

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 424**

**Representative Setzer**

**Cosponsors: Representatives Webster, Wagoner, Combs**

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**A B I L L**

To amend sections 3302.01, 3302.021, 3302.03, 1  
3302.031, 3302.04, 3312.04, 3313.6013, 3365.02, 2  
3365.03, 3365.05, 3365.07, and 3365.08 and to 3  
enact sections 3313.6015, 3365.022, and 3365.15 of 4  
the Revised Code to eliminate the performance 5  
index score as a factor in school district and 6  
building performance ratings, to make changes in 7  
the Post-Secondary Enrollment Options Program, and 8  
to make changes in the requirement that schools 9  
offer dual enrollment programs. 10

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

**Section 1.** That sections 3302.01, 3302.021, 3302.03, 11  
3302.031, 3302.04, 3312.04, 3313.6013, 3365.02, 3365.03, 3365.05, 12  
3365.07, and 3365.08 be amended and sections 3313.6015, 3365.022, 13  
and 3365.15 of the Revised Code be enacted to read as follows: 14

**Sec. 3302.01.** As used in this chapter: 15

(A) ~~"Performance index score" means the average of the totals 16  
derived from calculations for each subject area of reading, 17  
writing, mathematics, science, and social studies of the weighted 18  
proportion of untested students and students scoring at each level 19~~

~~of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the tests prescribed by divisions (A) and (B) of that section. The department of education shall assign weights such that students who do not take a test receive a weight of zero and students who take a test receive progressively larger weights dependent upon the level of skill attained on the test. The department shall also determine the performance index score a school district or building needs to achieve for the purpose of the performance ratings assigned pursuant to section 3302.03 of the Revised Code.~~

~~Students shall be included in the "performance index score" in accordance with division (D)(2) of section 3302.03 of the Revised Code.~~

~~(B)~~ "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

- ~~(1)~~ Major racial and ethnic groups;
- ~~(2)~~ Students with disabilities;
- ~~(3)~~ Economically disadvantaged students;
- ~~(4)~~ Limited English proficient students.

~~(C)~~(B) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

~~(D)~~(C) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

~~(E)~~(D) "Supplemental educational services" means additional

academic assistance, such as tutoring, remediation, or other 50  
educational enrichment activities, that is conducted outside of 51  
the regular school day by a provider approved by the department of 52  
education in accordance with the "No Child Left Behind Act of 53  
2001." 54

~~(F)~~(E) "Value-added progress dimension" means a measure of 55  
academic gain for a student or group of students over a specific 56  
period of time that is calculated by applying a statistical 57  
methodology to individual student achievement data derived from 58  
the achievement tests prescribed by section 3301.0710 of the 59  
Revised Code. 60

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not 61  
later than July 1, 2007, the department of education shall 62  
implement a value-added progress dimension for school districts 63  
and buildings and shall incorporate the value-added progress 64  
dimension into the report cards and performance ratings issued for 65  
districts and buildings under section 3302.03 of the Revised Code. 66  
For purposes of the performance ratings, the value-added progress 67  
dimension shall replace the performance index score, as defined in 68  
former section 3302.01 of the Revised Code as it existed prior to 69  
the effective date of this amendment, and shall factor into the 70  
ratings in the same manner as the performance index score. 71

The state board of education shall adopt rules, pursuant to 72  
Chapter 119. of the Revised Code, for the implementation of the 73  
value-added progress dimension. In adopting rules, the state board 74  
shall consult with the Ohio accountability task force established 75  
under division (D) of this section. The rules adopted under this 76  
division shall specify both of the following: 77

(1) A scale for describing the levels of academic progress in 78  
reading and mathematics relative to a standard year of academic 79  
growth in those subjects for each of grades three through eight; 80

(2) That the department shall maintain the confidentiality of individual student test scores and individual student reports in accordance with sections 3301.0711, 3301.0714, and 3319.321 of the Revised Code and federal law. The department may require school districts to use a unique identifier for each student for this purpose. Individual student test scores and individual student reports shall be made available only to a student's classroom teacher and other appropriate educational personnel and to the student's parent or guardian.

(B) The department shall use a system designed for collecting necessary data, calculating the value-added progress dimension, analyzing data, and generating reports, which system has been used previously by a non-profit organization led by the Ohio business community for at least one year in the operation of a pilot program in cooperation with school districts to collect and report student achievement data via electronic means and to provide information to the districts regarding the academic performance of individual students, grade levels, school buildings, and the districts as a whole.

(C) The department shall not pay more than two dollars per student for data analysis and reporting to implement the value-added progress dimension in the same manner and with the same services as under the pilot program described by division (B) of this section. However, nothing in this section shall preclude the department or any school district from entering into a contract for the provision of more services at a higher fee per student. Any data analysis conducted under this section by an entity under contract with the department shall be completed in accordance with timelines established by the superintendent of public instruction.

(D)(1) There is hereby established the Ohio accountability task force. The task force shall consist of the following thirteen

members:	113
(a) The chairpersons and ranking minority members of the house of representatives and senate standing committees primarily responsible for education legislation, who shall be nonvoting members;	114 115 116 117
(b) One representative of the governor's office, appointed by the governor;	118 119
(c) The superintendent of public instruction, or the superintendent's designee;	120 121
(d) One representative of teacher employee organizations formed pursuant to Chapter 4117. of the Revised Code, appointed by the speaker of the house of representatives;	122 123 124
(e) One representative of school district boards of education, appointed by the president of the senate;	125 126
(f) One school district superintendent, appointed by the speaker of the house of representatives;	127 128
(g) One representative of business, appointed by the president of the senate;	129 130
(h) One representative of a non-profit organization led by the Ohio business community, appointed by the governor;	131 132
(i) One school building principal, appointed by the president of the senate;	133 134
(j) A member of the state board of education, appointed by the speaker of the house of representatives.	135 136
Initial appointed members of the task force shall serve until January 1, 2005. Thereafter, terms of office for appointed members shall be for two years, each term ending on the same day of the same month as did the term that it succeeds. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be	137 138 139 140 141 142

reappointed. Vacancies shall be filled in the same manner as the 143  
original appointment. Any member appointed to fill a vacancy 144  
occurring prior to the expiration of the term for which the 145  
member's predecessor was appointed shall hold office for the 146  
remainder of that term. 147

