

As Passed by the House

126th General Assembly

Regular Session

2005-2006

Am. Sub. S. B. No. 311

**Senators Gardner, Padgett, Harris, Clancy, Mumper, Jacobson, Cates,
Goodman, Niehaus**

**Representatives Webster, Blessing, Combs, Evans, D., Martin, Schlichter,
Setzer**

—

A B I L L

To amend sections 2151.011, 3301.41, 3301.42, 1
3313.472, 3313.48, 3313.533, 3313.603, 3313.61, 2
3313.614, 3313.615, 3313.62, 3314.012, 3314.03, 3
3317.01, 3317.029, 3325.08, and 3345.06; to enact 4
new section 3313.481 and sections 3301.43, 5
3301.46, 3302.032, 3313.6013, 3313.6014, 6
3319.0811, 3319.233, 3319.234, 3333.163, 3333.34, 7
3345.061, and 3345.062; and to repeal sections 8
3313.481 and 3313.482 of the Revised Code and to 9
amend Section 6 of Sub. H.B. 115 of the 126th 10
General Assembly to establish the Ohio Core 11
curriculum, to calculate the minimum school year 12
based on hours, rather than days, of instruction, 13
to restructure admission requirements and remedial 14
courses in state universities, to implement other 15
initiatives to enhance secondary and 16
post-secondary education in Ohio, and to make an 17
appropriation. 18

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

Section 1. That sections 2151.011, 3301.41, 3301.42, 19
3313.472, 3313.48, 3313.533, 3313.603, 3313.61, 3313.614, 20
3313.615, 3313.62, 3314.012, 3314.03, 3317.01, 3317.029, 3325.08, 21
and 3345.06 be amended and new section 3313.481 and sections 22
3301.43, 3301.46, 3302.032, 3313.6013, 3313.6014, 3319.0811, 23
3319.233, 3319.234, 3333.163, 3333.34, 3345.061, and 3345.062 of 24
the Revised Code be enacted to read as follows: 25

Sec. 2151.011. (A) As used in the Revised Code: 26

(1) "Juvenile court" means whichever of the following is 27
applicable that has jurisdiction under this chapter and Chapter 28
2152. of the Revised Code: 29

(a) The division of the court of common pleas specified in 30
section 2101.022 or 2301.03 of the Revised Code as having 31
jurisdiction under this chapter and Chapter 2152. of the Revised 32
Code or as being the juvenile division or the juvenile division 33
combined with one or more other divisions; 34

(b) The juvenile court of Cuyahoga county or Hamilton county 35
that is separately and independently created by section 2151.08 or 36
Chapter 2153. of the Revised Code and that has jurisdiction under 37
this chapter and Chapter 2152. of the Revised Code; 38

(c) If division (A)(1)(a) or (b) of this section does not 39
apply, the probate division of the court of common pleas. 40

(2) "Juvenile judge" means a judge of a court having 41
jurisdiction under this chapter. 42

(3) "Private child placing agency" means any association, as 43
defined in section 5103.02 of the Revised Code, that is certified 44
under section 5103.03 of the Revised Code to accept temporary, 45
permanent, or legal custody of children and place the children for 46
either foster care or adoption. 47

(4) "Private noncustodial agency" means any person, 48
organization, association, or society certified by the department 49
of job and family services that does not accept temporary or 50
permanent legal custody of children, that is privately operated in 51
this state, and that does one or more of the following: 52

(a) Receives and cares for children for two or more 53
consecutive weeks; 54

(b) Participates in the placement of children in certified 55
foster homes; 56

(c) Provides adoption services in conjunction with a public 57
children services agency or private child placing agency. 58

(B) As used in this chapter: 59

(1) "Adequate parental care" means the provision by a child's 60
parent or parents, guardian, or custodian of adequate food, 61
clothing, and shelter to ensure the child's health and physical 62
safety and the provision by a child's parent or parents of 63
specialized services warranted by the child's physical or mental 64
needs. 65

(2) "Adult" means an individual who is eighteen years of age 66
or older. 67

(3) "Agreement for temporary custody" means a voluntary 68
agreement authorized by section 5103.15 of the Revised Code that 69
transfers the temporary custody of a child to a public children 70
services agency or a private child placing agency. 71

(4) "Certified foster home" means a foster home, as defined 72
in section 5103.02 of the Revised Code, certified under section 73
5103.03 of the Revised Code. 74

(5) "Child" means a person who is under eighteen years of 75
age, except that the juvenile court has jurisdiction over any 76
person who is adjudicated an unruly child prior to attaining 77

eighteen years of age until the person attains twenty-one years of
age, and, for purposes of that jurisdiction related to that
adjudication, a person who is so adjudicated an unruly child shall
be deemed a "child" until the person attains twenty-one years of
age.

(6) "Child day camp," "child care," "child day-care center,"
"part-time child day-care center," "type A family day-care home,"
"certified type B family day-care home," "type B home,"
"administrator of a child day-care center," "administrator of a
type A family day-care home," "in-home aide," and "authorized
provider" have the same meanings as in section 5104.01 of the
Revised Code.

(7) "Child care provider" means an individual who is a
child-care staff member or administrator of a child day-care
center, a type A family day-care home, or a type B family day-care
home, or an in-home aide or an individual who is licensed, is
regulated, is approved, operates under the direction of, or
otherwise is certified by the department of job and family
services, department of mental retardation and developmental
disabilities, or the early childhood programs of the department of
education.

(8) "Chronic truant" has the same meaning as in section
2152.02 of the Revised Code.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public
children services agency or shelter for victims of domestic
violence to assist a child, a child's parents, and a child's
siblings in alleviating identified problems that may cause or have
caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling 108
services provided to correct or alleviate any mental or emotional 109
illness or disorder and performed by a licensed psychiatrist, 110
licensed psychologist, or a person licensed under Chapter 4757. of 111
the Revised Code to engage in social work or professional 112
counseling. 113

(11) "Custodian" means a person who has legal custody of a 114
child or a public children services agency or private child 115
placing agency that has permanent, temporary, or legal custody of 116
a child. 117

(12) "Delinquent child" has the same meaning as in section 118
2152.02 of the Revised Code. 119

(13) "Detention" means the temporary care of children pending 120
court adjudication or disposition, or execution of a court order, 121
in a public or private facility designed to physically restrict 122
the movement and activities of children. 123

(14) "Developmental disability" has the same meaning as in 124
section 5123.01 of the Revised Code. 125

(15) "Foster caregiver" has the same meaning as in section 126
5103.02 of the Revised Code. 127

(16) "Guardian" means a person, association, or corporation 128
that is granted authority by a probate court pursuant to Chapter 129
2111. of the Revised Code to exercise parental rights over a child 130
to the extent provided in the court's order and subject to the 131
residual parental rights of the child's parents. 132

(17) "Habitual truant" means any child of compulsory school 133
age who is absent without legitimate excuse for absence from the 134
public school the child is supposed to attend for five or more 135
consecutive school days, seven or more school days in one school 136
month, or twelve or more school days in a school year. 137

(18) "Juvenile traffic offender" has the same meaning as in 138
section 2152.02 of the Revised Code. 139

(19) "Legal custody" means a legal status that vests in the 140
custodian the right to have physical care and control of the child 141
and to determine where and with whom the child shall live, and the 142
right and duty to protect, train, and discipline the child and to 143
provide the child with food, shelter, education, and medical care, 144
all subject to any residual parental rights, privileges, and 145
responsibilities. An individual granted legal custody shall 146
exercise the rights and responsibilities personally unless 147
otherwise authorized by any section of the Revised Code or by the 148
court. 149

(20) A "legitimate excuse for absence from the public school 150
the child is supposed to attend" includes, but is not limited to, 151
any of the following: 152

(a) The fact that the child in question has enrolled in and 153
is attending another public or nonpublic school in this or another 154
state; 155

(b) The fact that the child in question is excused from 156
attendance at school for any of the reasons specified in section 157
3321.04 of the Revised Code; 158

(c) The fact that the child in question has received an age 159
and schooling certificate in accordance with section 3331.01 of 160
the Revised Code. 161

(21) "Mental illness" and "mentally ill person subject to 162
hospitalization by court order" have the same meanings as in 163
section 5122.01 of the Revised Code. 164

(22) "Mental injury" means any behavioral, cognitive, 165
emotional, or mental disorder in a child caused by an act or 166
omission that is described in section 2919.22 of the Revised Code 167

and is committed by the parent or other person responsible for the 168
child's care. 169

(23) "Mentally retarded person" has the same meaning as in 170
section 5123.01 of the Revised Code. 171

(24) "Nonsecure care, supervision, or training" means care, 172
supervision, or training of a child in a facility that does not 173
confine or prevent movement of the child within the facility or 174
from the facility. 175

(25) "Of compulsory school age" has the same meaning as in 176
section 3321.01 of the Revised Code. 177

(26) "Organization" means any institution, public, 178
semipublic, or private, and any private association, society, or 179
agency located or operating in the state, incorporated or 180
unincorporated, having among its functions the furnishing of 181
protective services or care for children, or the placement of 182
children in certified foster homes or elsewhere. 183

(27) "Out-of-home care" means detention facilities, shelter 184
facilities, certified children's crisis care facilities, certified 185
foster homes, placement in a prospective adoptive home prior to 186
the issuance of a final decree of adoption, organizations, 187
certified organizations, child day-care centers, type A family 188
day-care homes, child care provided by type B family day-care home 189
providers and by in-home aides, group home providers, group homes, 190
institutions, state institutions, residential facilities, 191
residential care facilities, residential camps, day camps, public 192
schools, chartered nonpublic schools, educational service centers, 193
hospitals, and medical clinics that are responsible for the care, 194
physical custody, or control of children. 195

(28) "Out-of-home care child abuse" means any of the 196
following when committed by a person responsible for the care of a 197
child in out-of-home care: 198

(a) Engaging in sexual activity with a child in the person's care;	199 200
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	201 202 203
(c) Use of restraint procedures on a child that cause injury or pain;	204 205
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	206 207 208
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	209 210 211 212 213
(29) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	214 215 216
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	217 218 219
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	220 221 222 223
(c) Failure to develop a process for all of the following:	224
(i) Administration of prescription drugs or psychotropic drugs for the child;	225 226
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	227 228

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	229 230 231
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	232 233 234
(e) Confinement of the child to a locked room without monitoring by staff;	235 236
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	237 238
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	239 240 241
(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	242 243 244 245 246 247
(31) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	248 249 250 251 252
(32) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	253 254 255
(33) "Person responsible for a child's care in out-of-home care" means any of the following:	256 257
(a) Any foster caregiver, in-home aide, or provider;	258

(b) Any administrator, employee, or agent of any of the	259
following: a public or private detention facility; shelter	260
facility; certified children's crisis care facility; organization;	261
certified organization; child day-care center; type A family	262
day-care home; certified type B family day-care home; group home;	263
institution; state institution; residential facility; residential	264
care facility; residential camp; day camp; school district;	265
community school; chartered nonpublic school; educational service	266
center; hospital; or medical clinic;	267
(c) Any person who supervises or coaches children as part of	268
an extracurricular activity sponsored by a school district, public	269
school, or chartered nonpublic school;	270
(d) Any other person who performs a similar function with	271
respect to, or has a similar relationship to, children.	272
(34) "Physically impaired" means having one or more of the	273
following conditions that substantially limit one or more of an	274
individual's major life activities, including self-care, receptive	275
and expressive language, learning, mobility, and self-direction:	276
(a) A substantial impairment of vision, speech, or hearing;	277
(b) A congenital orthopedic impairment;	278
(c) An orthopedic impairment caused by disease, rheumatic	279
fever or any other similar chronic or acute health problem, or	280
amputation or another similar cause.	281
(35) "Placement for adoption" means the arrangement by a	282
public children services agency or a private child placing agency	283
with a person for the care and adoption by that person of a child	284
of whom the agency has permanent custody.	285
(36) "Placement in foster care" means the arrangement by a	286
public children services agency or a private child placing agency	287
for the out-of-home care of a child of whom the agency has	288

temporary custody or permanent custody.	289
(37) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	290
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	291
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	292
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	293
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	294
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	295
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	296
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	297
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	298
(38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	299
(38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	300
(38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	301
(39) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	302
(39) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	303
(39) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	304
(39) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	305
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	306
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	307
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	308
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	309
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	310
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	311
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	312
(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	313
(41) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	314
(41) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	315
(42) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	316
(42) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	317
(43) "Residential camp" means a program in which the care,	318

physical custody, or control of children is accepted overnight for 319
recreational or recreational and educational purposes. 320

(44) "Residential care facility" means an institution, 321
residence, or facility that is licensed by the department of 322
mental health under section 5119.22 of the Revised Code and that 323
provides care for a child. 324

(45) "Residential facility" means a home or facility that is 325
licensed by the department of mental retardation and developmental 326
disabilities under section 5123.19 of the Revised Code and in 327
which a child with a developmental disability resides. 328

(46) "Residual parental rights, privileges, and 329
responsibilities" means those rights, privileges, and 330
responsibilities remaining with the natural parent after the 331
transfer of legal custody of the child, including, but not 332
necessarily limited to, the privilege of reasonable visitation, 333
consent to adoption, the privilege to determine the child's 334
religious affiliation, and the responsibility for support. 335

(47) "School day" means the school day established by the 336
~~state~~ board of education of the applicable school district 337
pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 338

(48) "School ~~month~~ and "school year" ~~have~~ has the same 339
~~meanings~~ meaning as in section 3313.62 of the Revised Code. 340

(49) "Secure correctional facility" means a facility under 341
the direction of the department of youth services that is designed 342
to physically restrict the movement and activities of children and 343
used for the placement of children after adjudication and 344
disposition. 345

(50) "Sexual activity" has the same meaning as in section 346
2907.01 of the Revised Code. 347

(51) "Shelter" means the temporary care of children in 348

physically unrestricted facilities pending court adjudication or
disposition. 349
350

(52) "Shelter for victims of domestic violence" has the same
meaning as in section 3113.33 of the Revised Code. 351
352

(53) "Temporary custody" means legal custody of a child who
is removed from the child's home, which custody may be terminated
at any time at the discretion of the court or, if the legal
custody is granted in an agreement for temporary custody, by the
person who executed the agreement. 353
354
355
356
357

(C) For the purposes of this chapter, a child shall be
presumed abandoned when the parents of the child have failed to
visit or maintain contact with the child for more than ninety
days, regardless of whether the parents resume contact with the
child after that period of ninety days. 358
359
360
361
362

Sec. 3301.41. (A) The partnership for continued learning is
hereby established. The partnership shall consist of the following
members: 363
364
365

(1) The governor; 366

(2) The superintendent of public instruction; 367

(3) The chancellor of the Ohio board of regents; 368

(4) The director of development; 369

(5) Three representatives of the private sector, appointed by
the governor; 370
371

(6) Two representatives of organizations that have formed
regional partnerships to foster collaboration among providers of
preschool through postsecondary education, appointed by the
governor; 372
373
374
375

(7) One member of the student access and success coordinating
council of Ohio, appointed by the governor; 376
377

(8) Two representatives of elementary and secondary schools, 378
one of whom shall be a member of the state board of education and 379
one of whom shall represent chartered nonpublic schools, appointed 380
by the governor; 381

(9) Two representatives of institutions of higher education, 382
one of whom shall be a member of the Ohio board of regents and one 383
of whom shall represent nonprofit institutions of higher education 384
that hold certificates of authorization issued by the board of 385
regents under section 1713.02 of the Revised Code, appointed by 386
the governor; 387

(10) One member of the state workforce policy board 388
prescribed by section 6301.04 of the Revised Code, appointed by 389
the governor; 390

(11) One teacher who teaches any of grades kindergarten 391
through twelve in a school district, appointed by the governor; 392

(12) One teacher who teaches any of grades kindergarten 393
through twelve in a chartered nonpublic school, appointed by the 394
governor; 395

(13) One teacher who teaches in any of grades nine through 396
twelve in a career center, appointed by the governor; 397

(14) One representative of a comprehensive or compact 398
career-technical school, appointed by the governor; 399

(15) The chairpersons and ranking minority members of the 400
education committees of the senate and house of representatives. 401

