxiliary Services Reimbursement Fund 3729
(Fund 598). 3730

Sec. 41.33. (A) As used in this section: 3731

(1) "Entitled to attend school" means entitled to attend 3732
school in a school district under section 3313.64 and 3313.65 of 3733
the Revised Code. 3734

(2) "Formula ADM" and "category six special education ADM" 3735
have the same meanings as in section 3317.02 of the Revised Code. 3736

(3) "Individualized education program" has the same meaning 3737
as in section 3323.01 of the Revised Code. 3738

(4) "Parent" has the same meaning as in section 3313.64 of 3739
the Revised Code. 3740

(5) "Qualified special education child" is a child for whom 3741
all of the following conditions apply: 3742

(a) The school district in which the child is entitled to 3743
attend school has identified the child as autistic; 3744

(b) The school district in which the child is entitled to 3745
attend school has developed an individualized education program 3746
under Chapter 3323. of the Revised Code for the child; 3747

(c) The child either: 3748

(i) Was enrolled in the school district in which the child is 3749
entitled to attend school in any grade from preschool through 3750
twelve in the school year prior to the year in which a scholarship 3751
under this section is first sought for the child; 3752

(ii) Is eligible to enter school in any grade preschool 3753
through twelve in the school district in which the child is 3754
entitled to attend school in the school year in which a 3755
scholarship under this section is first sought for the child. 3756

(6) "Registered private provider" means a nonpublic school or 3757

other nonpublic entity that has been approved by the Department of
Education to participate in the program established under this
section.

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

this section shall not be awarded to the parent of a child who 3790
attends a public special education program under a contract, 3791
compact, or other bilateral agreement between the school district 3792
in which the child is entitled to attend school and another school 3793
district or other public provider or to the parent of a child who 3794
attends a community school established under Chapter 3314. of the 3795
Revised Code. A child attending a special education program with a 3796
scholarship under this section shall continue to be entitled to 3797
transportation to and from that program in the manner prescribed 3798
by law. 3799

(C)(1) Notwithstanding anything to the contrary in the 3800
Revised Code, a child for whom a scholarship is awarded under this 3801
section shall be counted in the formula ADM and the category six 3802
special education ADM of the district in which the child is 3803
entitled to attend school and not in the formula ADM and the 3804
category six special education ADM of any other school district. 3805

(2) In each fiscal year, the Department shall deduct from the 3806
amounts paid to each school district under Chapter 3317. of the 3807
Revised Code, and, if necessary, sections 321.24 and 323.156 of 3808
the Revised Code, the aggregate amount of scholarships awarded 3809
under this section for qualified special education children 3810
included in the formula ADM and category six special education ADM 3811
of that school district as provided in division (C)(1) of this 3812
section. The scholarships deducted shall be considered as an 3813
approved special education and related services expense for the 3814
purpose of the school district's compliance with division (C)(5) 3815
of section 3317.022 of the Revised Code. 3816

(3) From time to time, the Department shall make a payment to 3817
the parent of each qualified special education child for whom a 3818
scholarship has been awarded under this section. The scholarship 3819
amount shall be proportionately reduced in the case of any such 3820
child who is not enrolled in the special education program for 3821

which a scholarship was awarded under this section for the entire 3822
school year. The Department shall make no payments to the parent 3823
of a child while any administrative or judicial mediation or 3824
proceedings with respect to the content of the child's 3825
individualized education program are pending. 3826

(D) A scholarship shall not be paid to a parent for payment 3827
of tuition owed to a nonpublic entity unless that entity is a 3828
registered private provider. The Department shall approve entities 3829
that meet the standards established by rule of the State Board for 3830
the program established under this section. 3831

(E) The State Board shall adopt rules in accordance with 3832
Chapter 119. of the Revised Code prescribing procedures necessary 3833
to implement this section, including, but not limited to, 3834
procedures and deadlines for parents to apply for scholarships, 3835
standards for registered private providers, and procedures for 3836
approval of entities as registered private providers. The Board 3837
shall adopt the rules so that the program established under this 3838
section is operational by January 1, 2004. 3839

(F) The Legislative Office of Education Oversight shall 3840
conduct a formative evaluation of the program established under 3841
this section and shall report its findings to the General Assembly 3842
not later than March 1, 2005. In conducting the evaluation, the 3843
Office shall to the extent possible gather comments from parents 3844
who have been awarded scholarships under the program, school 3845
district officials, representatives of registered private 3846
providers, educators, and representatives of educational 3847
organizations for inclusion in the report required under this 3848
section. 3849

Sec. 146. (A) ~~In September of 2003~~ (1) Within thirty days 3850
after the effective date of this amendment, each school district 3851
that has been declared to be under an academic watch or in a state 3852

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.