The task force shall select from among its members a 148  
chairperson. The task force shall meet at least six times each 149  
calendar year and at other times upon the call of the chairperson 150  
to conduct its business. Members of the task force shall serve 151  
without compensation. 152

(2) The task force shall do all of the following: 153

(a) Examine the implementation of the value-added progress 154  
dimension by the department, including the system described in 155  
division (B) of this section, the reporting of performance data to 156  
school districts and buildings, and the provision of professional 157  
development on the interpretation of the data to classroom 158  
teachers and administrators; 159

(b) Periodically review any fees for data analysis and 160  
reporting paid by the department pursuant to division (C) of this 161  
section and determine if the fees are appropriate based upon the 162  
level of services provided; 163

(c) Periodically report to the department and the state board 164  
on all issues related to the school district and building 165  
accountability system established under this chapter; 166

(d) Not later than seven years after its initial meeting, 167  
make recommendations to improve the school district and building 168  
accountability system established under this chapter. The task 169  
force shall adopt recommendations by a majority vote of its 170  
members. Copies of the recommendations shall be provided to the 171  
state board, the governor, the speaker of the house of 172  
representatives, and the president of the senate. 173

(e) Determine starting dates for the implementation of the value-added progress dimension and its incorporation into school district and building report cards and performance ratings.

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

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

~~(2) The performance index score of the school district or building;~~

~~(3) Whether the school district or building has made adequate yearly progress;~~

~~(4)~~(3) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

(B) Except as otherwise provided in division (A) of section 3302.021 of the Revised Code with respect to factoring the value-added progress dimension into the performance ratings, and as otherwise provided in divisions (B)(6) and (7) of this section:

(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:

(a) It makes adequate yearly progress and ~~either~~ meets at least ninety-four per cent of the applicable state performance indicators ~~or has a performance index score established by the department.~~

(b) It has failed to make adequate yearly progress for not

more than two consecutive years and ~~either~~ meets at least 204  
ninety-four per cent of the applicable state performance 205  
indicators ~~or has a performance index score established by the~~ 206  
~~department.~~ 207

(2) A school district or building shall be declared effective 208  
if it fulfills one of the following requirements: 209

(a) It makes adequate yearly progress and ~~either~~ meets at 210  
least seventy-five per cent but less than ninety-four per cent of 211  
the applicable state performance indicators ~~or has a performance~~ 212  
~~index score established by the department.~~ 213

(b) It does not make adequate yearly progress and ~~either~~ 214  
meets at least seventy-five per cent but less than ninety-four per 215  
cent of the applicable state performance indicators ~~or has a~~ 216  
~~performance index score established by the department,~~ except that 217  
if it does not make adequate yearly progress for three consecutive 218  
years, it shall be declared in need of continuous improvement. 219

(3) A school district or building shall be declared to be in 221  
need of continuous improvement if it fulfills one of the following 222  
requirements: 223

(a) It makes adequate yearly progress, and meets less than 224  
seventy-five per cent of the applicable state performance 225  
indicators, ~~and has a performance index score established by the~~ 226  
~~department.~~ 227

(b) It does not make adequate yearly progress and ~~either~~ 228  
meets at least fifty per cent but less than seventy-five per cent 229  
of the applicable state performance indicators ~~or has a~~ 230  
~~performance index score established by the department.~~ 231

(4) A school district or building shall be declared to be 232  
under an academic watch if it does not make adequate yearly 233  
progress and either meets at least thirty-one per cent but less 234



than fifty per cent of the applicable state performance indicators 235  
~~or has a performance index score established by the department.~~ 236

(5) A school district or building shall be declared to be in 237  
a state of academic emergency if it does not make adequate yearly 238  
progress, and does not meet at least thirty-one per cent of the 239  
applicable state performance indicators, ~~and has a performance~~ 240  
~~index score established by the department.~~ 241

(6) When designating performance ratings for school districts 242  
and buildings under divisions (B)(1) to (5) of this section, the 243  
department shall not assign a school district or building a lower 244  
designation from its previous year's designation based solely on 245  
one subgroup not making adequate yearly progress. 246

(7) Division (B)(7) of this section does not apply to any 247  
community school established under Chapter 3314. of the Revised 248  
Code in which a majority of the students are enrolled in a dropout 249  
prevention and recovery program. 250

A school district or building shall not be assigned a higher 251  
performance rating than in need of continuous improvement if at 252  
least ten per cent but not more than fifteen per cent of the 253  
enrolled students do not take all achievement tests prescribed for 254  
their grade level under section 3301.0710 of the Revised Code from 255  
which they are not excused pursuant to division (C)(1) or (3) of 256  
section 3301.0711 of the Revised Code. A school district or 257  
building shall not be assigned a higher performance rating than 258  
under an academic watch if more than fifteen per cent but not more 259  
than twenty per cent of the enrolled students do not take all 260  
achievement tests prescribed for their grade level under section 261  
3301.0710 of the Revised Code from which they are not excused 262  
pursuant to division (C)(1) or (3) of section 3301.0711 of the 263  
Revised Code. A school district or building shall not be assigned 264  
a higher performance rating than in a state of academic emergency 265  
if more than twenty per cent of the enrolled students do not take 266

all achievement tests prescribed for their grade level under 267  
section 3301.0710 of the Revised Code from which they are not 268  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 269  
the Revised Code. 270

(C)(1) The department shall issue annual report cards for 271  
each school district, each building within each district, and for 272  
the state as a whole reflecting performance on the indicators 273  
created by the state board under section 3302.02 of the Revised 274  
Code, ~~the performance index score,~~ and adequate yearly progress. 275