(B) Appointed members of the partnership shall serve at the 402
pleasure of the governor. 403

(C) The governor shall serve as chairperson of the 404
partnership. The partnership shall meet at least quarterly and at 405
other times upon the call of the chairperson to conduct its 406
business. 407

Sec. 3301.42. The partnership for continued learning shall 408
promote systemic approaches to education by supporting regional 409
efforts to foster collaboration among providers of preschool 410
through postsecondary education, identifying the workforce needs 411
of private sector employers in the state, and making 412
recommendations for facilitating collaboration among providers of 413
preschool through postsecondary education and for maintaining a 414
high-quality workforce in the state. Copies of the recommendations 415
shall be provided to the governor, the president and minority 416
leader of the senate, the speaker and minority leader of the house 417
of representatives, the chairpersons and ranking minority members 418
of the standing committees of the senate and the house of 419
representatives that consider education legislation, the 420
chairperson of the Ohio board of regents, and the president of the 421
state board of education. The recommendations shall address at 422
least the following issues: 423

(A) Expansion of access to preschool and other learning 424
opportunities for children under five years old; 425

(B) Increasing opportunities for students to earn credit 426
toward a degree from an institution of higher education while 427
enrolled in high school, including expanded opportunities for 428
students to earn that credit on their high school campuses; a 429
definition of "in good standing" for purposes of section 3313.6013 430
of the Revised Code; and legislative changes that the partnership, 431
in consultation with the Ohio board of regents and the state board 432
of education, determines would improve the operation of the 433
post-secondary enrollment options program established under 434
Chapter 3365. of the Revised Code and other dual enrollment 435
programs. The recommendations for legislative changes required by 436
this division shall be issued not later than May 31, 2007. 437

(C) Expansion of access to workforce development programs 438

administered by school districts, institutions of higher	439
education, and other providers of career-technical education;	440
(D) Alignment of the statewide academic standards for grades	441
nine through twelve adopted under section 3301.079 of the Revised	442
Code, the Ohio graduation tests prescribed by division (B) of	443
section 3301.0710 of the Revised Code, and the curriculum	444
requirements for a high school diploma prescribed by section	445
3313.603 of the Revised Code with the expectations of employers	446
and institutions of higher education regarding the knowledge and	447
skills that high school graduates should attain prior to entering	448
the workforce or enrolling in an institution of higher education;	449
(E) Improving the science and mathematics skills of students	450
and employees to meet the needs of a knowledge-intensive economy;	451
(F) Reducing the number of students who need academic	452
remediation after enrollment in an institution of higher	453
education;	454
(G) Expansion of <u>school counseling career and educational</u>	455
<u>programs</u> , access programs, and other strategies to overcome	456
financial, cultural, and organizational barriers <u>that interfere</u>	457
<u>with students' planning for postsecondary education and that</u>	458
prevent students from obtaining a postsecondary education;	459
(H) Alignment of teacher preparation programs approved by the	460
state board of education pursuant to section 3319.23 of the	461
Revised Code with the instructional needs and expectations of	462
school districts;	463
(I) Strategies for retaining more graduates of Ohio	464
institutions of higher education in the state and for attracting	465
talented individuals from outside Ohio to work in the state;	466
(J) Strategies for promoting life-long <u>lifelong</u> continuing	467
education as a component of maintaining a strong workforce and	468

economy; 469

(K) Appropriate measures of the impact of statewide efforts 470
to promote collaboration among providers of preschool through 471
postsecondary education and to develop a high-quality workforce 472
and strategies for collecting and sharing data relevant to such 473
measures; 474

(L) Strategies for developing and improving opportunities and 475
for removing barriers to achievement for children identified as 476
gifted under Chapter 3324. of the Revised Code; 477

(M) Legislative changes to establish criteria by which state 478
universities may waive the general requirement, under division (B) 479
of section 3345.06 of the Revised Code, that a student complete 480
the Ohio core curriculum to be admitted as an undergraduate. The 481
partnership at least shall consider criteria for waiving the 482
requirement for students who have served in the military and 483
students who entered ninth grade on or after July 1, 2010, in 484
another state and moved to Ohio prior to high school graduation. 485
The recommendations for legislative changes under this division 486
shall be developed in consultation with the Ohio board of regents 487
and shall be issued not later than July 1, 2007. 488

Sec. 3301.43. The partnership for continued learning, in 489
collaboration with the Ohio board of regents and the state board 490
of education, shall recommend a means of assessing high school 491
students' college and work readiness, especially in English and 492
mathematics. The partnership shall recommend one or more 493
assessments that can achieve the following goals: 494

(A) Measure students' skills against identified college and 495
work-ready expectations in English and mathematics and serve as an 496
indicator of students' readiness to successfully complete 497
introductory level coursework at an institution of higher 498
education and to avoid remedial coursework; 499

(B) Promote consistency in high school academic course 500
content, quality, and expectations; 501

(C) Provide individual students with information to assist in 502
planning the remaining high school learning experience; 503

(D) Serve as one indicator for college admission or 504
placement; 505

(E) Assist institutions of higher education in aligning 506
remedial coursework with the college and work-ready expectations 507
measured by the assessments. 508

In evaluating the range of assessment tools, the partnership 509
shall consult with the state board of education and the board of 510
regents to consider the suitability for this purpose of existing 511
state and commercial assessments, including the Ohio graduation 512
tests. The partnership's recommendations shall describe how its 513
recommended assessments fit within the existing system of state 514
achievement tests established under section 3301.0710 of the 515
Revised Code. 516

The partnership shall submit its recommendations not later 517
than July 30, 2007, to the governor, the speaker and minority 518
leader of the house of representatives, the president and minority 519
leader of the senate, the chairpersons and ranking minority 520
members of the standing committees of the house of representatives 521
and the senate that consider education legislation, the state 522
board of education, the superintendent of public instruction, the 523
board of regents, and the chancellor of the board of regents. 524

Sec. 3301.46. Not later than April 30, 2009, the department 525
of education and the Ohio board of regents jointly shall propose a 526
standard method and form for documenting on high school 527
transcripts high school credits earned that are compatible with 528
the standards for credit transfer and articulation adopted by the 529

board of regents under sections 3333.16 and 3333.161 of the 530
Revised Code and any electronic clearinghouse for student 531
transcript transfer developed by the board of regents. The 532
proposal shall be submitted to the state board of education, the 533
chancellor of the board of regents, the partnership for continued 534
learning, the governor, the speaker and minority leader of the 535
house of representatives, the president and minority leader of the 536
senate, and the chairpersons and ranking minority members of the 537
standing committees of the house of representatives and the senate 538
that consider education legislation. 539

Sec. 3302.032. Not later than June 30, 2012, the state board 540
of education shall select one or more methods of measuring high 541
school graduates' preparedness for higher education and the 542
workforce. The measures may include, but need not be limited to, 543
student performance on the assessments recommended under section 544
3301.43 of the Revised Code, the percentage of students who earn 545
credit toward a degree from an institution of higher education 546
while enrolled in high school, or the percentage of students who 547
take remedial coursework upon enrollment in an institution of 548
higher education. 549

The department of education annually shall include the school 550
district's or school building's performance on each applicable 551
measure on the report card issued for that district or building 552
under section 3302.03 of the Revised Code, beginning with the 553
report cards issued for the 2012-2013 school year. The department 554
shall not apply the measures to the school district's or 555
building's rating under division (B) of that section. Prior to 556
selecting the measures, the state board shall consult with the 557
partnership for continued learning and the Ohio board of regents. 558

Sec. 3313.472. (A) The board of education of each city, 559

exempted village, local, and joint vocational school district 560
shall adopt a policy on parental involvement in the schools of the 561
district. The policy shall be designed to build consistent and 562
effective communication between the parents and foster caregivers 563
of students enrolled in the district and the teachers and 564
administrators assigned to the schools their children or foster 565
children attend. The policy shall provide the opportunity for 566
parents and foster caregivers to be actively involved in their 567
children's or foster children's education and to be informed of 568
the following: 569

~~(A)~~(1) The importance of the involvement of parents and 570
foster caregivers in directly affecting the success of their 571
children's or foster children's educational efforts; 572

~~(B)~~(2) How and when to assist their children or foster 573
children in and support their children's or foster children's 574
classroom learning activities; 575

~~(C)~~(3) Techniques, strategies, and skills to use at home to 576
improve their children's or foster children's academic success and 577
to support their children's or foster children's academic efforts 578
at school and their children's or foster children's development as 579
future responsible adult members of society. 580

(B) The state board of education shall adopt recommendations 581
for the development of parental involvement policies under this 582
section. Prior to adopting the recommendations, the state board 583
shall consult with the national center for parents at the 584
university of Toledo. 585

Sec. 3313.48. (A) The board of education of each city, 586
exempted village, local, and joint vocational school district 587
shall provide for the free education of the youth of school age 588
within the district under its jurisdiction, at such places as will 589
be most convenient for the attendance of the largest number 590

thereof. ~~Except as provided in section 3313.481 of the Revised~~ 591
~~Code, each~~ Each school so provided and each chartered nonpublic 592
school shall be open for instruction with pupils in attendance, 593
including scheduled classes, supervised activities, and approved 594
education options but excluding lunch and breakfast periods and 595
extracurricular activities, for not less than ~~one hundred~~ 596
~~eighty two days~~ four hundred fifty-five hours in the case of 597
pupils in kindergarten unless such pupils are provided all-day 598
kindergarten, as defined in section 3317.029 of the Revised Code, 599
in which case the pupils shall be in attendance for nine hundred 600
ten hours; nine hundred ten hours in the case of pupils in grades 601
one through six; and one thousand one hours in the case of pupils 602
in grades seven through twelve in each school year, which may 603
include all of the following: 604

~~(A)(1)~~ Up to four school days ten hours per year in which 605
classes are dismissed one half day early or the equivalent amount 606
of time during a different number of days in grades kindergarten 607
through six and up to eleven hours per year in grades seven 608
through twelve during which pupils would otherwise be in 609
attendance but are not required to attend for the purpose of 610
individualized parent-teacher conferences and reporting periods; 611

~~(B)(2)~~ Up to two days ten hours per year during which pupils 612
would otherwise be in attendance but are not required to attend 613
for professional meetings of teachers ~~when such days occur during~~ 614
~~a regular school week and schools are not in session of grades~~ 615
kindergarten through six, and up to eleven hours per year for such 616
meetings of teachers of grades seven through twelve; 617

~~(C)~~ ~~The number of days the school is closed as a result of~~ 618
~~public calamity, as provided in section 3317.01 of the Revised~~ 619
~~Code~~ (3) Morning and afternoon recess periods of not more than 620
fifteen minutes duration per period for pupils in grades 621
kindergarten through six. 622

~~The state board of education shall adopt standards for~~ 623
~~defining "school day" as used in sections 3313.48 and 3317.01 of~~ 624
~~the Revised Code.~~ 625

~~Except as otherwise provided in this section, each day for~~ 626
~~grades seven through twelve shall consist of not less than five~~ 627
~~clock hours with pupils in attendance, except in such emergency~~ 628
~~situations, including lack of classroom space, as are approved by~~ 629
~~the state board of education. Except as otherwise provided in this~~ 630
~~section, each day for grades one through six shall consist of not~~ 631
~~less than five clock hours with pupils in attendance which may~~ 632
~~include fifteen minute morning and afternoon recess periods,~~ 633
~~except in such emergency situations, including lack of classroom~~ 634
~~space, as are approved by the state board of education.~~ 635

(B) No school operated by a city, exempted village, local, or 636
joint vocational school district shall reduce the number of hours 637
in each school year and the number days in each school week that 638
the school is scheduled to be open for instruction from the number 639
of hours per year and the number of days per week the school was 640
open for instruction during the previous school year unless either 641
reduction is approved by a resolution adopted by the district 642
board of education. Any reduction so approved shall not result in 643
fewer hours of instruction per school year than the applicable 644
number of hours required under this section. 645

(C) Prior to making any change in the hours or days in which 646
a high school under its jurisdiction is open for instruction, the 647
board of education of each city, exempted village, and local 648
school district shall consider the compatibility of the proposed 649
change with the scheduling needs of any joint vocational school 650
district in which any of the high school's students are also 651
enrolled. The board shall consider the impact of the proposed 652
change on student access to the instructional programs offered by 653
the joint vocational school district, incentives for students to 654

participate in vocational education, transportation, and the
timing of graduation. The board shall provide the joint vocational
school district board with advance notice of the proposed change
and the two boards shall enter into a written agreement
prescribing reasonable accommodations to meet the scheduling needs
of the joint vocational school district prior to implementation of
the change.

655
656
657
658
659
660
661

(D) Prior to making any change in the hours or days in which
the schools under its jurisdiction are open for instruction, the
board of education of each city, exempted village, and local
school district shall consult with the chartered nonpublic schools
and community schools, established under Chapter 3314. of the
Revised Code, to which the district is required to transport
students under section 3314.09 or 3327.01 of the Revised Code and
shall consider the effect of the proposed change on the schedule
for transportation of those students to their nonpublic or
community schools.

662
663
664
665
666
667
668
669
670
671

Sec. 3313.481. Wherever in Title XXXVIII of the Revised Code
the term "school day" is used, unless otherwise specified, that
term shall be construed to mean the time during a calendar day
other than Saturday or Sunday that a school is open for
instruction pursuant to the schedule adopted by the board of
education of the school district or the governing authority of the
chartered nonpublic school in accordance with section 3313.48 of
the Revised Code.

672
673
674
675
676
677
678
679

Sec. 3313.533. (A) The board of education of a city, exempted
village, or local school district may adopt a resolution to
establish and maintain an alternative school in accordance with
this section. The resolution shall specify, but not necessarily be
limited to, all of the following:

680
681
682
683
684

(1) The purpose of the school, which purpose shall be to 685
serve students who are on suspension, who are having truancy 686
problems, who are experiencing academic failure, who have a 687
history of class disruption, who are exhibiting other academic or 688
behavioral problems specified in the resolution, or who have been 689
discharged or released from the custody of the department of youth 690
services under section 5139.51 of the Revised Code; 691

(2) The grades served by the school, which may include any of 692
grades kindergarten through twelve; 693

(3) A requirement that the school be operated in accordance 694
with this section. The board of education adopting the resolution 695
under division (A) of this section shall be the governing board of 696
the alternative school. The board shall develop and implement a 697
plan for the school in accordance with the resolution establishing 698
the school and in accordance with this section. Each plan shall 699
include, but not necessarily be limited to, all of the following: 700

(a) Specification of the reasons for which students will be 701
accepted for assignment to the school and any criteria for 702
admission that are to be used by the board to approve or 703
disapprove the assignment of students to the school; 704

(b) Specification of the criteria and procedures that will be 705
used for returning students who have been assigned to the school 706
back to the regular education program of the district; 707

(c) An evaluation plan for assessing the effectiveness of the 708
school and its educational program and reporting the results of 709
the evaluation to the public. 710

(B) Notwithstanding any provision of Title XXXIII of the 711
Revised Code to the contrary, the alternative school plan may 712
include any of the following: 713

(1) A requirement that on each school day students must 714

attend school or participate in other programs specified in the 715
plan or by the chief administrative officer of the school for a 716
period equal to the minimum school day set by the ~~state~~ board of 717
education under section 3313.48 of the Revised Code plus any 718
additional time required in the plan or by the chief 719
administrative officer; 720

(2) Restrictions on student participation in extracurricular 721
or interscholastic activities; 722

(3) A requirement that students wear uniforms prescribed by 723
the district board of education. 724

(C) In accordance with the alternative school plan, the 725
district board of education may employ teachers and nonteaching 726
employees necessary to carry out its duties and fulfill its 727
responsibilities or may contract with a nonprofit or for profit 728
entity to operate the alternative school, including the provision 729
of personnel, supplies, equipment, or facilities. 730

(D) An alternative school may be established in all or part 731
of a school building. 732

(E) If a district board of education elects under this 733
section, or is required by section 3313.534 of the Revised Code, 734
to establish an alternative school, the district board may join 735
with the board of education of one or more other districts to form 736
a joint alternative school by forming a cooperative education 737
school district under section 3311.52 or 3311.521 of the Revised 738
Code, or a joint educational program under section 3313.842 of the 739
Revised Code. The authority to employ personnel or to contract 740
with a nonprofit or for profit entity under division (C) of this 741
section applies to any alternative school program established 742
under this division. 743