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

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

(a) A person diagnosed with autism;

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

(c) A special education administrator of an Ohio school district;	3914 3915
(d) A representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities;	3916 3917
(e) A representative of the Ohio Developmental Disabilities Council;	3918 3919
(f) A representative of the Autism Society of Ohio;	3920
(g) A developmental pediatrician who is a member of the Ohio Association of Pediatricians;	3921 3922
(h) Two representatives from private schools in Ohio that provide special education services to children diagnosed with autism;	3923 3924 3925
(i) Two representatives from Ohio hospitals that provide services to children diagnosed with autism.	3926 3927
(2) Two members of the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House of Representatives;	3928 3929 3930
(3) Two members of the Senate, one from the majority party and one from the minority party, appointed by the President of the Senate;	3931 3932 3933
(4) The Director of Mental Retardation and Developmental Disabilities or the Director's designee;	3934 3935
(5) The Director of Job and Family Services or the Director's designee;	3936 3937
(6) The Superintendent of Public Instruction or the Superintendent's designee;	3938 3939
(7) The Director of Health or the Director's designee.	3940
(B) All appointments and designations to the Task Force shall be made not later than thirty days after the effective date of	3941 3942

this section. Any vacancy that occurs on the Task Force shall be 3943
filled in the same manner as the original appointment. The members 3944
of the Task Force shall serve without compensation. 3945

(C) The initial meeting of the Task Force shall be held not 3946
later than sixty days after the effective date of this section. At 3947
its initial meeting, the Task Force shall elect from its 3948
membership a chairperson and other officers it considers 3949
necessary. Thereafter, the Task Force shall meet on the call of 3950
the chairperson. 3951

(D) The Department of Mental Retardation and Developmental 3952
Disabilities shall provide meeting facilities and other support as 3953
necessary for the Task Force. 3954

(E) The Task Force shall study and make recommendations 3955
regarding both of the following: 3956

~~(1)The~~ (1) The growing incidence of autism in Ohio; 3957

~~(2)Ways~~ (2) Ways to improve the delivery in this state of 3958
autism services. 3959

(F) Not later than ~~one year after the effective date of this~~ 3960
~~section~~ November 26, 2004, the Task Force shall submit a written 3961
report of its recommendations to the Governor, the Speaker of the 3962
House of Representatives, and the President of the Senate. 3963

(G) On submission of its report, the Task Force shall cease 3964
to exist. 3965

Section 15. That existing Sections 41.03, 41.05, 41.10, 3966
41.19, 41.33, 146, and 152 of Am. Sub. H.B. 95 of the 125th 3967
General Assembly are hereby repealed. 3968

Section 16. (A) As used in this section: 3969

(1) "All-day kindergarten" and "kindergarten through third 3970

grade ADM" have the same meanings as in section 3317.029 of the Revised Code. 3971
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(2) "DPIA reduction factor," "entitled to attend school," and "SF-3 payment" have the same meanings as in section 3314.08 of the Revised Code. 3973
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(3) "Guarantee payment" means the total amount of disadvantaged pupil impact aid paid, under section 3317.029 of the Revised Code and Section 41.10 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended, to a school district that is guaranteed to receive such aid equal to the amount the district received in fiscal year 1998 pursuant to division (B) of section 3317.023 of the Revised Code as it existed at that time. 3976
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(4) "OWF student count" means the five-year average of the total number of children ages five to seventeen residing in a school district whose families receive assistance under the Ohio Works First program, based on data most recently certified by the Department of Job and Family Services. 3983
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(B) Notwithstanding divisions (C)(4), (C)(5), (D)(5), and (D)(6) of section 3314.08 and section 3314.13 of the Revised Code, in fiscal years 2004 and 2005 the Department of Education shall pay disadvantaged pupil impact aid to community schools in accordance with this section. This section stipulates the General Assembly's intent for paying DPIA to community schools in recognition of the 2% DPIA increase granted to school districts in each of those years by Section 41.10 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended. 3988
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(C)(1) In each of fiscal years 2004 and 2005, the Department shall pay each community school a per pupil amount for each student enrolled in the community school who meets both of the following criteria: 3997
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(a) The student is entitled to attend school in a school 4001

district that received a DPIA guarantee payment under division (B) 4002
of section 3317.029 of the Revised Code in fiscal year 2003; 4003

(b) The student's family receives assistance under the Ohio 4004
Works First program. 4005

(2) Subject to division (E) of this section, the per pupil 4006
payment in each fiscal year under division (C)(1) of this section 4007
shall equal the quotient of the DPIA guarantee payment to the 4008
school district where the student is entitled to attend school 4009
divided by that district's OWF student count, adjusted by any DPIA 4010
reduction factor of the community school. 4011