(2) The department shall include on the report card for each 276  
district information pertaining to any change from the previous 277  
year made by the school district or school buildings within the 278  
district on any performance indicator. 279

(3) When reporting data on student performance, the 280  
department shall disaggregate that data according to the following 281  
categories: 282

(a) Performance of students by age group; 283

(b) Performance of students by race and ethnic group; 284

(c) Performance of students by gender; 285

(d) Performance of students grouped by those who have been 286  
enrolled in a district or school for three or more years; 287

(e) Performance of students grouped by those who have been 288  
enrolled in a district or school for more than one year and less 289  
than three years; 290

(f) Performance of students grouped by those who have been 291  
enrolled in a district or school for one year or less; 292

(g) Performance of students grouped by those who are 293  
economically disadvantaged; 294

(h) Performance of students grouped by those who are enrolled 295  
in a conversion community school established under Chapter 3314. 296

of the Revised Code;	297
(i) Performance of students grouped by those who are classified as limited English proficient;	298 299
(j) Performance of students grouped by those who have disabilities;	300 301
(k) Performance of students grouped by those who are classified as migrants;	302 303
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	304 305 306
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	307 308 309 310 311 312
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	313 314 315 316 317 318 319
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	320 321 322
(5) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall	323 324 325 326

include student mobility data disaggregated by race and 327  
socioeconomic status, college enrollment data, and the reports 328  
prepared under section 3302.031 of the Revised Code. 329

The department shall maintain a site on the world wide web. 330  
The report card shall include the address of the site and shall 331  
specify that such additional information is available to the 332  
public at that site. The department shall also provide a copy of 333  
each item on the list to the superintendent of each school 334  
district. The district superintendent shall provide a copy of any 335  
item on the list to anyone who requests it. 336

(6)(a) This division does not apply to conversion community 337  
schools that primarily enroll students between sixteen and 338  
twenty-two years of age who dropped out of high school or are at 339  
risk of dropping out of high school due to poor attendance, 340  
disciplinary problems, or suspensions. 341

For any district that sponsors a conversion community school 342  
under Chapter 3314. of the Revised Code, the department shall 343  
combine data regarding the academic performance of students 344  
enrolled in the community school with comparable data from the 345  
schools of the district for the purpose of calculating the 346  
performance of the district as a whole on the report card issued 347  
for the district. 348

(b) Any district that leases a building to a community school 349  
located in the district or that enters into an agreement with a 350  
community school located in the district whereby the district and 351  
the school endorse each other's programs may elect to have data 352  
regarding the academic performance of students enrolled in the 353  
community school combined with comparable data from the schools of 354  
the district for the purpose of calculating the performance of the 355  
district as a whole on the district report card. Any district that 356  
so elects shall annually file a copy of the lease or agreement 357  
with the department. 358

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

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

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

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

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

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

(c) Except as required by the "No Child Left Behind Act of

2001" for the calculation of adequate yearly progress, exclude for 390  
each district or building any limited English proficient student 391  
who has been enrolled in United States schools for less than one 392  
full school year. 393

**Sec. 3302.031.** In addition to the report cards required under 394  
section 3302.03 of the Revised Code, the department of education 395  
shall annually prepare the following reports for each school 396  
district and make a copy of each report available to the 397  
superintendent of each district: 398

(A) A funding and expenditure accountability report which 399  
shall consist of the amount of state aid payments the school 400  
district will receive during the fiscal year under Chapter 3317. 401  
of the Revised Code and any other fiscal data the department 402  
determines is necessary to inform the public about the financial 403  
status of the district; 404

(B) A school safety and discipline report which shall consist 405  
of statistical information regarding student safety and discipline 406  
in each school building, including the number of suspensions and 407  
expulsions disaggregated according to race and gender; 408

(C) A student equity report which shall consist of at least a 409  
description of the status of teacher qualifications, library and 410  
media resources, textbooks, classroom materials and supplies, and 411  
technology resources for each district. To the extent possible, 412  
the information included in the report required under this 413  
division shall be disaggregated according to grade level, race, 414  
gender, disability, and scores attained on tests required under 415  
section 3301.0710 of the Revised Code. 416

(D) A school enrollment report which shall consist of 417  
information about the composition of classes within each district 418  
by grade and subject disaggregated according to race, gender, and 419  
scores attained on tests required under section 3301.0710 of the 420

Revised Code; 421

(E) A student retention report which shall consist of the 422  
number of students retained in their respective grade levels in 423  
the district disaggregated by grade level, subject area, race, 424  
gender, and disability; 425

(F) A school district performance report which shall describe 426  
for the district and each building within the district the extent 427  
to which the district or building meets each of the applicable 428  
performance indicators established under section 3302.02 of the 429  
Revised Code, and the number of performance indicators that have 430  
been achieved, ~~and the performance index score~~. In calculating the 431  
rates of achievement on the performance indicators ~~and the~~ 432  
~~performance index scores~~ for each report, the department shall 433  
exclude all students with disabilities. 434

**Sec. 3302.04.** (A) The department of education shall establish 435  
a system of intensive, ongoing support for the improvement of 436  
school districts and school buildings. The system shall give 437  
priority to districts and buildings that have been declared to be 438  
under an academic watch or in a state of academic emergency under 439  
section 3302.03 of the Revised Code and shall include services 440  
provided to districts and buildings through regional service 441  
providers, such as educational service centers, regional 442  
professional development centers, and special education regional 443  
resource centers. 444

(B) When a school district has been notified by the 445  
department pursuant to division (A) of section 3302.03 of the 446  
Revised Code that the district or a building within the district 447  
has failed to make adequate yearly progress for two consecutive 448  
school years, the district shall develop a three-year continuous 449  
improvement plan for the district or building containing each of 450  
the following: 451

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

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

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

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

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

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

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

(C) When a school district or building has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or building is under an academic



watch or in a state of academic emergency, the district or 483  
building shall be subject to any rules establishing intervention 484  
in academic watch or emergency school districts or buildings. 485