(F) Any individual employed as a teacher at an alternative 744
school operated by a nonprofit or for profit entity under this 745

section shall be licensed and shall be subject to background 746
checks, as described in section 3319.39 of the Revised Code, in 747
the same manner as an individual employed by a school district. 748

(G) Division (G) of this section applies only to any 749
alternative school that is operated by a nonprofit or for profit 750
entity under contract with the school district. 751

(1) In addition to the specifications authorized under 752
division (B) of this section, any plan adopted under that division 753
for an alternative school to which division (G) of this section 754
also applies shall include the following: 755

(a) A description of the educational program provided at the 756
alternative school, which shall include: 757

(i) Provisions for the school to be configured in clusters or 758
small learning communities; 759

(ii) Provisions for the incorporation of education technology 760
into the curriculum; 761

(iii) Provisions for accelerated learning programs in reading 762
and mathematics. 763

(b) A method to determine the reading and mathematics level 764
of each student assigned to the alternative school and a method to 765
continuously monitor each student's progress in those areas. The 766
methods employed under this division shall be aligned with the 767
curriculum adopted by the school district board of education under 768
section 3313.60 of the Revised Code. 769

(c) A plan for social services to be provided at the 770
alternative school, such as, but not limited to, counseling 771
services, psychological support services, and enrichment programs; 772

(d) A plan for a student's transition from the alternative 773
school back to a school operated by the school district; 774

(e) A requirement that the alternative school maintain 775

financial records in a manner that is compatible with the form 776
prescribed for school districts by the auditor of state to enable 777
the district to comply with any rules adopted by the auditor of 778
state. 779

(2) Notwithstanding division (A)(2) of this section, any 780
alternative school to which division (G) of this section applies 781
shall include only grades six through twelve. 782

(3) Notwithstanding anything in division (A)(3)(a) of this 783
section to the contrary, the characteristics of students who may 784
be assigned to an alternative school to which division (G) of this 785
section applies shall include only disruptive and low-performing 786
students. 787

(H) When any district board of education determines to 788
contract with a nonprofit or for profit entity to operate an 789
alternative school under this section, the board shall use the 790
procedure set forth in this division. 791

(1) The board shall publish notice of a request for proposals 792
in a newspaper of general circulation in the district once each 793
week for a period of at least two consecutive weeks prior to the 794
date specified by the board for receiving proposals. Notices of 795
requests for proposals shall contain a general description of the 796
subject of the proposed contract and the location where the 797
request for proposals may be obtained. The request for proposals 798
shall include all of the following information: 799

(a) Instructions and information to respondents concerning 800
the submission of proposals, including the name and address of the 801
office where proposals are to be submitted; 802

(b) Instructions regarding communications, including at least 803
the names, titles, and telephone numbers of persons to whom 804
questions concerning a proposal may be directed; 805

(c) A description of the performance criteria that will be used to evaluate whether a respondent to which a contract is awarded is meeting the district's educational standards or the method by which such performance criteria will be determined;

(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed;

(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond;

(f) Documents that may be incorporated by reference into the request for proposals, provided that the request for proposals specifies where such documents may be obtained and that such documents are readily available to all interested parties.

(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following:

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility. 836

(3) The board shall select for further review at least three 837
proposals from respondents the board considers qualified to 838
operate the alternative school in the best interests of the 839
students and the district. If fewer than three proposals are 840
submitted, the board shall select each proposal submitted. The 841
board may cancel a request for proposals or reject all proposals 842
at any time prior to the execution of a contract. 843

The board may hold discussions with any of the three selected 844
respondents to clarify or revise the provisions of a proposal or 845
the proposed contract to ensure complete understanding between the 846
board and the respondent of the terms under which a contract will 847
be entered. Respondents shall be accorded fair and equal treatment 848
with respect to any opportunity for discussion regarding 849
clarifications or revisions. The board may terminate or 850
discontinue any further discussion with a respondent upon written 851
notice. 852

(4) Upon further review of the three proposals selected by 853
the board, the board shall award a contract to the respondent the 854
board considers to have the most merit, taking into consideration 855
the scope, complexity, and nature of the services to be performed 856
by the respondent under the contract. 857

(5) Except as provided in division (H)(6) of this section, 858
the request for proposals, submitted proposals, and related 859
documents shall become public records under section 149.43 of the 860
Revised Code after the award of the contract. 861

(6) Any respondent may request in writing that the board not 862
disclose confidential or proprietary information or trade secrets 863
contained in the proposal submitted by the respondent to the 864
board. Any such request shall be accompanied by an offer of 865
indemnification from the respondent to the board. The board shall 866

determine whether to agree to the request and shall inform the
respondent in writing of its decision. If the board agrees to
nondisclosure of specified information in a proposal, such
information shall not become a public record under section 149.43
of the Revised Code. If the respondent withdraws its proposal at
any time prior to the execution of a contract, the proposal shall
not be a public record under section 149.43 of the Revised Code.

(I) Upon a recommendation from the department and in
accordance with section 3301.16 of the Revised Code, the state
board of education may revoke the charter of any alternative
school operated by a school district that violates this section.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of
course instruction, except that for a laboratory course, "one
unit" means a minimum of one hundred fifty hours of course
instruction.

(2) "One-half unit" means a minimum of sixty hours of course
instruction, except that for physical education courses, "one-half
unit" means a minimum of one hundred twenty hours of course
instruction.

(B) Beginning September 15, 2001, except as required in
division (C) of this section and division (C) of section 3313.614
of the Revised Code, the requirements for graduation from every
high school shall include twenty units earned in grades nine
through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) Social studies, three units, which shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, seven units until September 15, 2003, and six units thereafter.

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall

<u>include the following, or their equivalent:</u>	925
<u>(a) Physical sciences, one unit;</u>	926
<u>(b) Biology, one unit;</u>	927
<u>(c) Advanced study in one or more of the following sciences,</u> <u>one unit:</u>	928 929
<u>(i) Chemistry, physics, or other physical science;</u>	930
<u>(ii) Advanced biology or other life science;</u>	931
<u>(iii) Astronomy, physical geology, or other earth or space</u> <u>science.</u>	932 933
<u>(6) Social studies, three units, which shall include both of</u> <u>the following:</u>	934 935
<u>(a) American history, one-half unit;</u>	936
<u>(b) American government, one-half unit.</u>	937
<u>Each school shall integrate the study of economics and</u> <u>financial literacy, as expressed in the social studies academic</u> <u>content standards adopted by the state board of education under</u> <u>section 3301.079 of the Revised Code, into one or more existing</u> <u>social studies credits required under division (C)(6) of this</u> <u>section, or into the content of another class, so that every high</u> <u>school student receives instruction in those concepts. In</u> <u>developing the curriculum required by this paragraph, schools</u> <u>shall use available public-private partnerships and resources and</u> <u>materials that exist in business, industry, and through the</u> <u>centers for economics education at institutions of higher</u> <u>education in the state.</u>	938 939 940 941 942 943 944 945 946 947 948 949
<u>(7) Five units consisting of one or any combination of</u> <u>foreign language, fine arts, business, career-technical education,</u> <u>family and consumer sciences, technology, agricultural education,</u> <u>or English language arts, mathematics, science, or social studies</u>	950 951 952 953

courses not otherwise required under division (C) of this section. 954

Ohioans must be prepared to apply increased knowledge and 955
skills in the workplace and to adapt their knowledge and skills 956
quickly to meet the rapidly changing conditions of the 957
twenty-first century. National studies indicate that all high 958
school graduates need the same academic foundation, regardless of 959
the opportunities they pursue after graduation. The goal of Ohio's 960
system of elementary and secondary education is to prepare all 961
students for and seamlessly connect all students to success in 962
life beyond high school graduation, regardless of whether the next 963
step is entering the workforce, beginning an apprenticeship, 964
engaging in post-secondary training, serving in the military, or 965
pursuing a college degree. 966

The Ohio core curriculum is the standard expectation for all 967
students entering ninth grade for the first time at a public or 968
chartered nonpublic high school on or after July 1, 2010. A 969
student may satisfy this expectation through a variety of methods, 970
including, but not limited to, integrated, applied, 971
career-technical, and traditional coursework. 972

Whereas teacher quality is essential for student success in 973
completing the Ohio core curriculum, the general assembly shall 974
appropriate funds for strategic initiatives designed to strengthen 975
schools' capacities to hire and retain highly qualified teachers 976
in the subject areas required by the curriculum. Such initiatives 977
are expected to require an investment of \$120,000,000 over five 978
years. 979

Stronger coordination between high schools and institutions 980
of higher education is necessary to prepare students for more 981
challenging academic endeavors and to lessen the need for academic 982
remediation in college, thereby reducing the costs of higher 983
education for Ohio's students, families, and the state. The state 984

board of education, the Ohio board of regents, and the partnership 985
for continued learning shall develop policies to ensure that only 986
in rare instances will students who complete the Ohio core 987
curriculum require academic remediation after high school. 988

School districts, community schools, and chartered nonpublic 989
schools shall integrate technology into learning experiences 990
whenever practicable across the curriculum in order to maximize 991
efficiency, enhance learning, and prepare students for success in 992
the technology-driven twenty-first century. Districts and schools 993
may use distance and web-based course delivery as a method of 994
providing or augmenting all instruction required under this 995
division, including laboratory experience in science. Districts 996
and schools shall whenever practicable utilize technology access 997
and electronic learning opportunities provided by the eTech Ohio 998
commission, the Ohio learning network, education technology 999
centers, public television stations, and other public and private 1000
providers. 1001

(D) Except as provided in division (E) of this section, a 1002
student who enters ninth grade on or after July 1, 2010, and 1003
before July 1, 2014, may qualify for graduation from a public or 1004
chartered nonpublic high school even though the student has not 1005
completed the Ohio core curriculum prescribed in division (C) of 1006
this section if all of the following conditions are satisfied: 1007

(1) After the student has attended high school for two years, 1008
as determined by the school, the student and the student's parent, 1009
guardian, or custodian sign and file with the school a written 1010
statement asserting the parent's, guardian's, or custodian's 1011
consent to the student's graduating without completing the Ohio 1012
core curriculum and acknowledging that one consequence of not 1013
completing the Ohio core curriculum is ineligibility to enroll in 1014
most state universities in Ohio without further coursework. 1015

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. 1016
1017
1018
1019
1020

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship. 1021
1022
1023
1024
1025
1026

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience. 1027
1028
1029
1030

(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section. 1031
1032

The partnership for continued learning, in collaboration with the department of education and the Ohio board of regents, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The partnership shall submit its findings and any recommendations not later than August 1, 2014, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction. 1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045

(E) Each school district and chartered nonpublic school 1046

retains the authority to require an even more rigorous minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department of education, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the Ohio core curriculum prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that

significantly interfere with their academic progress such that 1078
they are prevented from continuing their traditional programs. 1079

(3) The program requires students to attain at least the 1080
applicable score designated for each of the tests prescribed under 1081
division (B) of section 3301.0710 of the Revised Code. 1082

(4) The program develops an individual career plan for the 1083
student that specifies the student's matriculating to a two-year 1084
degree program, acquiring a business and industry credential, or 1085
entering an apprenticeship. 1086

(5) The program provides counseling and support for the 1087
student related to the plan developed under division (F)(4) of 1088
this section during the remainder of the student's high school 1089
experience. 1090

(6) The program requires the student and the student's 1091
parent, guardian, or custodian to sign and file, in accordance 1092
with procedural requirements stipulated by the program, a written 1093
statement asserting the parent's, guardian's, or custodian's 1094
consent to the student's graduating without completing the Ohio 1095
core curriculum and acknowledging that one consequence of not 1096
completing the Ohio core curriculum is ineligibility to enroll in 1097
most state universities in Ohio without further coursework. 1098

(7) Prior to receiving the waiver, the program has submitted 1099
to the department an instructional plan that demonstrates how the 1100
academic content standards adopted by the state board of education 1101
under section 3301.079 of the Revised Code will be taught and 1102
assessed. 1103

If the department does not act either to grant the waiver or 1104
to reject the program application for the waiver within sixty days 1105
as required under this section, the waiver shall be considered to 1106
be granted. 1107

(G) Every high school may permit students below the ninth grade to take advanced work for high school credit. A high school shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

~~(D)~~ Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and ~~technical~~ career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board of education, in consultation with the

Ohio board of regents and the partnership for continued learning, 1139
shall adopt a statewide plan implementing methods for students to 1140
earn units of high school credit based on a demonstration of 1141
subject area competency, instead of or in combination with 1142
completing hours of classroom instruction. The state board shall 1143
adopt the plan not later than March 31, 2009, and commence phasing 1144
in the plan during the 2009-2010 school year. The plan shall 1145
include a standard method for recording demonstrated proficiency 1146
on high school transcripts. Each school district, community 1147
school, and chartered nonpublic school shall comply with the state 1148
board's plan adopted under this division and award units of high 1149
school credit in accordance with the plan. The state board may 1150
adopt existing methods for earning high school credit based on a 1151
demonstration of subject area competency as necessary prior to the 1152
2009-2010 school year. 1153

(K) This division does not apply to students who qualify for 1154
graduation from high school under division (D) or (F) of this 1155
section, or to students pursuing a career-technical instructional 1156
track as determined by the school district board of education or 1157
the chartered nonpublic school's governing authority. 1158
Nevertheless, the general assembly encourages such students to 1159
consider enrolling in a fine arts course as an elective. 1160

Beginning with students who enter ninth grade for the first 1161
time on or after July 1, 2010, each student enrolled in a public 1162
or chartered nonpublic high school shall complete two semesters or 1163
the equivalent of fine arts to graduate from high school. The 1164
coursework may be completed in any of grades seven to twelve. Each 1165
student who completes a fine arts course in grade seven or eight 1166
may elect to count that course toward the five units of electives 1167
required for graduation under division (C)(7) of this section, if 1168
the course satisfied the requirements of division (G) of this 1169
section. In that case, the high school shall award the student 1170

high school credit for the course and count the course toward the 1171
five units required under division (C)(7) of this section. If the 1172
course in grade seven or eight did not satisfy the requirements of 1173
division (G) of this section, the high school shall not award the 1174
student high school credit for the course but shall count the 1175
course toward the two semesters or the equivalent of fine arts 1176
required by this division. 1177

(L) Notwithstanding anything to the contrary in this section, 1178
the board of education of each school district and the governing 1179
authority of each chartered nonpublic school may adopt a policy to 1180
excuse from the high school physical education requirement each 1181
student who, during high school, has participated in 1182
interscholastic athletics, marching band, or cheerleading for at 1183
least two full seasons. If the board or authority adopts such a 1184
policy, the board or authority shall not require the student to 1185
complete any physical education course as a condition to graduate. 1186
However, the student shall be required to complete one-half unit, 1187
consisting of at least sixty hours of instruction, in another 1188
course of study. 1189

Sec. 3313.6013. (A) As used in this section, "dual enrollment 1190
program" means a program that enables a student to earn credit 1191
toward a degree from an institution of higher education while 1192
enrolled in high school or that enables a student to complete 1193
coursework while enrolled in high school that may earn credit 1194
toward a degree from an institution of higher education upon the 1195
student's attainment of a specified score on an examination 1196
covering the coursework. Dual enrollment programs may include any 1197
of the following: 1198

(1) The post-secondary enrollment options program established 1199
under Chapter 3365. of the Revised Code; 1200

(2) Advanced placement courses; 1201

(3) Any similar program established pursuant to an agreement 1202
between a school district or chartered nonpublic high school and 1203
an institution of higher education. 1204

(B) Each city, local, exempted village, and joint vocational 1205
school district and each chartered nonpublic high school shall 1206
provide students enrolled in grades nine through twelve with the 1207
opportunity to participate in a dual enrollment program. For this 1208
purpose, each school district and chartered nonpublic high school 1209
shall offer at least one dual enrollment program in accordance 1210
with division (B)(1) or (2) of this section, as applicable. 1211