(D)(1) In each of fiscal years 2004 and 2005, the Department 4012
shall pay each community school a per pupil amount for each 4013
student enrolled in the community school who meets both of the 4014
following criteria: 4015

(a) The student is entitled to attend school in a school 4016
district that either received a DPIA safety and remediation 4017
payment under division (C) of section 3317.029 of the Revised Code 4018
in fiscal year 2003 or, if it did not, receives a safety and 4019
remediation payment under that division in the current fiscal year 4020
pursuant to the first paragraph under the heading "DISADVANTAGED 4021
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4022
125th General Assembly, as amended; 4023

(b) The student's family receives assistance under the Ohio 4024
Works First program. 4025

(2) Except as provided in division (D)(4) of this section, 4026
and subject to division (E) of this section, the per pupil payment 4027
in fiscal year 2004 under division (D)(1) of this section shall 4028
equal the following quotient, adjusted by any DPIA reduction 4029
factor of the community school: 4030

(a) The fiscal year 2003 DPIA safety and remediation payment 4031

under division (C) of section 3317.029 of the Revised Code to the 4032
school district where the student is entitled to attend school, 4033
times 102%; divided by 4034

(b) That district's OWF student count. 4035

(3) Except as provided in division (D)(4) of this section, 4036
and subject to division (E) of this section, the per pupil payment 4037
in fiscal year 2005 under division (D)(1) of this section shall 4038
equal the following quotient, adjusted by any DPIA reduction 4039
factor of the community school: 4040

(a) The product calculated under division (D)(2)(a) of this 4041
section for the school district where the student is entitled to 4042
attend school, times 102%; divided by 4043

(b) That district's OWF student count. 4044

(4) Subject to division (E) of this section, for each 4045
community school student who is entitled to attend school in a 4046
school district that receives a DPIA safety and remediation 4047
payment under division (C) of section 3317.029 of the Revised Code 4048
pursuant to the first paragraph under the heading "DISADVANTAGED 4049
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4050
125th General Assembly, as amended, the per pupil payment in each 4051
fiscal year under division (D)(1) of this section shall equal the 4052
quotient of the safety and remediation payment to the school 4053
district for the current fiscal year divided by that district's 4054
OWF student count, adjusted by any DPIA reduction factor of the 4055
community school. 4056

(E) Payments under divisions (C) and (D) of this section 4057
shall be calculated based on Ohio Works First data certified to 4058
the Department of Education by the Department of Job and Family 4059
Services and community schools in the spring of the fiscal year. 4060
However, for each community school that operated in the prior 4061
fiscal year, the Department of Education shall make estimated 4062

payments based on data certified for the prior fiscal year until 4063
data is certified in the spring, and shall recalculate the 4064
payments for the entire fiscal year after the data is certified in 4065
the spring. For each community school commencing its first year of 4066
operation, the Department shall not make payments under those 4067
divisions in the community school's first fiscal year until the 4068
spring of the fiscal year, after the community school and the 4069
Department of Job and Family Services have certified the Ohio 4070
Works First data. 4071

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

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

(b) The student is enrolled in the community school in 4084
kindergarten or first, second, or third grade; 4085

(c) The student is not receiving special education and 4086
related services under an individualized education program, as 4087
defined in section 3323.01 of the Revised Code. 4088

(2) Except as provided in divisions (F)(4) and (5) of this 4089
section, the per pupil payment in fiscal year 2004 under division 4090
(F)(1) of this section shall equal the following quotient, 4091
adjusted by any DPIA reduction factor of the community school: 4092

(a) The fiscal year 2003 DPIA class-size reduction payment 4093

under division (E) of section 3317.029 of the Revised Code to the 4094
school district where the student is entitled to attend school, 4095
times 102%; divided by 4096

(b) That district's fiscal year 2004 kindergarten through 4097
third grade ADM. 4098

(3) Except as provided in divisions (F)(4) and (5) of this 4099
section, the per pupil payment in fiscal year 2005 under division 4100
(F)(1) of this section shall equal the following quotient, 4101
adjusted by any DPIA reduction factor of the community school: 4102

(a) The product calculated under division (F)(2)(a) of this 4103
section for the school district where the student is entitled to 4104
attend school, times 102%; divided by 4105

(b) That district's fiscal year 2005 kindergarten through 4106
third grade ADM. 4107

(4) Except as provided in division (F)(5) of this section, 4108
for each community school student who is entitled to attend school 4109
in a school district that receives a DPIA class-size reduction 4110
payment under division (E) of section 3317.029 of the Revised Code 4111
pursuant to the first paragraph under the heading "DISADVANTAGED 4112
PUPIL IMPACT AID" of Section 41.10 of Am. Sub. H.B. 95 of the 4113
125th General Assembly, as amended, the per pupil payment in each 4114
fiscal year under division (F)(1) of this section shall equal the 4115
quotient of the class-size reduction payment to the school 4116
district for the current fiscal year divided by that district's 4117
kindergarten through third grade ADM for the current fiscal year, 4118
adjusted by any DPIA reduction factor of the community school. 4119