(D)(1) Within one hundred twenty days after any school 486  
district or building is declared to be in a state of academic 487  
emergency under section 3302.03 of the Revised Code, the 488  
department may initiate a site evaluation of the building or 489  
school district. 490

(2) If any school district that is declared to be in a state 491  
of academic emergency or in a state of academic watch under 492  
section 3302.03 of the Revised Code or encompasses a building that 493  
is declared to be in a state of academic emergency or in a state 494  
of academic watch fails to demonstrate to the department 495  
satisfactory improvement of the district or applicable buildings 496  
or fails to submit to the department any information required 497  
under rules established by the state board of education, prior to 498  
approving a three-year continuous improvement plan under rules 499  
established by the state board of education, the department shall 500  
conduct a site evaluation of the school district or applicable 501  
buildings to determine whether the school district is in 502  
compliance with minimum standards established by law or rule. 503

(3) Site evaluations conducted under divisions (D)(1) and (2) 504  
of this section shall include, but not be limited to, the 505  
following: 506

(a) Determining whether teachers are assigned to subject 507  
areas for which they are licensed or certified; 508

(b) Determining pupil-teacher ratios; 509

(c) Examination of compliance with minimum instruction time 510  
requirements for each school day and for each school year; 511

(d) Determining whether materials and equipment necessary to 512  
implement the curriculum approved by the school district board are 513

available; 514

(e) Examination of whether the teacher and principal 515  
evaluation system reflects the evaluation system guidelines 516  
adopted by the state board of education under section 3319.112 of 517  
the Revised Code; 518

(f) Examination of the adequacy of efforts to improve the 519  
cultural competency, as defined pursuant to section 3319.61 of the 520  
Revised Code, of teachers and other educators. 521

(E) This division applies only to school districts that 522  
operate a school building that fails to make adequate yearly 523  
progress for two or more consecutive school years. 524

(1) For any school building that fails to make adequate 525  
yearly progress for two consecutive school years, the district 526  
shall do all of the following: 527

(a) Provide written notification of the academic issues that 528  
resulted in the building's failure to make adequate yearly 529  
progress to the parent or guardian of each student enrolled in the 530  
building. The notification shall also describe the actions being 531  
taken by the district or building to improve the academic 532  
performance of the building and any progress achieved toward that 533  
goal in the immediately preceding school year. 534

(b) If the building receives funds under Title 1, Part A of 535  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 536  
6311 to 6339, from the district, in accordance with section 537  
3313.97 of the Revised Code, offer all students enrolled in the 538  
building the opportunity to enroll in an alternative building 539  
within the district that is not in school improvement status as 540  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 541  
Chapter 3327. of the Revised Code, the district shall spend an 542  
amount equal to twenty per cent of the funds it receives under 543  
Title I, Part A of the "Elementary and Secondary Education Act of 544

1965," 20 U.S.C. 6311 to 6339, to provide transportation for 545  
students who enroll in alternative buildings under this division, 546  
unless the district can satisfy all demand for transportation with 547  
a lesser amount. If an amount equal to twenty per cent of the 548  
funds the district receives under Title I, Part A of the 549  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 550  
to 6339, is insufficient to satisfy all demand for transportation, 551  
the district shall grant priority over all other students to the 552  
lowest achieving students among the subgroup described in division 553  
~~(B)~~(A)(3) of section 3302.01 of the Revised Code in providing 554  
transportation. Any district that does not receive funds under 555  
Title I, Part A of the "Elementary and Secondary Education Act of 556  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 557  
transportation to any student who enrolls in an alternative 558  
building under this division. 559

(2) For any school building that fails to make adequate 560  
yearly progress for three consecutive school years, the district 561  
shall do both of the following: 562

(a) If the building receives funds under Title 1, Part A of 563  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 564  
6311 to 6339, from the district, in accordance with section 565  
3313.97 of the Revised Code, provide all students enrolled in the 566  
building the opportunity to enroll in an alternative building 567  
within the district that is not in school improvement status as 568  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 569  
Chapter 3327. of the Revised Code, the district shall provide 570  
transportation for students who enroll in alternative buildings 571  
under this division to the extent required under division (E)(2) 572  
of this section. 573

(b) If the building receives funds under Title 1, Part A of 574  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 575  
6311 to 6339, from the district, offer supplemental educational 576

services to students who are enrolled in the building and who are 577  
in the subgroup described in division ~~(B)~~(A)(3) of section 3302.01 578  
of the Revised Code. 579

The district shall spend a combined total of an amount equal 580  
to twenty per cent of the funds it receives under Title I, Part A 581  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 582  
6311 to 6339, to provide transportation for students who enroll in 583  
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 584  
this section and to pay the costs of the supplemental educational 585  
services provided to students under division (E)(2)(b) of this 586  
section, unless the district can satisfy all demand for 587  
transportation and pay the costs of supplemental educational 588  
services for those students who request them with a lesser amount. 589  
In allocating funds between the requirements of divisions 590  
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 591  
shall spend at least an amount equal to five per cent of the funds 592  
it receives under Title I, Part A of the "Elementary and Secondary 593  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 594  
transportation for students who enroll in alternative buildings 595  
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 596  
district can satisfy all demand for transportation with a lesser 597  
amount, and at least an amount equal to five per cent of the funds 598  
it receives under Title I, Part A of the "Elementary and Secondary 599  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 600  
of the supplemental educational services provided to students 601  
under division (E)(2)(b) of this section, unless the district can 602  
pay the costs of such services for all students requesting them 603  
with a lesser amount. If an amount equal to twenty per cent of the 604  
funds the district receives under Title I, Part A of the 605  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 606  
to 6339, is insufficient to satisfy all demand for transportation 607  
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 608  
the costs of all of the supplemental educational services provided 609

to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division ~~(B)~~(A)(3) of section 3302.01 of the Revised Code.