(1) A city, local, or exempted village school district meets 1212
the requirements of this division through its mandatory 1213
participation in the post-secondary enrollment options program 1214
established under Chapter 3365. of the Revised Code. However, a 1215
city, local, or exempted village school district may offer any 1216
other dual enrollment program, in addition to the post-secondary 1217
enrollment options program, and each joint vocational school 1218
district shall offer at least one other dual enrollment program, 1219
to students in good standing, as defined by the partnership for 1220
continued learning under section 3301.42 of the Revised Code. 1221

(2) A chartered nonpublic high school that elects to 1222
participate in the post-secondary enrollment options program 1223
established under Chapter 3365. of the Revised Code meets the 1224
requirements of this division. Each chartered nonpublic high 1225
school that elects not to participate in the post-secondary 1226
enrollment options program instead shall offer at least one other 1227
dual enrollment program to students in good standing, as defined 1228
by the partnership for continued learning under section 3301.42 of 1229
the Revised Code. 1230

(C) Each school district and each chartered nonpublic high 1231
school shall provide information about the dual enrollment 1232

programs offered by the district or school to all students 1233
enrolled in grades eight through eleven. 1234

Sec. 3313.6014. The board of education of each city, exempted 1235
village, and local school district shall by resolution adopt a 1236
procedure for notifying the parent, guardian, or custodian of each 1237
student enrolled in a high school operated by the district or 1238
enrolled in a school operated by the joint vocational school 1239
district to which the city, exempted village, or local district 1240
belongs of the requirements of the Ohio core curriculum prescribed 1241
in section 3313.603 of the Revised Code and that one consequence 1242
of not completing that curriculum is ineligibility to enroll in 1243
most state universities in Ohio without further coursework. 1244

This section does not create a new cause of action or 1245
substantive legal right. 1246

Sec. 3313.61. (A) A diploma shall be granted by the board of 1247
education of any city, exempted village, or local school district 1248
that operates a high school to any person to whom all of the 1249
following apply: 1250

(1) The person has successfully completed the curriculum in 1251
any high school or the individualized education program developed 1252
for the person by any high school pursuant to section 3323.08 of 1253
the Revised Code, or has qualified under division (D) or (F) of 1254
section 3313.603 of the Revised Code, provided that no school 1255
district shall require a student to remain in school for any 1256
specific number of semesters or other terms if the student 1257
completes the required curriculum early; 1258

(2) Subject to section 3313.614 of the Revised Code, the 1259
person either: 1260

(a) Has attained at least the applicable scores designated 1261
under division (B) of section 3301.0710 of the Revised Code on all 1262

the tests required by that division unless the person was excused 1263
from taking any such test pursuant to section 3313.532 of the 1264
Revised Code or unless division (H) or (L) of this section applies 1265
to the person; 1266

(b) Has satisfied the alternative conditions prescribed in 1267
section 3313.615 of the Revised Code. 1268

(3) The person is not eligible to receive an honors diploma 1269
granted pursuant to division (B) of this section. 1270

Except as provided in divisions (C), (E), (J), and (L) of 1271
this section, no diploma shall be granted under this division to 1272
anyone except as provided under this division. 1273

(B) In lieu of a diploma granted under division (A) of this 1274
section, an honors diploma shall be granted, in accordance with 1275
rules of the state board of education, by any such district board 1276
to anyone who ~~successfully~~ accomplishes all of the following: 1277

(1) Successfully completes the curriculum in any high school 1278
or the individualized education program developed for the person 1279
by any high school pursuant to section 3323.08 of the Revised 1280
Code, ~~who has attained subject;~~ 1281

(2) Subject to section 3313.614 of the Revised Code, either: 1282

(a) Has attained at least the applicable scores designated 1283
under division (B) of section 3301.0710 of the Revised Code on all 1284
the tests required by that division, ~~or has;~~ 1285

(b) Has satisfied the alternative conditions prescribed in 1286
section 3313.615 of the Revised Code, ~~and who has.~~ 1287

(3) Has met additional criteria established by the state 1288
board for the granting of such a diploma. ~~Except~~ 1289

An honors diploma shall not be granted to a student who is 1290
subject to the Ohio core curriculum prescribed in division (C) of 1291
section 3313.603 of the Revised Code but elects the option of 1292

division (D) or (F) of that section. Except as provided in 1293
divisions (C), (E), and (J) of this section, no honors diploma 1294
shall be granted to anyone failing to comply with this division 1295
and no more than one honors diploma shall be granted to any 1296
student under this division. 1297

The state board shall adopt rules prescribing the granting of 1298
honors diplomas under this division. These rules may prescribe the 1299
granting of honors diplomas that recognize a student's achievement 1300
as a whole or that recognize a student's achievement in one or 1301
more specific subjects or both. The rules may prescribe the 1302
granting of an honors diploma recognizing technical expertise for 1303
a career-technical student. In any case, the rules shall designate 1304
two or more criteria for the granting of each type of honors 1305
diploma the board establishes under this division and the number 1306
of such criteria that must be met for the granting of that type of 1307
diploma. The number of such criteria for any type of honors 1308
diploma shall be at least one less than the total number of 1309
criteria designated for that type and no one or more particular 1310
criteria shall be required of all persons who are to be granted 1311
that type of diploma. 1312

(C) Any such district board administering any of the tests 1313
required by section 3301.0710 or 3301.0712 of the Revised Code to 1314
any person requesting to take such test pursuant to division 1315
(B)(8)(b) of section 3301.0711 of the Revised Code shall award a 1316
diploma to such person if the person attains at least the 1317
applicable scores designated under division (B) of section 1318
3301.0710 of the Revised Code on all the tests administered and if 1319
the person has previously attained the applicable scores on all 1320
the other tests required by division (B) of that section or has 1321
been exempted or excused from attaining the applicable score on 1322
any such test pursuant to division (H) or (L) of this section or 1323
from taking any such test pursuant to section 3313.532 of the 1324

Revised Code. 1325

(D) Each diploma awarded under this section shall be signed 1326
by the president and treasurer of the issuing board, the 1327
superintendent of schools, and the principal of the high school. 1328
Each diploma shall bear the date of its issue, be in such form as 1329
the district board prescribes, and be paid for out of the 1330
district's general fund. 1331

(E) A person who is a resident of Ohio and is eligible under 1332
state board of education minimum standards to receive a high 1333
school diploma based in whole or in part on credits earned while 1334
an inmate of a correctional institution operated by the state or 1335
any political subdivision thereof, shall be granted such diploma 1336
by the correctional institution operating the programs in which 1337
such credits were earned, and by the board of education of the 1338
school district in which the inmate resided immediately prior to 1339
the inmate's placement in the institution. The diploma granted by 1340
the correctional institution shall be signed by the director of 1341
the institution, and by the person serving as principal of the 1342
institution's high school and shall bear the date of issue. 1343

(F) Persons who are not residents of Ohio but who are inmates 1344
of correctional institutions operated by the state or any 1345
political subdivision thereof, and who are eligible under state 1346
board of education minimum standards to receive a high school 1347
diploma based in whole or in part on credits earned while an 1348
inmate of the correctional institution, shall be granted a diploma 1349
by the correctional institution offering the program in which the 1350
credits were earned. The diploma granted by the correctional 1351
institution shall be signed by the director of the institution and 1352
by the person serving as principal of the institution's high 1353
school and shall bear the date of issue. 1354

(G) The state board of education shall provide by rule for 1355

the administration of the tests required by section 3301.0710 of
the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be
exempted from attaining the applicable score on the test in social
studies designated under division (B) of section 3301.0710 of the
Revised Code or the test in citizenship designated under former
division (B) of section 3301.0710 of the Revised Code as it
existed prior to September 11, 2001:

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

(2) The person is not a permanent resident of the United
States;

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

(I) Notwithstanding division (D) of section 3311.19 and
division (D) of section 3311.52 of the Revised Code, this section
and section 3311.611 of the Revised Code do not apply to the board
of education of any joint vocational school district or any
cooperative education school district established pursuant to
divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section
3325.08 of the Revised Code that a student has received a diploma
under that section, the board of education receiving the notice
may grant a high school diploma under this section to the student,
except that such board shall grant the student a diploma if the
student meets the graduation requirements that the student would
otherwise have had to meet to receive a diploma from the district.
The diploma granted under this section shall be of the same type
the notice indicates the student received under section 3325.08 of
the Revised Code.

(K) As used in this division, "limited English proficient

student" has the same meaning as in division (C)(3) of section 1386
3301.0711 of the Revised Code. 1387

Notwithstanding division (C)(3) of section 3301.0711 of the 1388
Revised Code, no limited English proficient student who has not 1389
attained the applicable scores designated under division (B) of 1390
section 3301.0710 of the Revised Code on all the tests required by 1391
that division shall be awarded a diploma under this section. 1392

(L) Any student described by division (A)(1) of this section 1393
may be awarded a diploma without attaining the applicable scores 1394
designated on the tests prescribed under division (B) of section 1395
3301.0710 of the Revised Code provided an individualized education 1396
program specifically exempts the student from attaining such 1397
scores. This division does not negate the requirement for such a 1398
student to take all such tests or alternate assessments required 1399
by division (C)(1) of section 3301.0711 of the Revised Code for 1400
the purpose of assessing student progress as required by federal 1401
law. 1402

Sec. 3313.614. (A) As used in this section, a person 1403
"fulfills the curriculum requirement for a diploma" at the time 1404
one of the following conditions is satisfied: 1405

(1) The person successfully completes the high school 1406
curriculum of a school district, a community school, a chartered 1407
nonpublic school, or a correctional institution. 1408

(2) The person successfully completes the individualized 1409
education program developed for the person under section 3323.08 1410
of the Revised Code. 1411

(3) A board of education issues its determination under 1412
section 3313.611 of the Revised Code that the person qualifies as 1413
having successfully completed the curriculum required by the 1414
district. 1415

(B) This division specifies the testing requirements that 1416
must be fulfilled as a condition toward granting high school 1417
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 1418
of the Revised Code. 1419

(1) A person who fulfills the curriculum requirement for a 1420
diploma before September 15, 2000, is not required to pass any 1421
proficiency test or achievement test in science as a condition to 1422
receiving a diploma. 1423

(2) Except as provided in division (B)(3) of this section, a 1424
person who fulfills the curriculum requirement for a diploma prior 1425
to September 15, 2006, is not required to pass the Ohio graduation 1426
test in any subject as a condition to receiving a diploma once the 1427
person has passed the ninth grade proficiency test in the same 1428
subject, so long as the person passed the ninth grade proficiency 1429
test prior to September 15, 2008. However, any such person who 1430
passes the Ohio graduation test in any subject prior to passing 1431
the ninth grade proficiency test in the same subject shall be 1432
deemed to have passed the ninth grade proficiency test in that 1433
subject as a condition to receiving a diploma. For this purpose, 1434
the ninth grade proficiency test in citizenship substitutes for 1435
the Ohio graduation test in social studies. If a person fulfills 1436
the curriculum requirement for a diploma prior to September 15, 1437
2006, but does not pass a ninth grade proficiency test or the Ohio 1438
graduation test in a particular subject before September 15, 2008, 1439
and passage of a test in that subject is a condition for the 1440
person to receive a diploma, the person must pass the Ohio 1441
graduation test instead of the ninth grade proficiency test in 1442
that subject to receive a diploma. 1443

(3) A person who begins tenth grade after July 1, 2004, in a 1444
school district, community school, or chartered nonpublic school 1445
is not eligible to receive a diploma based on passage of ninth 1446
grade proficiency tests. Each such person must pass Ohio 1447

graduation tests to meet the testing requirements applicable to 1448
that person as a condition to receiving a diploma. 1449

(C) This division specifies the curriculum requirement that 1450
shall be completed as a condition toward granting high school 1451
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 1452
of the Revised Code. 1453

(1) A person who is under twenty-two years of age when the 1454
person fulfills the curriculum requirement for a diploma shall 1455
complete the curriculum required by the school district or school 1456
issuing the diploma for the first year that the person originally 1457
enrolled in high school, except for a person who qualifies for 1458
graduation from high school under either division (D) or (F) of 1459
section 3313.603 of the Revised Code. 1460

(2) Once a person fulfills the curriculum requirement for a 1461
diploma, the person is never required, as a condition of receiving 1462
a diploma, to meet any different curriculum requirements that take 1463
effect pending the person's passage of proficiency or achievement 1464
tests, including changes mandated by section 3313.603 of the 1465
Revised Code, the state board, a school district board of 1466
education, or a governing authority of a community school or 1467
chartered nonpublic school. 1468

Sec. 3313.615. This section shall apply to diplomas awarded 1469
after September 15, 2006, to students who are required to take the 1470
five Ohio graduation tests prescribed by division (B) of section 1471
3301.0710 of the Revised Code. 1472

(A) As an alternative to the requirement that a person attain 1473
the scores designated under division (B) of section 3301.0710 of 1474
the Revised Code on all the tests required under that division in 1475
order to be eligible for a high school diploma or an honors 1476
diploma under sections 3313.61, 3313.612, or 3325.08 of the 1477

Revised Code or for a diploma of adult education under section 1478
3313.611 of the Revised Code, a person who has attained at least 1479
the applicable scores designated under division (B) of section 1480
3301.0710 of the Revised Code on all but one of the tests required 1481
by that division and from which the person was not excused or 1482
exempted, pursuant to division (H) or (L) of section 3313.61, 1483
division (B) of section 3313.612, or section 3313.532 of the 1484
Revised Code, may be awarded a diploma or honors diploma if the 1485
person has satisfied all of the following conditions: 1486

(1) On the one test required under division (B) of section 1487
3301.0710 of the Revised Code for which the person failed to 1488
attain the designated score, the person missed that score by ten 1489
points or less; 1490

(2) Has a ninety-seven per cent school attendance rate in 1491
each of the last four school years, excluding any excused 1492
absences; 1493

(3) Has not been expelled from school under section 3313.66 1494
of the Revised Code in any of the last four school years; 1495

(4) Has a grade point average of at least 2.5 out of 4.0, or 1496
its equivalent as designated in rules adopted by the state board 1497
of education in the subject area of the test required under 1498
division (B) of section 3301.0710 of the Revised Code for which 1499
the person failed to attain the designated score; 1500

(5) Has completed the high school curriculum requirements 1501
prescribed in section 3313.603 of the Revised Code ~~in the subject~~ 1502
~~area described in division (A)(4) of this~~ or has qualified under 1503
division (D) or (F) of that section; 1504

(6) Has taken advantage of any intervention programs provided 1505
by the school district or school in the subject area described in 1506
division (A)(4) of this section and has a ninety-seven per cent 1507
attendance rate, excluding any excused absences, in any of those 1508

programs that are provided at times beyond the normal school day, 1509
school week, or school year or has received comparable 1510
intervention services from a source other than the school district 1511
or school; 1512

(7) Holds a letter recommending graduation from each of the 1513
person's high school teachers in the subject area described in 1514
division (A)(4) of this section and from the person's high school 1515
principal. 1516

(B) The state board of education shall establish rules 1517
designating grade point averages equivalent to the average 1518
specified in division (A)(4) of this section for use by school 1519
districts and schools with different grading systems. 1520

Sec. 3313.62. The school year shall begin on the first day of 1521
July of each calendar year and close on the thirtieth day of June 1522
of the succeeding calendar year. A school week shall consist of up 1523
to five days, and a school month of four school weeks shall not 1524
include Saturday or Sunday. 1525

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 1526
the superintendent of public instruction shall appoint 1527
representatives of the department of education, including 1528
employees who work with the education management information 1529
system and employees of the office of community schools 1530
established by section 3314.11 of the Revised Code, to a committee 1531
to develop report card models for community schools. The director 1532
of the legislative office of education oversight shall also 1533
appoint representatives to the committee. The committee shall 1534
design model report cards appropriate for the various types of 1535
community schools approved to operate in the state. Sufficient 1536
models shall be developed to reflect the variety of grade levels 1537
served and the missions of the state's community schools. All 1538

models shall include both financial and academic data. The initial 1539
models shall be developed by March 31, 2000. 1540

(B) The department of education shall issue an annual report 1541
card for each community school. The report card shall report the 1542
academic and financial performance of the school utilizing one of 1543
the models developed under division (A) of this section. The 1544
report card shall include all information applicable to school 1545
buildings under division (A) of section 3302.03 of the Revised 1546
Code and section 3302.032 of the Revised Code. 1547