(5) The Department shall pay only 50% of the per pupil 4120
payment prescribed in divisions (F)(2), (3), and (4) of this 4121
section for each qualifying community school student who is 4122
enrolled in a kindergarten class that is not all-day kindergarten. 4123

(G)(1) In each of fiscal years 2004 and 2005, the Department 4124

shall pay each community school a per pupil amount for each 4125
student enrolled in the community school who meets both of the 4126
following criteria: 4127

(a) The student is entitled to attend school in a school 4128
district that was eligible in fiscal year 2003 to receive an 4129
all-day kindergarten payment under division (D) of section 4130
3317.029 of the Revised Code or Section 44.12 of Am. Sub. H.B. 94 4131
of the 124th General Assembly if it offered all-day kindergarten, 4132
regardless of whether the district actually received a payment 4133
under either section for all-day kindergarten; 4134

(b) The student is enrolled in the community school in 4135
all-day kindergarten. 4136

(2) Except as provided in division (G)(4) of this section, 4137
the per pupil payment in fiscal year 2004 under division (G)(1) of 4138
this section shall equal the following quotient: 4139

(a) The fiscal year 2003 DPIA all-day kindergarten payment to 4140
the school district where the student is entitled to attend 4141
school, times 102%; divided by 4142

(b) The number of students entitled to attend school in that 4143
district who are enrolled in all-day kindergarten in the school 4144
district or in a community school in fiscal year 2004. 4145

(3) Except as provided in division (G)(4) of this section, 4146
the per pupil payment in fiscal year 2005 under division (G)(1) of 4147
this section shall equal the following quotient: 4148

(a) The product calculated under division (G)(2)(a) of this 4149
section for the school district where the student is entitled to 4150
attend school, times 102%; divided by 4151

(b) The number of students entitled to attend school in that 4152
district who are enrolled in all-day kindergarten in the school 4153
district or in a community school in fiscal year 2005. 4154

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

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

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

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

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

(2) If the student for whom payment is made is entitled to attend school in a district that was eligible to receive an all-day kindergarten payment in fiscal year 2003 if it offered all-day kindergarten, but did not receive an all-day kindergarten payment that year, the Department shall pay the community school from the amount appropriated to the Department in appropriation item 200-520, Disadvantaged Pupil Impact Aid.

(I) For purposes of determining the number of students for which divisions (C) and (D) of this section apply in either fiscal

year, community schools and the Department of Job and Family
Services shall comply with division (K) of section 3314.08 of the
Revised Code.

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

Section 17. Sections 41.03, 41.05, 41.10, 41.19, 41.33, and
146 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended
in this act, and Section 16 of this act, and the items of law of
which those sections as amended or enacted 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, 41.19, 41.33, and 146
of Am. Sub. H.B. 95 of the 125th General Assembly, as amended in
this act, and Section 16 of this act, and the items of law of
which those sections as amended or enacted in this act are
composed, go into immediate effect when this act becomes law.

Section 18. 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 19. Section 3301.0711 of the Revised Code is 4216
presented in this act as a composite of the section as amended by 4217
both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General 4218
Assembly. The General Assembly, applying the principle stated in 4219
division (B) of section 1.52 of the Revised Code that amendments 4220
are to be harmonized if reasonably capable of simultaneous 4221
operation, finds that the composite is the resulting version of 4222
the section in effect prior to the effective date of the section 4223
as presented in this act. 4224

Section 20. Section 3318.031 of the Revised Code is presented 4225
in this act as a composite of the section as amended by both Sub. 4226
H.B. 248 and H.B. 675 of the 124th General Assembly. The General 4227
Assembly, applying the principle stated in division (B) of section 4228
1.52 of the Revised Code that amendments are to be harmonized if 4229
reasonably capable of simultaneous operation, finds that the 4230
composite is the resulting version of the section in effect prior 4231
to the effective date of the section as presented in this act. 4232

Section 21. Section 3319.39 of the Revised Code is presented 4233
in this act as a composite of the section as amended by Am. Sub. 4234
H.B. 445, Am. Sub. S.B. 269, and Am. Sub. S.B. 230 of the 121st 4235
General Assembly. The General Assembly, applying the principle 4236
stated in division (B) of section 1.52 of the Revised Code that 4237
amendments are to be harmonized if reasonably capable of 4238
simultaneous operation, finds that the composite is the resulting 4239
version of the section in effect prior to the effective date of 4240
the section as presented in this act. 4241