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

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

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

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

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

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

(d) Extend the length of the school day or year;	641
(e) Replace the building principal or other key personnel;	642
(f) Reorganize the administrative structure of the building.	643
(4) For any school building that fails to make adequate	644
yearly progress for five consecutive school years, the district	645
shall continue to comply with division (E)(2) of this section and	646
shall develop a plan during the next succeeding school year to	647
improve the academic performance of the building, which shall	648
include at least one of the following options:	649
(a) Reopen the school as a community school under Chapter	650
3314. of the Revised Code;	651
(b) Replace personnel;	652
(c) Contract with a nonprofit or for-profit entity to operate	653
the building;	654
(d) Turn operation of the building over to the department;	655
(e) Other significant restructuring of the building's	656
governance.	657
(5) For any school building that fails to make adequate	658
yearly progress for six consecutive school years, the district	659
shall continue to comply with division (E)(2) of this section and	660
shall implement the plan developed pursuant to division (E)(4) of	661
this section.	662
(6) A district shall continue to comply with division	663
(E)(1)(b) or (E)(2) of this section, whichever was most recently	664
applicable, with respect to any building formerly subject to one	665
of those divisions until the building makes adequate yearly	666
progress for two consecutive school years.	667
(F) This division applies only to school districts that have	668
been identified for improvement by the department pursuant to the	669
"No Child Left Behind Act of 2001."	670

(1) If a school district has been identified for improvement 671  
for one school year, the district shall provide a written 672  
description of the continuous improvement plan developed by the 673  
district pursuant to division (B) of this section to the parent or 674  
guardian of each student enrolled in the district. If the district 675  
does not have a continuous improvement plan, the district shall 676  
develop such a plan in accordance with division (B) of this 677  
section and provide a written description of the plan to the 678  
parent or guardian of each student enrolled in the district. 679

(2) If a school district has been identified for improvement 680  
for two consecutive school years, the district shall continue to 681  
implement the continuous improvement plan developed by the 682  
district pursuant to division (B) or (F)(1) of this section. 683

(3) If a school district has been identified for improvement 684  
for three consecutive school years, the department shall take at 685  
least one of the following corrective actions with respect to the 686  
district: 687

(a) Withhold a portion of the funds the district is entitled 688  
to receive under Title I, Part A of the "Elementary and Secondary 689  
Education Act of 1965," 20 U.S.C. 6311 to 6339; 690

(b) Direct the district to replace key district personnel; 691

(c) Institute a new curriculum that is consistent with the 692  
statewide academic standards adopted pursuant to division (A) of 693  
section 3301.079 of the Revised Code; 694

(d) Establish alternative forms of governance for individual 695  
school buildings within the district; 696

(e) Appoint a trustee to manage the district in place of the 697  
district superintendent and board of education. 698

The department shall conduct individual audits of a sampling 699  
of districts subject to this division to determine compliance with 700

the corrective actions taken by the department. 701

(4) If a school district has been identified for improvement 702  
for four consecutive school years, the department shall continue 703  
to monitor implementation of the corrective action taken under 704  
division (F)(3) of this section with respect to the district. 705

(5) If a school district has been identified for improvement 706  
for five consecutive school years, the department shall take at 707  
least one of the corrective actions identified in division (F)(3) 708  
of this section with respect to the district, provided that the 709  
corrective action the department takes is different from the 710  
corrective action previously taken under division (F)(3) of this 711  
section with respect to the district. 712

(G) The department may establish a state intervention team to 713  
evaluate all aspects of a school district or building, including 714  
management, curriculum, instructional methods, resource 715  
allocation, and scheduling. Any such intervention team shall be 716  
appointed by the department and shall include teachers and 717  
administrators recognized as outstanding in their fields. The 718  
intervention team shall make recommendations regarding methods for 719  
improving the performance of the district or building. 720

The department shall not approve a district's request for an 721  
intervention team under division (E)(3) of this section if the 722  
department cannot adequately fund the work of the team, unless the 723  
district agrees to pay for the expenses of the team. 724

(H) The department shall conduct individual audits of a 725  
sampling of community schools established under Chapter 3314. of 726  
the Revised Code to determine compliance with this section. 727

(I) The state board shall adopt rules for implementing this 728  
section. 729

**Sec. 3312.04.** The advisory council of each region of the 730



educational regional service system shall do all of the following: 731

(A) Identify regional needs and priorities for educational 732  
services to inform the department of education in the development 733  
of the performance contracts entered into by the fiscal agent of 734  
the region under section 3312.08 of the Revised Code; 735

(B) Develop policies to coordinate the delivery of services 736  
to school districts, community schools, and chartered nonpublic 737  
schools in a manner that responds to regional needs and 738  
priorities. Such policies shall not supersede any requirement of a 739  
performance contract entered into by the fiscal agent of the 740  
region under section 3312.08 of the Revised Code. 741

(C) Make recommendations to the fiscal agent for the region 742  
regarding the expenditure of funds available to the region for 743  
implementation of state and regional education initiatives and 744  
school improvement efforts; 745

(D) Monitor implementation of state and regional education 746  
initiatives and school improvement efforts by educational service 747  
centers, information technology centers, and other regional 748  
service providers to ensure that the terms of the performance 749  
contracts entered into by the fiscal agent for the region under 750  
section 3312.08 of the Revised Code are being met; 751

(E) Establish an accountability system to evaluate the 752  
advisory council on its performance of the duties described in 753  
divisions (A) to (D) of this section; 754

(F) Design a strategy for participation in the post-secondary 755  
enrollment options program by secondary grade students enrolled in 756  
public and nonpublic high schools located in the region and share 757  
that strategy with other regional advisory councils, as prescribed 758  
by section 3365.022 of the Revised Code. 759

**Sec. 3313.6013.** (A) As used in this section, "dual enrollment 760

program" means a program that enables a student to earn college 761  
credit ~~toward a degree from an institution of higher education~~ 762  
while enrolled in high school ~~or that enables a student to~~ 763  
~~complete coursework while enrolled in high school that may earn~~ 764  
~~credit toward a degree from an institution of higher education~~ 765  
~~upon the student's attainment of a specified score on an~~ 766  
~~examination covering the coursework. Dual enrollment programs may~~ 767  
~~include any of the following:~~ 768