(C) Upon receipt of a copy of a contract between a sponsor 1548
and a community school entered into under this chapter, the 1549
department of education shall notify the community school of the 1550
specific model report card that will be used for that school. 1551

(D) Report cards shall be distributed to the parents of all 1552
students in the community school, to the members of the board of 1553
education of the school district in which the community school is 1554
located, and to any person who requests one from the department. 1555

(E) No report card shall be issued for any community school 1556
under this section until the school has been open for instruction 1557
for two full school years. 1558

Sec. 3314.03. A copy of every contract entered into under 1559
this section shall be filed with the superintendent of public 1560
instruction. 1561

(A) Each contract entered into between a sponsor and the 1562
governing authority of a community school shall specify the 1563
following: 1564

(1) That the school shall be established as either of the 1565
following: 1566

(a) A nonprofit corporation established under Chapter 1702. 1567
of the Revised Code, if established prior to April 8, 2003; 1568

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	1569 1570
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	1571 1572 1573 1574
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	1575 1576 1577
(4) Performance standards by which the success of the school will be evaluated by the sponsor. If the sponsor will evaluate the school in accordance with division (D) of section 3314.36 of the Revised Code, the contract shall specify the number of school years that the school will be evaluated under that division.	1578 1579 1580 1581 1582
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	1583 1584
(6)(a) Dismissal procedures;	1585
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	1586 1587 1588 1589 1590 1591
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1592 1593
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of	1594 1595 1596 1597 1598

the Revised Code. 1599

(9) The facilities to be used and their locations; 1600

(10) Qualifications of teachers, including a requirement that 1601
the school's classroom teachers be licensed in accordance with 1602
sections 3319.22 to 3319.31 of the Revised Code, except that a 1603
community school may engage noncertificated persons to teach up to 1604
twelve hours per week pursuant to section 3319.301 of the Revised 1605
Code; 1606

(11) That the school will comply with the following 1607
requirements: 1608

(a) The school will provide learning opportunities to a 1609
minimum of twenty-five students for a minimum of nine hundred 1610
twenty hours per school year; 1611

(b) The governing authority will purchase liability 1612
insurance, or otherwise provide for the potential liability of the 1613
school; 1614

(c) The school will be nonsectarian in its programs, 1615
admission policies, employment practices, and all other 1616
operations, and will not be operated by a sectarian school or 1617
religious institution; 1618

(d) The school will comply with sections 9.90, 9.91, 109.65, 1619
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 1620
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 1621
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 1622
3313.661, 3313.662, 3313.67, 3313.671, 3313.672, 3313.673, 1623
3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3319.073, 3319.321, 1624
3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1625
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1626
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 1627
of the Revised Code as if it were a school district and will 1628

comply with section 3301.0714 of the Revised Code in the manner 1629
specified in section 3314.17 of the Revised Code; 1630

(e) The school shall comply with Chapter 102. and section 1631
2921.42 of the Revised Code; 1632

(f) The school will comply with sections 3313.61, 3313.611, 1633
and 3313.614 of the Revised Code, except that for students who 1634
enter ninth grade for the first time before July 1, 2010, the 1635
requirement in sections 3313.61 and 3313.611 of the Revised Code 1636
that a person must successfully complete the curriculum in any 1637
high school prior to receiving a high school diploma may be met by 1638
completing the curriculum adopted by the governing authority of 1639
the community school rather than the curriculum specified in Title 1640
XXXIII of the Revised Code or any rules of the state board of 1641
education~~+~~. Beginning with students who enter ninth grade for the 1642
first time on or after July 1, 2010, the requirement in sections 1643
3313.61 and 3313.611 of the Revised Code that a person must 1644
successfully complete the curriculum of a high school prior to 1645
receiving a high school diploma shall be met by completing the 1646
Ohio core curriculum prescribed in division (C) of section 1647
3313.603 of the Revised Code, unless the person qualifies under 1648
division (D) or (F) of that section. Each school shall comply with 1649
the plan for awarding high school credit based on demonstration of 1650
subject area competency, adopted by the state board of education 1651
under division (J) of section 3313.603 of the Revised Code. 1652

(g) The school governing authority will submit within four 1653
months after the end of each school year a report of its 1654
activities and progress in meeting the goals and standards of 1655
divisions (A)(3) and (4) of this section and its financial status 1656
to the sponsor and the parents of all students enrolled in the 1657
school. 1658

(h) The school, unless it is an internet- or computer-based 1659
community school, will comply with section 3313.801 of the Revised 1660

Code as if it were a school district. 1661

(12) Arrangements for providing health and other benefits to 1662
employees; 1663

(13) The length of the contract, which shall begin at the 1664
beginning of an academic year. No contract shall exceed five years 1665
unless such contract has been renewed pursuant to division (E) of 1666
this section. 1667

(14) The governing authority of the school, which shall be 1668
responsible for carrying out the provisions of the contract; 1669

(15) A financial plan detailing an estimated school budget 1670
for each year of the period of the contract and specifying the 1671
total estimated per pupil expenditure amount for each such year. 1672
The plan shall specify for each year the base formula amount that 1673
will be used for purposes of funding calculations under section 1674
3314.08 of the Revised Code. This base formula amount for any year 1675
shall not exceed the formula amount defined under section 3317.02 1676
of the Revised Code. The plan may also specify for any year a 1677
percentage figure to be used for reducing the per pupil amount of 1678
the subsidy calculated pursuant to section 3317.029 of the Revised 1679
Code the school is to receive that year under section 3314.08 of 1680
the Revised Code. 1681

(16) Requirements and procedures regarding the disposition of 1682
employees of the school in the event the contract is terminated or 1683
not renewed pursuant to section 3314.07 of the Revised Code; 1684

(17) Whether the school is to be created by converting all or 1685
part of an existing public school or is to be a new start-up 1686
school, and if it is a converted public school, specification of 1687
any duties or responsibilities of an employer that the board of 1688
education that operated the school before conversion is delegating 1689
to the governing board of the community school with respect to all 1690
or any specified group of employees provided the delegation is not 1691

prohibited by a collective bargaining agreement applicable to such employees; 1692
1693

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 1694
1695
1696

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 1697
1698
1699
1700
1701
1702

(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 1703
1704

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 1705
1706

(c) Permit the enrollment of students who reside in any other district in the state. 1707
1708

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 1709
1710
1711
1712

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 1713
1714
1715

(22) A provision recognizing both of the following: 1716

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 1717
1718
1719
1720

(b) The authority of the department of education as the 1721

community school oversight body to suspend the operation of the 1722
school under section 3314.072 of the Revised Code if the 1723
department has evidence of conditions or violations of law at the 1724
school that pose an imminent danger to the health and safety of 1725
the school's students and employees and the sponsor refuses to 1726
take such action; 1727

(23) A description of the learning opportunities that will be 1728
offered to students including both classroom-based and 1729
non-classroom-based learning opportunities that is in compliance 1730
with criteria for student participation established by the 1731
department under division (L)(2) of section 3314.08 of the Revised 1732
Code; 1733

(24) The school will comply with section 3302.04 of the 1734
Revised Code, including division (E) of that section to the extent 1735
possible, except that any action required to be taken by a school 1736
district pursuant to that section shall be taken by the sponsor of 1737
the school. However, the sponsor shall not be required to take any 1738
action described in division (F) of that section. 1739

(25) Beginning in the 2006-2007 school year, the school will 1740
open for operation not later than the thirtieth day of September 1741
each school year, unless the mission of the school as specified 1742
under division (A)(2) of this section is solely to serve dropouts. 1743
In its initial year of operation, if the school fails to open by 1744
the thirtieth day of September, or within one year after the 1745
adoption of the contract pursuant to division (D) of section 1746
3314.02 of the Revised Code if the mission of the school is solely 1747
to serve dropouts, the contract shall be void. 1748

(B) The community school shall also submit to the sponsor a 1749
comprehensive plan for the school. The plan shall specify the 1750
following: 1751

(1) The process by which the governing authority of the 1752

school will be selected in the future;	1753
(2) The management and administration of the school;	1754
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	1755 1756 1757 1758
(4) The instructional program and educational philosophy of the school;	1759 1760
(5) Internal financial controls.	1761
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	1762 1763 1764 1765 1766 1767 1768 1769 1770
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	1771 1772 1773 1774 1775
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	1776 1777
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	1778 1779 1780
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department	1781 1782

of education and to the parents of students enrolled in the 1783
community school; 1784

(4) Provide technical assistance to the community school in 1785
complying with laws applicable to the school and terms of the 1786
contract; 1787

(5) Take steps to intervene in the school's operation to 1788
correct problems in the school's overall performance, declare the 1789
school to be on probationary status pursuant to section 3314.073 1790
of the Revised Code, suspend the operation of the school pursuant 1791
to section 3314.072 of the Revised Code, or terminate the contract 1792
of the school pursuant to section 3314.07 of the Revised Code as 1793
determined necessary by the sponsor; 1794

(6) Have in place a plan of action to be undertaken in the 1795
event the community school experiences financial difficulties or 1796
closes prior to the end of a school year. 1797

(E) Upon the expiration of a contract entered into under this 1798
section, the sponsor of a community school may, with the approval 1799
of the governing authority of the school, renew that contract for 1800
a period of time determined by the sponsor, but not ending earlier 1801
than the end of any school year, if the sponsor finds that the 1802
school's compliance with applicable laws and terms of the contract 1803
and the school's progress in meeting the academic goals prescribed 1804
in the contract have been satisfactory. Any contract that is 1805
renewed under this division remains subject to the provisions of 1806
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1807

(F) If a community school fails to open for operation within 1808
one year after the contract entered into under this section is 1809
adopted pursuant to division (D) of section 3314.02 of the Revised 1810
Code or permanently closes prior to the expiration of the 1811
contract, the contract shall be void and the school shall not 1812
enter into a contract with any other sponsor. A school shall not 1813

be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code. Any contract that becomes void under this division shall not count toward any statewide limit on the number of such contracts prescribed by section 3314.013 of the Revised Code.

Sec. 3317.01. As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate

education for its handicapped students, utilizing the 1845
determinations in both sections 3317.012 and 3317.013 of the 1846
Revised Code. 1847

Not later than the thirty-first day of August of each fiscal 1848
year, the department of education shall provide to each school 1849
district and county MR/DD board a preliminary estimate of the 1850
amount of funding that the department calculates the district will 1851
receive under each of divisions (C)(1) and (4) of section 3317.022 1852
of the Revised Code. No later than the first day of December of 1853
each fiscal year, the department shall update that preliminary 1854
estimate. 1855

Moneys distributed pursuant to this chapter shall be 1856
calculated and paid on a fiscal year basis, beginning with the 1857
first day of July and extending through the thirtieth day of June. 1858
The moneys appropriated for each fiscal year shall be distributed 1859
at least monthly to each school district unless otherwise provided 1860
for. The state board shall submit a yearly distribution plan to 1861
the controlling board at its first meeting in July. The state 1862
board shall submit any proposed midyear revision of the plan to 1863
the controlling board in January. Any year-end revision of the 1864
plan shall be submitted to the controlling board in June. If 1865
moneys appropriated for each fiscal year are distributed other 1866
than monthly, such distribution shall be on the same basis for 1867
each school district. 1868

The total amounts paid each month shall constitute, as nearly 1869
as possible, one-twelfth of the total amount payable for the 1870
entire year. 1871

Until fiscal year 2007, payments made during the first six 1872
months of the fiscal year may be based on an estimate of the 1873
amounts payable for the entire year. Payments made in the last six 1874
months shall be based on the final calculation of the amounts 1875

payable to each school district for that fiscal year. Payments 1876
made in the last six months may be adjusted, if necessary, to 1877
correct the amounts distributed in the first six months, and to 1878
reflect enrollment increases when such are at least three per 1879
cent. 1880

Beginning in fiscal year 2007, payments shall be calculated 1881
to reflect the biannual reporting of average daily membership. In 1882
fiscal year 2007 and in each fiscal year thereafter, annualized 1883
periodic payments for each school district shall be based on the 1884
district's student counts certified pursuant to section 3317.03 of 1885
the Revised Code as follows: 1886

the sum of one-half of the number of students reported 1887
for the first full week in October plus one-half of the 1888
average of the numbers reported for the first full week 1889
in October and for the first full week in February 1890

Except as otherwise provided, payments under this chapter 1891
shall be made only to those school districts in which: 1892

(A) The school district, except for any educational service 1893
center and any joint vocational or cooperative education school 1894
district, levies for current operating expenses at least twenty 1895
mills. Levies for joint vocational or cooperative education school 1896
districts or county school financing districts, limited to or to 1897
the extent apportioned to current expenses, shall be included in 1898
this qualification requirement. School district income tax levies 1899
under Chapter 5748. of the Revised Code, limited to or to the 1900
extent apportioned to current operating expenses, shall be 1901
included in this qualification requirement to the extent 1902
determined by the tax commissioner under division (D) of section 1903
3317.021 of the Revised Code. 1904

(B) The school year next preceding the fiscal year for which 1905
such payments are authorized meets the requirement of section 1906

3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the
minimum number of ~~days or~~ hours school must be open for
instruction with pupils in attendance, for individualized
parent-teacher conference and reporting periods, and for
professional meetings of teachers. ~~This requirement shall be
waived by the superintendent of public instruction if it had been
necessary for a school to be closed because of disease epidemic,
hazardous weather conditions, inoperability of school buses or
other equipment necessary to the school's operation, damage to a
school building, or other temporary circumstances due to utility
failure rendering the school building unfit for school use,
provided that for those school districts operating pursuant to
section 3313.48 of the Revised Code the number of days the school
was actually open for instruction with pupils in attendance and
for individualized parent teacher conference and reporting periods
is not less than one hundred seventy five, or for those school
districts operating on a trimester plan the number of days the
school was actually open for instruction with pupils in attendance
not less than seventy nine days in any trimester, for those school
districts operating on a quarterly plan the number of days the
school was actually open for instruction with pupils in attendance
not less than fifty nine days in any quarter, or for those school
districts operating on a pentamester plan the number of days the
school was actually open for instruction with pupils in attendance
not less than forty four days in any pentamester.~~

A school district shall not be considered to have failed to
comply with this division ~~or section 3313.481~~ of the Revised Code
because schools were open for instruction but either twelfth grade
students were excused from attendance for up to ~~three days~~ sixteen
and one-half hours or only a portion of the kindergarten students
were in attendance for up to ~~three days~~ fifteen hours, in the case
of students attending all-day kindergarten, and seven and one-half

~~hours, in the case of students attending half-day kindergarten, in~~ 1939
~~order to allow for the gradual orientation to school of such~~ 1940
~~students.~~ 1941

~~The superintendent of public instruction shall waive the~~ 1942
~~requirements of this section with reference to the minimum number~~ 1943
~~of days or hours school must be in session with pupils in~~ 1944
~~attendance for the school year succeeding the school year in which~~ 1945
~~a board of education initiates a plan of operation pursuant to~~ 1946
~~section 3313.481 of the Revised Code. The minimum requirements of~~ 1947
~~this section shall again be applicable to such a district~~ 1948
~~beginning with the school year commencing the second July~~ 1949
~~succeeding the initiation of one such plan, and for each school~~ 1950
~~year thereafter.~~ 1951

~~A school district shall not be considered to have failed to~~ 1952
~~comply with this division or section 3313.48 or 3313.481 of the~~ 1953
~~Revised Code because schools were open for instruction but the~~ 1954
~~length of the regularly scheduled school day, for any number of~~ 1955
~~days during the school year, was reduced by not more than two~~ 1956
~~hours due to hazardous weather conditions.~~ 1957

(C) The school district has on file, and is paying in 1958
accordance with, a teachers' salary schedule which complies with 1959
section 3317.13 of the Revised Code. 1960

A board of education or governing board of an educational 1961
service center which has not conformed with other law and the 1962
rules pursuant thereto, shall not participate in the distribution 1963
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 1964
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 1965
and sufficient reason established to the satisfaction of the state 1966
board of education and the state controlling board. 1967