~~(1) The post secondary enrollment options program established~~ 769  
~~under Chapter 3365. of the Revised Code;~~ 770

~~(2) Advanced placement courses;~~ 771

~~(3) Any similar program established pursuant to an agreement~~ 772  
~~between a school district or chartered nonpublic high school and~~ 773  
~~an institution of higher education as a result of participating in~~ 774  
~~a college course offered at a college or university or at a high~~ 775  
~~school or offered via distance learning arrangements, through~~ 776  
~~which credit is recorded on the student's transcript upon~~ 777  
~~completing the course.~~ 778

(B) Each city, local, exempted village, and joint vocational 779  
school district and each chartered nonpublic high school shall 780  
provide students enrolled in grades nine through twelve with the 781  
opportunity to participate in a dual enrollment program. For this 782  
purpose, each school district and chartered nonpublic high school 783  
shall offer at least one dual enrollment program in accordance 784  
with division (B)(1) or (2) of this section, as applicable. 785

(1) A city, local, or exempted village school district meets 786  
the requirements of this division through its mandatory 787  
participation in the post-secondary enrollment options program 788  
established under Chapter 3365. of the Revised Code. However, a 789  
city, local, or exempted village school district may offer any 790  
other dual enrollment program, in addition to the post-secondary 791

enrollment options program, and each joint vocational school 792  
district shall offer at least one other dual enrollment program, 793  
to students in good standing, as defined by the partnership for 794  
continued learning under section 3301.42 of the Revised Code. 795

(2) A chartered nonpublic high school that elects to 796  
participate in the post-secondary enrollment options program 797  
established under Chapter 3365. of the Revised Code meets the 798  
requirements of this division. Each chartered nonpublic high 799  
school that elects not to participate in the post-secondary 800  
enrollment options program instead shall offer at least one other 801  
dual enrollment program to students in good standing, as defined 802  
by the partnership for continued learning under section 3301.42 of 803  
the Revised Code. 804

(C) Each school district and each chartered nonpublic high 805  
school shall provide information about the dual enrollment 806  
programs offered by the district or school to all students 807  
enrolled in grades eight through eleven. 808

(D) The instructor of any course offering college credit 809  
under a dual enrollment program under division (B) of this section 810  
that is taught at a public high school shall hold at least a 811  
master's degree in the content of instruction. 812

Sec. 3313.6015. (A) As used in this section, "accelerated 813  
learning program" means a program that enables a student to 814  
complete coursework while enrolled in high school for which the 815  
student earns high school credit and also may earn credit toward a 816  
degree from an institution of higher education upon the student's 817  
matriculation at that institution of higher education. College 818  
credit may be based on attainment of a specified score on an 819  
examination covering the coursework. Accelerated learning programs 820  
may include advanced placement or international baccalaureate 821  
courses. 822

(B) A city, local, exempted village, or joint vocational school district may offer students enrolled in grades nine through twelve the opportunity to participate in an accelerated learning program. 823  
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**Sec. 3365.02.** There is hereby established the post-secondary enrollment options program under which a secondary grade student who is a resident of this state may enroll at a college, on a full- or part-time basis, and complete nonsectarian courses for high school and college credit. 827  
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Secondary grade students in a nonpublic school may participate in the post-secondary enrollment options program if the chief administrator of such school notifies the department of education by the first day of April prior to the school year in which the school's students will participate. 832  
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The purpose of the program shall be to provide post-secondary education opportunities, including career-technical and skills development courses, for secondary grade students who are ready to do college-level work and to help secondary grade students transition to college or the work force. 837  
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The state board of education, after consulting with the board of regents, shall adopt rules governing the program. The rules shall include: 842  
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(A) Requirements for school districts, community schools, or participating nonpublic schools to provide information about the program prior to the first day of March of each year to all students enrolled in grades eight through eleven; 845  
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847  
848

(B) A requirement that a student or the student's parent inform the district board of education, the governing authority of a community school, the STEM school chief administrative officer, or the nonpublic school administrator by the ~~thirtieth~~ 849  
850  
851  
852

thirty-first day of ~~March~~ May of the student's intent to 853  
participate in the program during the following school year. The 854  
rule shall provide that any student who fails to provide the 855  
notification by the required date may not participate in the 856  
program during the following school year without the written 857  
consent of the district superintendent, the governing authority of 858  
a community school, the STEM school chief administrative officer, 859  
or the nonpublic school administrator. 860

(C) Requirements that school districts, community schools, 861  
and STEM schools provide counseling services to students in grades 862  
eight through eleven and to their parents before the students 863  
participate in the program under this chapter to ensure that 864  
students and parents are fully aware of the possible risks and 865  
consequences of participation. Counseling information shall 866  
include without limitation: 867

(1) Program eligibility; 868

(2) The process for granting academic credits; 869

(3) Financial arrangements for tuition, books, materials, and 870  
fees; 871

(4) Criteria for any transportation aid; 872

(5) Available support services; 873

(6) Scheduling; 874

(7) The consequences of failing or not completing a course in 875  
which the student enrolls and the effect of the grade attained in 876  
the course being included in the student's grade point average, if 877  
applicable; 878

(8) The effect of program participation on the student's 879  
ability to complete the district's or school's graduation 880  
requirements; 881

(9) The academic and social responsibilities of students and 882

parents under the program; 883

(10) Information about and encouragement to use the 884  
counseling services of the college in which the student intends to 885  
enroll. 886

(D) A requirement that the student and the student's parent 887  
sign a form, provided by the school district or school, stating 888  
that they have received the counseling required by division (C) of 889  
this section and that they understand the responsibilities they 890  
must assume in the program; 891

(E) The options required by section 3365.04 of the Revised 892  
Code; 893

(F) A requirement that a student may not enroll in any 894  
specific college course through the program if the student has 895  
taken high school courses in the same subject area as that college 896  
course and has failed to attain a cumulative grade point average 897  
of at least 3.0 on a 4.0 scale, or the equivalent, in such 898  
completed high school courses. 899

Sec. 3365.022. Each regional advisory council of the 900  
educational regional service system established under section 901  
3312.03 of the Revised Code shall design a strategy for 902  
participation in the post-secondary enrollment options program by 903  
secondary grade students enrolled in public and nonpublic high 904  
schools located in the region so that students eligible for 905  
college courses under the program are able to take advantage of 906  
the program to the fullest extent possible. To facilitate the 907  
sharing of ideas statewide, each regional advisory council shall 908  
examine the strategies of other regional advisory councils and 909  
shall share its strategy with other regional advisory councils, 910  
upon request. However, each regional advisory council is 911  
responsible to design a strategy for its region tailored to the 912  
needs and resources of schools, students, and colleges in the 913

region. 914

**Sec. 3365.03.** (A) Notwithstanding any other provision of law, 915  
a student enrolled in a school district, a community school, a 916  
STEM school, or a participating nonpublic school may apply to a 917  
college to enroll in it during the student's ninth, tenth, 918  
eleventh, or twelfth grade school year under this chapter. For 919  
purposes of this division, during the period of an expulsion 920  
imposed under division (B) of section 3313.66 of the Revised Code 921  
or extended under division (F) of that section, a student is 922  
ineligible to apply to enroll in a college under this section, 923  
unless the student is admitted to another school district or 924  
community school, or a participating nonpublic school. If a 925  
student is enrolled in a college under this section at the time 926  
the student is expelled under division (B) of section 3313.66 of 927  
the Revised Code, the student's status for the remainder of the 928  
college term in which the expulsion is imposed shall be determined 929  
under section 3365.041 of the Revised Code. 930

(B) A college shall not impose more stringent entrance 931  
requirements on a secondary grade student seeking to enroll in a 932  
college course under this chapter than those imposed on other 933  
entering first-year undergraduate students. A college also shall 934  
not require a student to complete the entire Ohio core curriculum, 935  
as prescribed in division (C) of section 3313.603 of the Revised 936  
Code, as a prerequisite to enrollment in a college course under 937  
this chapter; however, a college may require completion of a 938  
particular secondary grade course included within that curriculum 939  
as a prerequisite for a particular college course if the college 940  
determines that completion of that secondary grade course is 941  
necessary for successful completion of the college course. 942

(C) If a college accepts a student who applies under this 943  
section, it shall send written notice to the student, the 944

student's school district, community school, STEM school, or 945  
nonpublic school, and the superintendent of public instruction 946  
within ten days after acceptance. Within ten days after each 947  
enrollment for a term, the college shall also send the student, 948  
the student's school district, community school, STEM school, or 949  
nonpublic school, and the superintendent of public instruction a 950  
written notice indicating the courses and hours of enrollment of 951  
the student and the option elected by the student under division 952  
(A) or (B) of section 3365.04 of the Revised Code for each course. 953

**Sec. 3365.05. (A)** High school credit awarded for courses 954  
successfully completed under this chapter shall count toward the 955  
graduation requirements and subject area requirements of the 956  
school district, community school, STEM school, or nonpublic 957  
school. If a course comparable to one a student completed at a 958  
college is offered by the district or school, the board or school 959  
shall award comparable credit for the course completed at the 960  
college. If no comparable course is offered by the district or 961  
school, the board or school shall grant an appropriate number of 962  
credits in a similar subject area to the student. 963

Notwithstanding any provision of the Revised Code or rule of 964  
the state board of education to the contrary, a school district, 965  
community school, STEM school, or nonpublic school, by examining 966  
the course syllabus or instructional materials or both, shall 967  
determine the amount of high school credit to award for each 968  
college course the student completes under this chapter based on 969  
the level of difficulty and depth of and breadth of the course 970  
content, rather than on the amount of hours of classroom 971  
instruction included in the course. 972

(B) If there is a dispute between a school district board, a 973  
community school governing authority, or a STEM school and a 974  
student regarding high school credits granted for a course, the 975



student may appeal the decision to the state board of education. 976  
The state board's decision regarding any high school credits 977  
granted under this section is final. 978

(C) Evidence of successful completion of each course and the 979  
high school credits awarded by the district or school shall be 980  
included in the student's record. The record shall indicate that 981  
the credits were earned as a participant under this chapter and 982  
shall include the name of the college at which the credits were 983  
earned. The district or school shall ~~determine whether and the~~ 984  
~~manner in which~~ include in the student's record the grade achieved 985  
in a course completed at a college under division (A)(2) or (B) of 986  
section 3365.04 of the Revised Code ~~will be counted and shall use~~ 987  
that grade in computing any cumulative grade point average, 988  
weighted grade point average, or class rank maintained for the 989  
student. 990

**Sec. 3365.07.** (A) The rules adopted under section 3365.02 of 991  
the Revised Code shall specify a method for each of the following: 992

(1) Determining, with respect to any participant, the 993  
percentage of a full-time educational program constituted by the 994  
participant's total educational program. That percentage shall be 995  
the participant's full-time equivalency percentage for purposes of 996  
the computation required by division (B)(1) of this section. 997

(2) In the case of a participant who is not enrolled in a 998  
participating nonpublic school, determining the percentage of a 999  
participant's school day during which the participant is 1000  
participating in each of the following: 1001

(a) Programs provided by the city, local, or exempted village 1002  
school district, a community school, or a STEM school; 1003

(b) Programs provided by a joint vocational school district; 1004

(c) Programs provided by a college under division (B) of 1005

section 3365.04 of the Revised Code. 1006

The sum of divisions (A)(2)(a) to (c) of this section shall equal 1007  
one hundred per cent. 1008

(3) In the case of a participant who is not enrolled in a 1009  
participating nonpublic school, determining the percentage of a 1010  
participant's enrollment that shall be deemed to be enrollment in 1011  
a joint vocational school district and the percentage that shall 1012  
be deemed to be enrollment in a city, local, or exempted village 1013  
school district. The sum of such percentages shall equal one 1014  
hundred per cent. 1015