All funds allocated to school districts under this chapter, 1968
except those specifically allocated for other purposes, shall be 1969

used to pay current operating expenses only. 1970

Sec. 3317.029. (A) As used in this section: 1971

(1) "Poverty percentage" means the quotient obtained by 1972
dividing the five-year average number of children ages five to 1973
seventeen residing in the school district and living in a family 1974
receiving assistance under the Ohio works first program or an 1975
antecedent program known as TANF or ADC, as certified or adjusted 1976
under section 3317.10 of the Revised Code, by the district's 1977
three-year average formula ADM. 1978

(2) "Statewide poverty percentage" means the five-year 1979
average of the total number of children ages five to seventeen 1980
years residing in the state and receiving assistance under the 1981
Ohio works first program or an antecedent program known as TANF or 1982
ADC, divided by the sum of the three-year average formula ADMs for 1983
all school districts in the state. 1984

(3) "Poverty index" means the quotient obtained by dividing 1985
the school district's poverty percentage by the statewide poverty 1986
percentage. 1987

(4) "Poverty student count" means the five-year average 1988
number of children ages five to seventeen residing in the school 1989
district and living in a family receiving assistance under the 1990
Ohio works first program or an antecedent program known as TANF or 1991
ADC, as certified under section 3317.10 of the Revised Code. 1992

(5) "Kindergarten ADM" means the number of students reported 1993
under section 3317.03 of the Revised Code as enrolled in 1994
kindergarten, excluding any kindergarten students reported under 1995
division (B)(3)(e) or (f) of section 3317.03 of the Revised Code. 1996

(6) "Kindergarten through third grade ADM" means the amount 1997
calculated as follows: 1998

(a) Multiply the kindergarten ADM by the sum of one plus the 1999

all-day kindergarten percentage; 2000

(b) Add the number of students in grades one through three; 2001

(c) Subtract from the sum calculated under division (A)(6)(b) 2002
of this section the number of special education students in grades 2003
kindergarten through three. 2004

"Kindergarten through third grade ADM" shall not include any 2005
students reported under division (B)(3)(e) or (f) of section 2006
3317.03 of the Revised Code. 2007

(7) "All-day kindergarten" means a kindergarten class that is 2008
in session ~~five days per week~~ for not less than the same number of 2009
clock hours each ~~day~~ week as for pupils in grades one through six. 2010

(8) "All-day kindergarten percentage" means the percentage of 2011
a district's actual total number of students enrolled in 2012
kindergarten who are enrolled in all-day kindergarten. 2013

(9) "Buildings with the highest concentration of need" means 2014
the school buildings in a district with percentages of students in 2015
grades kindergarten through three receiving assistance under Ohio 2016
works first at least as high as the district-wide percentage of 2017
students receiving such assistance. 2018

If, in any fiscal year, the information provided by the 2019
department of job and family services under section 3317.10 of the 2020
Revised Code is insufficient to determine the Ohio works first 2021
percentage in each building, "buildings with the highest 2022
concentration of need" has the meaning given in rules that the 2023
department of education shall adopt. The rules shall base the 2024
definition of "buildings with the highest concentration of need" 2025
on family income of students in grades kindergarten through three 2026
in a manner that, to the extent possible with available data, 2027
approximates the intent of this division and division (K) of this 2028
section to designate buildings where the Ohio works first 2029

percentage in those grades equals or exceeds the district-wide 2030
Ohio works first percentage. 2031

(B) In addition to the amounts required to be paid to a 2032
school district under section 3317.022 of the Revised Code, the 2033
department of education shall compute and distribute to each 2034
school district for poverty-based assistance the greater of the 2035
following: 2036

(1) The amount the district received in fiscal year 2005 for 2037
disadvantaged pupil impact aid pursuant to Section 41.10 of Am. 2038
Sub. H.B. 95 of the 125th ~~General Assembly~~ general assembly, as 2039
amended, minus the amount deducted from the district under Section 2040
16 of Am. Sub. S.B. 2 of the 125th ~~General Assembly~~ general 2041
assembly that year for payments to internet- and computer-based 2042
community schools; 2043

(2) The sum of the computations made under divisions (C) to 2044
(I) of this section. 2045

(C) A payment for academic intervention programs, if the 2046
district's poverty index is greater than or equal to 0.25, 2047
calculated as follows: 2048

(1) If the district's poverty index is greater than or equal 2049
to 0.25, calculate the district's level one amount for large-group 2050
academic intervention for all students as follows: 2051

(a) If the district's poverty index is greater than or equal 2052
to 0.25 but less than 0.75: 2053

large-group intervention units X hourly rate X 2054

level one hours X [(poverty index - 0.25)/0.5] 2055

X phase-in percentage 2056

Where: 2057

(i) "Large-group intervention units" equals the district's 2058
formula ADM divided by 20; 2059

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and 2060
\$20.40 in fiscal year 2007; 2061

(iii) "Level one hours" equals 25 hours; 2062

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 2063
and 1.00 in fiscal year 2007. 2064

(b) If the district's poverty index is greater than or equal 2065
to 0.75: 2066

large-group intervention units X hourly rate X 2067

level one hours X phase-in percentage 2068

Where "large-group intervention units," "hourly rate," "level 2069
one hours," and "phase-in percentage" have the same meanings as in 2070
division (C)(1)(a) of this section. 2071

(2) If the district's poverty index is greater than or equal 2072
to 0.75, calculate the district's level two amount for 2073
medium-group academic intervention for all students as follows: 2074

(a) If the district's poverty index is greater than or equal 2075
to 0.75 but less than 1.50: 2076

medium-group intervention units X hourly rate 2077

X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 2078

X phase-in percentage 2079

Where: 2080

(i) "Medium group intervention units" equals the district's 2081
formula ADM divided by 15; 2082

(ii) "Hourly rate," "level one hours," and "phase-in 2083
percentage" have the same meanings as in division (C)(1)(a) of 2084
this section. 2085

(b) If the district's poverty index is greater than or equal 2086
to 1.50: 2087

medium-group intervention units X hourly rate X 2088

level two hours X phase-in percentage 2089

Where:	2090
(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section;	2091 2092
(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	2093 2094
(iii) "Level two hours" equals 50 hours.	2095
(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows:	2096 2097 2098 2099
(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:	2100 2101
small group intervention units X hourly rate X	2102
{level one hours + [level three hours X	2103
(poverty index - 1.50)]} X phase-in percentage	2104
Where:	2105
(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;	2106 2107
(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	2108 2109 2110
(iii) "Level three hours" equals 135 hours.	2111
(b) If the district's poverty index is greater than or equal to 2.50:	2112 2113
small group intervention units X hourly rate	2114
X level three hours X phase-in percentage	2115
Where:	2116
(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;	2117 2118

(ii) "Hourly rate" and "phase-in percentage" have the same 2119
meanings as in division (C)(1)(a) of this section; 2120

(iii) "Level three hours" equals 160 hours. 2121

Any district that receives funds under division (C)(2) or (3) 2122
of this section annually shall submit to the department of 2123
education by a date established by the department a plan 2124
describing how the district will deploy those funds. The 2125
deployment measures described in that plan shall comply with any 2126
applicable spending requirements prescribed in division (J)(6) of 2127
this section or with any order issued by the superintendent of 2128
public instruction under section 3317.017 of the Revised Code. 2129

(D) A payment for all-day kindergarten if the poverty index 2130
of the school district is greater than or equal to 1.0 or if the 2131
district's three-year average formula ADM exceeded seventeen 2132
thousand five hundred. In addition, the department shall make a 2133
payment under this division to any school district that, in a 2134
prior fiscal year, qualified for this payment and provided all-day 2135
kindergarten, regardless of changes to the district's poverty 2136
index. The department shall calculate the payment under this 2137
division by multiplying the all-day kindergarten percentage by the 2138
kindergarten ADM and multiplying that product by the formula 2139
amount. 2140

(E) A class-size reduction payment based on calculating the 2141
number of new teachers necessary to achieve a lower 2142
student-teacher ratio, as follows: 2143

(1) Determine or calculate a formula number of teachers per 2144
one thousand students based on the poverty index of the school 2145
district as follows: 2146

(a) If the poverty index of the school district is less than 2147
1.0, the formula number of teachers is 50.0, which is the number 2148
of teachers per one thousand students at a student-teacher ratio 2149

of twenty to one; 2150

(b) If the poverty index of the school district is greater 2151
than or equal to 1.0, but less than 1.5, the formula number of 2152
teachers is calculated as follows: 2153

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\} \quad 2154$$

Where 50.0 is the number of teachers per one thousand 2155
students at a student-teacher ratio of twenty to one; 0.5 is the 2156
interval from a poverty index of 1.0 to a poverty index of 1.5; 2157
and 16.667 is the difference in the number of teachers per one 2158
thousand students at a student-teacher ratio of fifteen to one and 2159
the number of teachers per one thousand students at a 2160
student-teacher ratio of twenty to one. 2161

(c) If the poverty index of the school district is greater 2162
than or equal to 1.5, the formula number of teachers is 66.667, 2163
which is the number of teachers per one thousand students at a 2164
student-teacher ratio of fifteen to one. 2165

(2) Multiply the formula number of teachers determined or 2166
calculated in division (E)(1) of this section by the kindergarten 2167
through third grade ADM for the district and divide that product 2168
by one thousand; 2169

(3) Calculate the number of new teachers as follows: 2170

(a) Multiply the kindergarten through third grade ADM by 2171
50.0, which is the number of teachers per one thousand students at 2172
a student-teacher ratio of twenty to one, and divide that product 2173
by one thousand; 2174

(b) Subtract the quotient obtained in division (E)(3)(a) of 2175
this section from the product in division (E)(2) of this section. 2176

(4) Multiply the greater of the difference obtained under 2177
division (E)(3) of this section or zero by the statewide average 2178
teachers compensation. For this purpose, the "statewide average 2179

teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941
in fiscal year 2007, which includes an amount for the value of
fringe benefits.

(F) A payment for services to limited English proficient
students, if the district's poverty index is greater than or equal
to 1.0 and the proportion of its students who are limited English
proficient, as reported in 2003 on its school district report
issued under section 3302.03 of the Revised Code for the 2002-2003
school year, is greater than or equal to 2.0%, calculated as
follows:

(1) If the district's poverty index is greater than or equal
to 1.0, but less than 1.75, determine the amount per limited
English proficient student as follows:

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\}$$

X formula amount

(2) If the district's poverty index is greater than or equal
to 1.75, the amount per limited English proficient student equals:
0.25 X formula amount

(3) Multiply the per student amount determined for the
district under division (F)(1) or (2) of this section by the
number of the district's limited English proficient students,
times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70
in fiscal year 2007. For purposes of this calculation, the number
of limited English proficient students for each district shall be
the number determined by the department when it calculated the
district's percentage of limited English proficient students for
its school district report card issued in 2003 for the 2002-2003
school year.

Not later than December 31, 2006, the department of education
shall recommend to the general assembly and the director of budget
and management a method of identifying the number of limited

English proficient students for purposes of calculating payments	2211
under this division after fiscal year 2007.	2212
(G) A payment for professional development of teachers, if	2213
the district's poverty index is greater than or equal to 1.0,	2214
calculated as follows:	2215
(1) If the district's poverty index is greater than or equal	2216
to 1.0, but less than 1.75, determine the amount per teacher as	2217
follows:	2218
$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$	2219
(2) If the district's poverty index is greater than or equal	2220
to 1.75, the amount per teacher equals:	2221
$0.045 \times \text{formula amount}$	2222
(3) Determine the number of teachers, as follows:	2223
(formula ADM/17)	2224
(4) Multiply the per teacher amount determined for the	2225
district under division (G)(1) or (2) of this section by the	2226
number of teachers determined under division (G)(3) of this	2227
section, times a phase-in percentage of 0.40 in fiscal year 2006	2228
and 0.70 in fiscal year 2007.	2229
(H) A payment for dropout prevention, if the district is a	2230
big eight school district as defined in section 3314.02 of the	2231
Revised Code, calculated as follows:	2232
$0.005 \times \text{formula amount} \times \text{poverty index}$	2233
$\times \text{formula ADM} \times \text{phase-in percentage}$	2234
Where "phase-in percentage" equals 0.40 in fiscal year 2006	2235
and 0.70 in fiscal year 2007.	2236
(I) An amount for community outreach, if the district is an	2237
urban school district as defined in section 3314.02 of the Revised	2238
Code, calculated as follows:	2239
$0.005 \times \text{formula amount} \times \text{poverty index} \times$	2240

formula ADM X phase-in percentage	2241
Where "phase-in percentage" equals 0.40 in fiscal year 2006	2242
and 0.70 in fiscal year 2007.	2243
(J) This division applies only to school districts whose	2244
poverty index is 1.0 or greater.	2245
(1) Each school district subject to this division shall first	2246
utilize funds received under this section so that, when combined	2247
with other funds of the district, sufficient funds exist to	2248
provide all-day kindergarten to at least the number of children in	2249
the district's all-day kindergarten percentage. To satisfy this	2250
requirement, a district may use funds paid under division (C),	2251
(F), (G), (H), or (I) of this section to provide all-day	2252
kindergarten in addition to the all-day kindergarten payment under	2253
division (D) of this section.	2254
(2) Except as permitted under division (J)(1) of this	2255
section, each school district shall use its payment under division	2256
(F) of this section for one or more of the following purposes:	2257
(a) To hire teachers for limited English proficient students	2258
or other personnel to provide intervention services for those	2259
students;	2260
(b) To contract for intervention services for those students;	2261
(c) To provide other services to assist those students in	2262
passing the third-grade reading achievement test, and to provide	2263
for those students the intervention services required by section	2264
3313.608 of the Revised Code.	2265
(3) Except as permitted under division (J)(1) of this	2266
section, each school district shall use its payment under division	2267
(G) of this section for professional development of teachers or	2268
other licensed personnel providing educational services to	2269
students only in one or more of the following areas:	2270

(a) Data-based decision making;	2271
(b) Standards-based curriculum models;	2272
(c) Job-embedded professional development activities that are research-based, as defined in federal law.	2273 2274
In addition, each district shall use the payment only to implement programs identified on a list of eligible professional development programs provided by the department of education. The department annually shall provide the list to each district receiving a payment under division (G) of this section. However, a district may apply to the department for a waiver to implement an alternative professional development program in one or more of the areas specified in divisions (J)(3)(a) to (c) of this section. If the department grants the waiver, the district may use its payment under division (G) of this section to implement the alternative program.	2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285
(4) Except as permitted under division (J)(1) of this section, each big eight school district shall use its payment under division (H) of this section either for preventing at-risk students from dropping out of school, for safety and security measures described in division (J)(5)(b) of this section, for academic intervention services described in division (J)(6) of this section, or for a combination of those purposes. Not later than September 1, 2005, the department of education shall provide each big eight school district with a list of dropout prevention programs that it has determined are successful. The department subsequently may update the list. Each district that elects to use its payment under division (H) of this section for dropout prevention shall use the payment only to implement a dropout prevention program specified on the department's list. However, a district may apply to the department for a waiver to implement an alternative dropout prevention program. If the department grants	2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301

the waiver, the district may use its payment under division (H) of 2302
this section to implement the alternative program. 2303

(5) Except as permitted under division (J)(1) of this 2304
section, each urban school district that has a poverty index 2305
greater than or equal to 1.0 shall use its payment under division 2306
(I) of this section for one or a combination of the following 2307
purposes: 2308

(a) To hire or contract for community liaison officers, 2309
attendance or truant officers, or safety and security personnel; 2310

(b) To implement programs designed to ensure that schools are 2311
free of drugs and violence and have a disciplined environment 2312
conducive to learning; 2313

(c) To implement academic intervention services described in 2314
division (J)(6) of this section. 2315

(6) Except as permitted under division (J)(1) of this 2316
section, each school district with a poverty index greater than or 2317
equal to 1.0 shall use the amount of its payment under division 2318
(C) of this section, and may use any amount of its payment under 2319
division (H) or (I) of this section, for academic intervention 2320
services for students who have failed or are in danger of failing 2321
any of the tests administered pursuant to section 3301.0710 of the 2322
Revised Code, including intervention services required by section 2323
3313.608 of the Revised Code. Except as permitted under division 2324
(J)(1) of this section, no district shall spend any portion of its 2325
payment under division (C) of this section for any other purpose. 2326
Notwithstanding any provision to the contrary in Chapter 4117. of 2327
the Revised Code, no collective bargaining agreement entered into 2328
after June 30, 2005, shall require use of the payment for any 2329
other purpose. 2330

(7) Except as otherwise required by division (K) or permitted 2331
under division (O) of this section, all remaining funds 2332

distributed under this section to districts with a poverty index 2333
greater than or equal to 1.0 shall be utilized for the purpose of 2334
the third grade guarantee. The third grade guarantee consists of 2335
increasing the amount of instructional attention received per 2336
pupil in kindergarten through third grade, either by reducing the 2337
ratio of students to instructional personnel or by increasing the 2338
amount of instruction and curriculum-related activities by 2339
extending the length of the school day or the school year. 2340

School districts may implement a reduction of the ratio of 2341
students to instructional personnel through any or all of the 2342
following methods: 2343

(a) Reducing the number of students in a classroom taught by 2344
a single teacher; 2345

(b) Employing full-time educational aides or educational 2346
paraprofessionals issued a permit or license under section 2347
3319.088 of the Revised Code; 2348

(c) Instituting a team-teaching method that will result in a 2349
lower student-teacher ratio in a classroom. 2350

Districts may extend the school day either by increasing the 2351
amount of time allocated for each class, increasing the number of 2352
classes provided per day, offering optional academic-related 2353
after-school programs, providing curriculum-related extra 2354
curricular activities, or establishing tutoring or remedial 2355
services for students who have demonstrated an educational need. 2356
In accordance with section 3319.089 of the Revised Code, a 2357
district extending the school day pursuant to this division may 2358
utilize a participant of the work experience program who has a 2359
child enrolled in a public school in that district and who is 2360
fulfilling the work requirements of that program by volunteering 2361
or working in that public school. If the work experience program 2362
participant is compensated, the school district may use the funds 2363

distributed under this section for all or part of the 2364
compensation. 2365

Districts may extend the school year either through adding 2366
regular days of instruction to the school calendar or by providing 2367
summer programs. 2368

(K) Each district shall not expend any funds received under 2369
division (E) of this section in any school buildings that are not 2370
buildings with the highest concentration of need, unless there is 2371
a ratio of instructional personnel to students of no more than 2372
fifteen to one in each kindergarten and first grade class in all 2373
buildings with the highest concentration of need. This division 2374
does not require that the funds used in buildings with the highest 2375
concentration of need be spent solely to reduce the ratio of 2376
instructional personnel to students in kindergarten and first 2377
grade. A school district may spend the funds in those buildings in 2378
any manner permitted by division (J)(7) of this section, but may 2379
not spend the money in other buildings unless the fifteen-to-one 2380
ratio required by this division is attained. 2381

(L)(1) By the first day of August of each fiscal year, each 2382
school district wishing to receive any funds under division (D) of 2383
this section shall submit to the department of education an 2384
estimate of its all-day kindergarten percentage. Each district 2385
shall update its estimate throughout the fiscal year in the form 2386
and manner required by the department, and the department shall 2387
adjust payments under this section to reflect the updates. 2388

(2) Annually by the end of December, the department of 2389
education, utilizing data from the information system established 2390
under section 3301.0714 of the Revised Code, shall determine for 2391
each school district subject to division (J) of this section 2392
whether in the preceding fiscal year the district's ratio of 2393
instructional personnel to students and its number of kindergarten 2394

students receiving all-day kindergarten appear reasonable, given
the amounts of money the district received for that fiscal year
pursuant to divisions (D) and (E) of this section. If the
department is unable to verify from the data available that
students are receiving reasonable amounts of instructional
attention and all-day kindergarten, given the funds the district
has received under this section and that class-size reduction
funds are being used in school buildings with the highest
concentration of need as required by division (K) of this section,
the department shall conduct a more intensive investigation to
ensure that funds have been expended as required by this section.
The department shall file an annual report of its findings under
this division with the chairpersons of the committees in each
house of the general assembly dealing with finance and education.

(M)(1) Each school district with a poverty index less than
1.0 that receives a payment under division (D) of this section
shall first utilize funds received under this section so that,
when combined with other funds of the district, sufficient funds
exist to provide all-day kindergarten to at least the number of
children in the district's all-day kindergarten percentage. To
satisfy this requirement, a district may use funds paid under
division (C) or (I) of this section to provide all-day
kindergarten in addition to the all-day kindergarten payment under
division (D) of this section.

(2) Except as permitted under division (M)(1) of this
section, each school district with a poverty index less than 1.0
that receives a payment under division (C) of this section shall
use its payment under that division in accordance with all
requirements of division (J)(6) of this section.

(3) Except as permitted under division (M)(1) of this
section, each school district with a poverty index less than 1.0
that receives a payment under division (I) of this section shall

use its payment under that division for one or a combination of	2427
the following purposes:	2428
(a) To hire or contract for community liaison officers,	2429
attendance or truant officers, or safety and security personnel;	2430
(b) To implement programs designed to ensure that schools are	2431
free of drugs and violence and have a disciplined environment	2432
conducive to learning;	2433
(c) To implement academic intervention services described in	2434
division (J)(6) of this section.	2435
(4) Each school district to which division (M)(1), (2), or	2436
(3) of this section applies shall expend the remaining funds	2437
received under this section, and any other district with a poverty	2438
index less than 1.0 shall expend all funds received under this	2439
section, for any of the following purposes:	2440
(a) The purchase of technology for instructional purposes for	2441
remediation;	2442
(b) All-day kindergarten;	2443
(c) Reduction of class sizes in grades kindergarten through	2444
three, as described in division (J)(7) of this section;	2445
(d) Summer school remediation;	2446
(e) Dropout prevention programs approved by the department of	2447
education under division (J)(4) of this section;	2448
(f) Guaranteeing that all third graders are ready to progress	2449
to more advanced work;	2450
(g) Summer education and work programs;	2451
(h) Adolescent pregnancy programs;	2452
(i) Head start, preschool, early childhood education, or	2453
early learning programs;	2454

(j) Reading improvement and remediation programs described by 2455
the department of education; 2456

(k) Programs designed to ensure that schools are free of 2457
drugs and violence and have a disciplined environment conducive to 2458
learning; 2459

(l) Furnishing, free of charge, materials used in courses of 2460
instruction, except for the necessary textbooks or electronic 2461
textbooks required to be furnished without charge pursuant to 2462
section 3329.06 of the Revised Code, to pupils living in families 2463
participating in Ohio works first in accordance with section 2464
3313.642 of the Revised Code; 2465

(m) School breakfasts provided pursuant to section 3313.813 2466
of the Revised Code. 2467

(N) If at any time the superintendent of public instruction 2468
determines that a school district receiving funds under division 2469
(D) of this section has enrolled less than the all-day 2470
kindergarten percentage reported for that fiscal year, the 2471
superintendent shall withhold from the funds otherwise due the 2472
district under this section a proportional amount as determined by 2473
the difference in the certified all-day kindergarten percentage 2474
and the percentage actually enrolled in all-day kindergarten. 2475

The superintendent shall also withhold an appropriate amount 2476
of funds otherwise due a district for any other misuse of funds 2477
not in accordance with this section. 2478

(O)(1) A district may use a portion of the funds calculated 2479
for it under division (D) of this section to modify or purchase 2480
classroom space to provide all-day kindergarten, if both of the 2481
following conditions are met: 2482

(a) The district certifies to the department, in a manner 2483
acceptable to the department, that it has a shortage of space for 2484

providing all-day kindergarten. 2485

(b) The district provides all-day kindergarten to the number 2486
of children in the all-day kindergarten percentage it certified 2487
under this section. 2488

(2) A district may use a portion of the funds described in 2489
division (J)(7) of this section to modify or purchase classroom 2490
space to enable it to further reduce class size in grades 2491
kindergarten through two with a goal of attaining class sizes of 2492
fifteen students per licensed teacher. To do so, the district must 2493
certify its need for additional space to the department, in a 2494
manner satisfactory to the department. 2495

Sec. 3319.0811. If the board of education of a school 2496
district offers to students of compulsory school age courses for 2497
high school credit that are taught at times outside the district's 2498
normal school day, the board shall enter into supplemental 2499
contracts under section 3319.08 of the Revised Code with the 2500
teachers assigned to teach those courses and shall not include 2501
such assignment of duties within the teachers' regular employment 2502
contracts under that section. 2503

Sec. 3319.233. The state board of education, in collaboration 2504
with the Ohio board of regents, shall issue an annual report on 2505
the quality of institutions approved for the preparation of 2506
teachers pursuant to section 3319.23 of the Revised Code. The 2507
state board shall prepare the report in collaboration with the 2508
board of regents and the teacher quality partnership and shall use 2509
data collected by the partnership and other educational agencies 2510
as the basis for the information contained in the report. The 2511
report shall include at least the following information: 2512

(A) Identification of best practices in the preparation of 2513
teachers drawn from research conducted by the teacher quality 2514

partnership and other regional and national educational research 2515
efforts; 2516

(B) A plan for implementing best practices in approved 2517
teacher preparation institutions; 2518

(C) The number of graduates of approved teacher preparation 2519
institutions who graduated with a subject area specialty and teach 2520
grades seven through twelve. The number shall be disaggregated 2521
according to the subject areas of mathematics, science, foreign 2522
language, special education and related services, and any other 2523
subject area determined by the state board. 2524

(D) A plan to be implemented by the teacher preparation 2525
programs approved by the state board under section 3319.23 of the 2526
Revised Code for increasing the number of classroom teachers in 2527
science, mathematics, and foreign language toward meeting the 2528
identified needs for teachers in those subject areas throughout 2529
the state but especially in hard-to-staff schools. 2530

The state board shall submit the report to the governor, the 2531
speaker and minority leader of the house of representatives, the 2532
president and minority leader of the senate, the chairpersons and 2533
ranking minority members of the standing committees of the house 2534
of representatives and the senate that consider education 2535
legislation, and the chancellor of the board of regents. 2536

Sec. 3319.234. The teacher quality partnership, a consortium 2537
of teacher preparation programs that have been approved by the 2538
state board of education under section 3319.23 of the Revised 2539
Code, shall study the relationship of teacher performance on 2540
educator licensure assessments, as adopted by the state board 2541
under section 3319.22 of the Revised Code, to teacher 2542
effectiveness in the classroom. Not later than September 1, 2008, 2543
the partnership shall begin submitting annual data reports along 2544

with any other data on teacher effectiveness the partnership 2545
determines appropriate to the governor, the president and minority 2546
leader of the senate, the speaker and minority leader of the house 2547
of representatives, the chairpersons and ranking minority members 2548
of the standing committees of the senate and the house of 2549
representatives that consider education legislation, the 2550
superintendent of public instruction, the state board of 2551
education, the Ohio board of regents, and the partnership for 2552
continued learning. 2553

Sec. 3325.08. (A) A diploma shall be granted by the 2554
superintendent of the state school for the blind and the 2555
superintendent of the state school for the deaf to any student 2556
enrolled in one of these state schools to whom all of the 2557
following apply: 2558

(1) The student has successfully completed the individualized 2559
education program developed for the student for the student's high 2560
school education pursuant to section 3323.08 of the Revised Code; 2561

(2) Subject to section 3313.614 of the Revised Code, the 2562
student either: 2563

(a) Has attained at least the applicable scores designated 2564
under division (B) of section 3301.0710 of the Revised Code on all 2565
the tests prescribed by that division unless division (L) of 2566
section 3313.61 of the Revised Code applies to the student; 2567

(b) Has satisfied the alternative conditions prescribed in 2568
section 3313.615 of the Revised Code. 2569

(3) The student is not eligible to receive an honors diploma 2570
granted pursuant to division (B) of this section. 2571

No diploma shall be granted under this division to anyone 2572
except as provided under this division. 2573

(B) In lieu of a diploma granted under division (A) of this section, the superintendent of the state school for the blind and the superintendent of the state school for the deaf shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in one of these state schools who ~~successfully~~ accomplishes all of the following:

(1) Successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code, ~~who has attained subject;~~

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

(a) Has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests prescribed under that division, ~~and who has;~~

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

(3) Has met additional criteria for granting ~~such a~~ an honors diploma. ~~These~~

These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.

(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of the state school for the blind or the superintendent of the state school for the deaf, as applicable.

Each diploma shall bear the date of its issue and be in such form 2604
as the school superintendent prescribes. 2605

(D) Upon granting a diploma to a student under this section, 2606
the superintendent of the state school in which the student is 2607
enrolled shall provide notice of receipt of the diploma to the 2608
board of education of the school district where the student is 2609
entitled to attend school under section 3313.64 or 3313.65 of the 2610
Revised Code when not residing at the state school for the blind 2611
or the state school for the deaf. The notice shall indicate the 2612
type of diploma granted. 2613

Sec. 3333.163. (A) As used in this section, "state 2614
institution of higher education" has the same meaning as in 2615
section 3345.011 of the Revised Code. 2616

(B) Not later than April 15, 2008, the articulation and 2617
transfer advisory council of the Ohio board of regents shall 2618
recommend to the board standards for awarding course credit toward 2619
degree requirements at state institutions of higher education 2620
based on scores attained on advanced placement examinations. The 2621
recommended standards shall include a score on each advanced 2622
placement examination that the council considers to be a passing 2623
score for which course credit may be awarded. Upon adoption of the 2624
standards by the board of regents, each state institution of 2625
higher education shall comply with the standards in awarding 2626
course credit to any student enrolled in the institution who has 2627
attained a passing score on an advanced placement examination. 2628

Sec. 3333.34. The Ohio board of regents, in collaboration 2629
with the state board of education, shall publish an annual report 2630
describing dual enrollment programs, as defined in section 2631
3313.6013 of the Revised Code, that are offered by school 2632
districts, community schools established under Chapter 3314. of 2633

the Revised Code, and chartered nonpublic high schools. The board 2634
of regents shall submit the report to the governor, the speaker 2635
and minority leader of the house of representatives, the president 2636
and minority leader of the senate, the chairpersons and ranking 2637
minority members of the standing committees of the house of 2638
representatives and the senate that consider education 2639
legislation, the superintendent of public instruction, and the 2640
president of the state board of education. The board of regents 2641
also shall post the report on its web site. 2642

Sec. 3345.06. A (A) Subject to divisions (B) and (C) of this 2643
section, a graduate of the twelfth grade shall be entitled to 2644
admission without examination to any college or university which 2645
is supported wholly or in part by the state, but for unconditional 2646
admission may be required to complete such units not included in 2647
his the graduate's high school course as may be prescribed, not 2648
less than two years prior to his the graduate's entrance, by the 2649
faculty of the institution. 2650

(B) Beginning with the 2014-2015 academic year, each state 2651
university listed in section 3345.011 of the Revised Code, except 2652
for Central state university, Shawnee state university, and 2653
Youngstown state university, shall permit a resident of this state 2654
who entered ninth grade for the first time on or after July 1, 2655
2010, to begin undergraduate coursework at the university only if 2656
the person has successfully completed the Ohio core curriculum for 2657
high school graduation prescribed in division (C) of section 2658
3313.603 of the Revised Code, unless one of the following applies: 2659

(1) The person has earned at least ten semester hours, or the 2660
equivalent, at a community college, state community college, 2661
university branch, technical college, or another post-secondary 2662
institution except a state university to which division (B) of 2663
this section applies, in courses that are college-credit-bearing 2664

and may be applied toward the requirements for a degree. The 2665
university shall grant credit for successful completion of those 2666
courses pursuant to any applicable articulation and transfer 2667
policy of the Ohio board of regents or any agreements the 2668
university has entered into in accordance with policies and 2669
procedures adopted under section 3333.16, 3313.161, or 3333.162 of 2670
the Revised Code. The university may count college credit that the 2671
student earned while in high school through the post-secondary 2672
enrollment options program under Chapter 3365. of the Revised 2673
Code, or through other dual enrollment programs, toward the 2674
requirements of division (B)(1) of this section if the credit may 2675
be applied toward a degree. 2676

(2) The person met the high school graduation requirements by 2677
successfully completing the person's individualized education 2678
program developed under section 3323.08 of the Revised Code. 2679

(3) The person is receiving or has completed the final year 2680
of instruction at home as authorized under section 3321.04 of the 2681
Revised Code, or has graduated from a nonchartered, nonpublic 2682
school in Ohio, and demonstrates mastery of the academic content 2683
and skills in reading, writing, and mathematics needed to 2684
successfully complete introductory level coursework at an 2685
institution of higher education and to avoid remedial coursework. 2686

(4) The person is a high school student participating in the 2687
post-secondary enrollment options program under Chapter 3365. of 2688
the Revised Code or another dual enrollment program. 2689

(C) A state university subject to division (B) of this 2690
section may delay admission for or admit conditionally an 2691
undergraduate student who has successfully completed the Ohio core 2692
curriculum if the university determines the student requires 2693
academic remedial or developmental coursework. The university may 2694
delay admission pending, or make admission conditional upon, the 2695

student's successful completion of the academic remedial or 2696
developmental coursework at a university branch, community 2697
college, state community college, or technical college. 2698

(D) This section does not deny the right of a college of law, 2699
medicine, or other specialized education to require college 2700
training for admission, or the right of a department of music or 2701
other art to require particular preliminary training or talent. 2702

Sec. 3345.061. (A) Ohio's two-year institutions of higher 2703
education are respected points of entry for students embarking on 2704
post-secondary careers and courses completed at those institutions 2705
are transferable to state universities in accordance with 2706
articulation and transfer agreements developed under sections 2707
3333.16, 3333.161, and 3333.162 of the Revised Code. 2708

(B) Beginning with undergraduate students who commence 2709
undergraduate studies in the 2014-2015 academic year, no state 2710
university listed in section 3345.011 of the Revised Code, except 2711
Central state university, Shawnee state university, and Youngstown 2712
state university, shall receive any state operating subsidies for 2713
any academic remedial or developmental courses for undergraduate 2714
students, including courses prescribed in the Ohio core curriculum 2715
for high school graduation under division (C) of section 3313.603 2716
of the Revised Code, offered at its main campus, except as 2717
provided in divisions (B)(1) to (4) of this section. 2718

(1) In the 2014-2015 and 2015-2016 academic years, a state 2719
university may receive state operating subsidies for academic 2720
remedial or developmental courses for not more than three per cent 2721
of the total undergraduate credit hours provided by the university 2722
at its main campus. 2723

(2) In the 2016-2017 academic year, a state university may 2724
receive state operating subsidies for academic remedial or 2725

developmental courses for not more than fifteen per cent of the 2726
first-year students who have graduated from high school within the 2727
previous twelve months and who are enrolled in the university at 2728
its main campus, as calculated on a full-time-equivalent basis. 2729

(3) In the 2017-2018 academic year, a state university may 2730
receive state operating subsidies for academic remedial or 2731
developmental courses for not more than ten per cent of the 2732
first-year students who have graduated from high school within the 2733
previous twelve months and who are enrolled in the university at 2734
its main campus, as calculated on a full-time-equivalent basis. 2735

(4) In the 2018-2019 academic year, a state university may 2736
receive state operating subsidies for academic remedial or 2737
developmental courses for not more than five per cent of the 2738
first-year students who have graduated from high school within the 2739
previous twelve months and who are enrolled in the university at 2740
its main campus, as calculated on a full-time-equivalent basis. 2741

Each state university may continue to offer academic remedial 2742
and developmental courses at its main campus beyond the extent for 2743
which state operating subsidies may be paid under this division 2744
and may continue to offer such courses beyond the 2018-2019 2745
academic year. However, the university shall not receive any state 2746
operating subsidies for such courses above the maximum amounts 2747
permitted in this division. 2748

(C) Except as otherwise provided in division (B) of this 2749
section, beginning with students who commence undergraduate 2750
studies in the 2014-2015 academic year, state operating subsidies 2751
for academic remedial or developmental courses offered by state 2752
institutions of higher education may be paid only to Central state 2753
university, Shawnee state university, Youngstown state university, 2754
any university branch, any community college, any state community 2755
college, or any technical college. 2756

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The Ohio board of regents shall do all of the following:

(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a state university as required in order to conform to divisions (B) and (C) of this section;

(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education, as defined in section 3345.011 of the Revised Code;

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education;

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

Sec. 3345.062. If the partnership for continued learning, after consulting with the Ohio board of regents and the state board of education, does not complete and submit recommendations for legislative changes for the operation of the post-secondary

enrollment options program, as required by division (B) of section 2787
3301.42 of the Revised Code, by the deadline prescribed in that 2788
division, each state university, as defined in section 3345.011 of 2789
the Revised Code, shall offer via the internet or interactive 2790
distance learning at least two college level courses, one each in 2791
science and mathematics, by which high school students may earn 2792
both high school and college credit. During such course, the 2793
university may include a single presentation, of not more than two 2794
minutes in length, that describes its other programs and courses. 2795
The university may assess a fee for the course required under this 2796
section of not more than one-tenth of the amount per credit hour 2797
normally assessed by the university for an undergraduate course at 2798
its main campus. 2799

Section 2. That existing sections 2151.011, 3301.41, 3301.42, 2800
3313.472, 3313.48, 3313.533, 3313.603, 3313.61, 3313.614, 2801
3313.615, 3313.62, 3314.012, 3314.03, 3317.01, 3317.029, 3325.08, 2802
and 3345.06 and sections 3313.481 and 3313.482 of the Revised Code 2803
are hereby repealed. 2804

Section 3. The State Board of Education shall establish a 2805
Foreign Language Advisory Council to propose a statewide foreign 2806
language education implementation plan. The plan shall include 2807
recommendations for legislation to implement the plan by the 2808
2014-2015 school year. The State Board, in consultation with the 2809
Ohio Board of Regents and the Partnership for Continued Learning, 2810
shall appoint the members of the Council, which shall include 2811
educators from preschool through higher education, business 2812
leaders, and representatives of other interested parties. The 2813
Council, not later than December 31, 2007, shall submit its plan 2814
to the State Board, the Superintendent of Public Instruction, the 2815
Board of Regents, the Partnership for Continued Learning, the 2816
Governor, the Speaker and Minority Leader of the House of 2817

Representatives, the President and Minority Leader of the Senate, 2818
and the chairpersons and ranking minority members of the standing 2819
committees of the House of Representatives and the Senate that 2820
consider education legislation. In formulating its plan, the 2821
Council shall consider at least the following: 2822

(A) Facilitating foreign language acquisition across grades 2823
kindergarten through twelve, rather than limiting it to high 2824
school; 2825

(B) The extent to which students should focus on critical 2826
languages of economically competitive countries; 2827

(C) Best practices for implementing P-16 solutions to course 2828
instruction in foreign languages; 2829

(D) Multiple course-delivery models, including distance 2830
learning, online learning, and synchronous and asynchronous 2831
web-based delivery; 2832

(E) Defining a proficiency-based approach to earning credit 2833
for foreign language that can be reflected on students' high 2834
school transcripts; 2835

(F) Allowing for the proficiency-based approach to apply to 2836
nonnative English speakers in their native languages. 2837

Section 4. The State Board of Education shall adopt rules 2838
revising its standards and requirements for honors diplomas under 2839
section 3313.61 of the Revised Code. The State Board shall file 2840
the rules so that they take effect not later than June 30, 2007. 2841

Section 5. That Section 6 of Sub. H.B. 115 of the 126th 2842
General Assembly be amended to read as follows: 2843

Sec. 6. All appropriation items in this section are 2844
appropriated out of money in the state treasury to the credit of 2845

the designated fund. For all appropriations made in this section, 2846
the amounts in the first column are for fiscal year 2006 and the 2847
amounts in the second column are for fiscal year 2007. 2848

EDU DEPARTMENT OF EDUCATION 2849

General Revenue Fund 2850

GRF 200-536 Ohio Core Support \$ 0 \$ ~~13,200,000~~ 2851
\$30,000,000

TOTAL GRF General Revenue Fund \$ 0 \$ ~~13,200,000~~ 2852
\$30,000,000

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ ~~13,200,000~~ 2853
\$30,000,000

OHIO CORE SUPPORT 2854

The foregoing appropriation item 200-536, Ohio Core Support, 2855
shall be used to support implementation of the Ohio Core Program, 2856
which requires establishment of a rigorous high school curriculum 2857
for Ohio's high school students. The Department of Education and 2858
the Board of Regents shall jointly plan and work collaboratively 2859
to guide implementation of the Ohio Core Program and to administer 2860
funding to eligible school districts, fiscal agents, individuals, 2861
and programs as determined by this section. The Department of 2862
Education and the Board of Regents shall jointly agree to the 2863
awarding and expenditure of funds appropriated in this section. 2864

(A) Of the foregoing appropriation item 200-536, Ohio Core 2865
Support, up to \$2,600,000 in fiscal year 2007 shall be used to 2866
support the participation of teachers licensed in Ohio and 2867
mid-career professionals not currently employed by a school 2868
district or chartered nonpublic school or licensed to teach at the 2869
primary or secondary education levels in a twelve-month intensive 2870
training program that leads to teacher licensure in a 2871
laboratory-based science, advanced mathematics, or foreign 2872
language field at the secondary education level and employment 2873

with an Ohio school district or chartered nonpublic school. 2874

(B) Of the foregoing appropriation item 200-536, Ohio Core 2875
Support, up to \$1,500,000 in fiscal year 2007 shall be used to 2876
support alternative teacher licensure programs developed by 2877
educational service centers, in partnership with institutions of 2878
higher education. Participants shall be teachers licensed in Ohio 2879
and mid-career professionals not currently employed by a school 2880
district or chartered nonpublic school or licensed to teach at the 2881
primary or secondary education levels. Programs shall be 2882
consistent with the State Board of Education's alternative 2883
licensure requirements. 2884

(C) Of the foregoing appropriation item 200-536, Ohio Core 2885
Support, up to \$3,600,000 in fiscal year 2007 shall be distributed 2886
to school districts, and to public fiscal agents on behalf of 2887
chartered nonpublic schools, to be used to obtain contracted 2888
instruction with institutions of higher education in mathematics, 2889
science, or foreign language for public and chartered nonpublic 2890
high school students that results in dual high school and college 2891
credit. Costs shall be based upon reasonable expenses that 2892
institutions of higher education could incur for faculty, 2893
supplies, and other associated costs. 2894

(D) Of the foregoing appropriation item 200-536, Ohio Core 2895
Support, up to \$2,000,000 in fiscal year 2007 shall be disbursed 2896
to the eTech Ohio Commission within sixty days after ~~the effective~~ 2897
~~date of this section~~ June 23, 2006. Funding shall be used to 2898
implement and support the Ohio Students Choosing On-line Resources 2899
for Educational Success Initiative that increases the educational 2900
options available for students in mathematics, advanced 2901
laboratory-based science, and foreign language. The eTech Ohio 2902
Commission shall work collaboratively with the Department of 2903
Education and the Board of Regents on this initiative. 2904

(E) Of the foregoing appropriation item 200-536, Ohio Core 2905

Support, up to \$3,500,000 in fiscal year 2007 shall be disbursed 2906
to the Board of Regents within sixty days after ~~the effective date~~ 2907
~~of this section~~ June 23, 2006. The Board of Regents shall use the 2908
funds to support up to ten regional summer academies that focus on 2909
foreign language, science, mathematics, engineering, and 2910
technology and prepare eleventh and twelfth grade students 2911
enrolled in public or chartered nonpublic schools to pursue 2912
college-level foreign language, mathematics, science, technology, 2913
and engineering, with a focus on secondary teaching in these 2914
disciplines. Successful completion of these academics shall result 2915
in dual high school and college credits. Costs shall be based upon 2916
reasonable expenses, as determined by the Board of Regents, that 2917
institutions of higher education could incur for faculty, 2918
supplies, and other associated costs. 2919

(F) Of the foregoing appropriation item 200-536, Ohio Core 2920
Support, up to \$16,800,000 in fiscal year 2007 shall be used to 2921
fund grants under the Ohio Core Grant Program. This program shall 2922
be administered by the Ohio Department of Education. Grant funds 2923
shall be used by eligible school districts to directly support 2924
Ohio Core purposes such as building teacher capacity, recruiting 2925
and retaining teachers in required disciplines, providing 2926
intervention services to students, and other related purposes. The 2927
grants shall be awarded by the Department to eligible school 2928
districts, as determined by the Department. The Department shall 2929
consult with the Partnership for Continued Learning in 2930
establishing processes and procedures to distribute funds to 2931
eligible school districts. The Department shall evaluate the 2932
effectiveness of the grant program. 2933

The General Assembly intends to fund the Ohio Core Grant 2934
Program from fiscal year 2008 through fiscal year 2012 at a 2935
minimum of \$16,800,000 each fiscal year. 2936

Section 6. That existing Section 6 of Sub. H.B. 115 of the 126th General Assembly is hereby repealed.

Section 7. Sections 5, 6, and 7 of this act are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the sections go into immediate effect when this act becomes law.

Section 8. (A) There is hereby established a public-private collaborative commission to issue recommendations for promoting greater incidence of student success in conjunction with the Ohio Core curriculum. The commission shall consist of the following members:

(1) A school district superintendent, appointed by the Governor;

(2) A business or civic leader, appointed by the Governor;

(3) Two public members, appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives;

(4) Two public members, appointed by the President of the Senate in consultation with the Minority Leader of the Senate;

(5) One member, appointed by the Superintendent of Public Instruction;

(6) One member, appointed by the Chancellor of the Ohio Board of Regents.

(B) The school district superintendent and the business or civic leader appointed by the Governor shall be co-chairpersons of the commission.

(C) The commission's recommendations shall address methods of encouraging students and their families to develop a greater

vision for their successful future in Ohio, including 2965
consideration of career opportunities afforded by pursuing higher 2966
education and the use of mentorships, internships, and other 2967
programs to provide guidance to students and their families toward 2968
pursuing higher education and career opportunities. 2969

(D) The commission shall issue its recommendations by 2970
December 31, 2007. The recommendations shall be provided to the 2971
Governor, the Speaker and Minority Leader of the House of 2972
Representatives, the President and Minority Leader of the Senate, 2973
the chairpersons and ranking minority members of the committees 2974
that consider education in the House of Representatives and 2975
Senate, the State Board of Education, the Board of Regents, and 2976
the Partnership for Continued Learning. 2977

Section 9. The amendment of sections 2151.011, 3313.48, 2978
3313.533, 3313.62, and 3317.029, the repeal and reenactment of 2979
section 3313.481, and the repeal of section 3313.482 of the 2980
Revised Code by this act shall take effect July 1, 2007. Section 2981
3317.01 of the Revised Code, as amended by this act, shall take 2982
effect July 1, 2008. 2983

Section 10. The amendments to sections 3313.48, 3313.533, 2984
3313.62, 3317.01, and 3317.029; the repeal and reenactment of 2985
section 3313.481; and the repeal of section 3313.482 of the 2986
Revised Code made by this act do not apply to any collective 2987
bargaining agreement executed under Chapter 4117. of the Revised 2988
Code prior to the effective date of this section. Any collective 2989
bargaining agreement or renewal executed after that date shall 2990
comply with the changes provided for in this act. 2991

Section 11. Section 3313.603 of the Revised Code is presented 2992
in this act as a composite of the section as amended by both Am. 2993
Sub. H.B. 94 and Am. Sub. S.B. 1 of the 124th General Assembly. 2994

The General Assembly, applying the principle stated in division 2995
(B) of section 1.52 of the Revised Code that amendments are to be 2996
harmonized if reasonably capable of simultaneous operation, finds 2997
that the composite is the resulting version of the section in 2998
effect prior to the effective date of the section as presented in 2999
this act. 3000

Section 12. Section 3314.03 of the Revised Code is presented 3001
in this act as a composite of the section as amended by Am. Sub. 3002
H.B. 137, Sub. H.B. 184, and Sub. H.B. 422 of the 126th General 3003
Assembly. The General Assembly, applying the principle stated in 3004
division (B) of section 1.52 of the Revised Code that amendments 3005
are to be harmonized if reasonably capable of simultaneous 3006
operation, finds that the composite is the resulting version of 3007
the section in effect prior to the effective date of the section 3008
as presented in this act. 3009