(4) In the case of a participant who is enrolled in a 1016  
participating nonpublic school, determining the percentage of a 1017  
participant's school day during which the participant is 1018  
participating in programs provided by a college under division (B) 1019  
of section 3365.04 of the Revised Code. 1020

(B) Each July, the department of education shall pay each 1021  
college for any participant enrolled in the college in the prior 1022  
school year under division (B) of section 3365.04 of the Revised 1023  
Code an amount computed as follows: 1024

(1) Multiply the tuition base by the participant's full-time 1025  
equivalency percentage and multiply the resulting amount by a 1026  
percentage equal to the percentage of the participant's school day 1027  
apportioned to the college under division (A)(2)(c) or (4) of this 1028  
section, as applicable. 1029

(2) Pay the college the lesser of: 1030

(a) The amount computed under division (B)(1) of this 1031  
section; 1032

(b) The actual costs that would have been the responsibility 1033  
of the participant had the participant elected to enroll under 1034  
division (A) of section 3365.04 of the Revised Code, as verified 1035

by the department, of tuition, textbooks, materials, and fees 1036  
directly related to any courses elected by the participant during 1037  
the prior school year under division (B) of section 3365.04 of the 1038  
Revised Code. 1039

(C) The department shall not reimburse ~~any~~ a college for any 1040  
of the following: 1041

(1) A college course taken by a participant under division 1042  
(A) of section 3365.04 of the Revised Code; 1043

(2) A college course taken by a participant that is not 1044  
either: 1045

(a) Included in or equivalent to a course included in either 1046  
a transfer module or the transfer assurance guide developed by the 1047  
Ohio board of regents; 1048

(b) Included in a program leading to certification or 1049  
licensure in an occupation or profession; 1050

(3) A college course taken by a participant that is taught by 1051  
an instructor who is employed by a school district, including a 1052  
joint vocational school district, or by a community school, 1053  
educational service center, STEM school, or nonpublic school, 1054  
unless the instructor holds at least a master's degree in the 1055  
content of instruction. 1056

(D) If the participant was not enrolled in a participating 1057  
nonpublic school, the amount paid under division (B) of this 1058  
section for each participant shall be subtracted from the school 1059  
foundation payments made to the participant's school district or, 1060  
if the participant was enrolled in a community school or a STEM 1061  
school, from the payments made to the participant's school under 1062  
section 3314.08 or 3326.33 of the Revised Code. If the participant 1063  
was enrolled in a joint vocational school district, a portion of 1064  
the amount shall be subtracted from the payments to the joint 1065  
vocational school district and a portion shall be subtracted from 1066

the payments to the participant's city, local, or exempted village school district. The amount of the payment subtracted from the city, local, or exempted village school district shall be computed as follows:

(1) Add the following:

(a) The percentage of the participant's enrollment in the school district, determined under division (A)(3) of this section; and

(b) Twenty-five per cent times the percentage of the participant's enrollment in the joint vocational school district, determined under division (A)(3) of this section.

(2) Multiply the sum obtained under division (D)(1) of this section by the amount computed under division (B)(2) of this section.

The balance of the payment shall be subtracted from the joint vocational district's school foundation payments.

(E) If the participant was enrolled in a participating nonpublic school, the amount paid under division (B) of this section shall be subtracted from moneys set aside by the general assembly for such purpose from funds appropriated for the purposes of section 3317.06 of the Revised Code.

**Sec. 3365.08.** (A) A college that expects to receive or receives reimbursement under section 3365.07 of the Revised Code shall furnish to a participant all textbooks and materials directly related to a course taken by the participant under division (B) of section 3365.04 of the Revised Code. The reimbursement paid to a college under section 3365.07 of the Revised Code for that course and the corresponding deduction from a school district's or community school's account or, in the case of a nonpublic school student, from other state funds set aside

for that purpose shall cover the cost of tuition, textbooks, materials, and other fees directly related to that course. No college shall charge such participant for tuition, textbooks, materials, or other fees directly related to ~~any such~~ that course.

(B) No student enrolled under this chapter in a course for which credit toward high school graduation is awarded shall receive direct financial aid through any state or federal program.

(C) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised Code, a parent of a pupil enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the student between the secondary school the student attends and the college in which the student is enrolled. Reimbursement may be paid solely from funds received by the district under division (D) of section 3317.022 of the Revised Code. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(D) If a community school provides or arranges transportation for its pupils in grades nine through twelve under section 3314.091 of the Revised Code, a parent of a pupil of the community school who is enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the governing authority of the community school for full or partial reimbursement of the necessary costs of transporting the student between the community school and the college. The governing authority may pay the reimbursement in accordance with the state board's rules adopted under division (C) of this section solely from funds paid to it under section 3314.091 of the Revised Code.

Sec. 3365.15. Not later than September 1, 2008, the state 1127  
board of education and the Ohio board of regents shall develop and 1128  
implement a data system that collects, records, and monitors 1129  
information regarding students enrolled in the post-secondary 1130  
enrollment options program. The data shall include, but not be 1131  
limited to, grades and high school and college credits earned by 1132  
secondary grade students for post-secondary courses, methods of 1133  
instructional delivery in those courses, counseling provided to 1134  
students, student satisfaction regarding the program, and 1135  
credentials of faculty for post-secondary courses in which 1136  
secondary grade students are enrolled. The state board and the 1137  
board of regents shall develop the data system so that it complies 1138  
with section 3319.321 of the Revised Code and the "Family 1139  
Educational Rights and Privacy Act," 20 U.S.C. 1232g. 1140

As used in this section, "Ohio board of regents" means the 1141  
board of regents itself and not the chancellor of the board of 1142  
regents, as otherwise prescribed under section 3333.031 of the 1143  
Revised Code. 1144

**Section 2.** That existing sections 3302.01, 3302.021, 3302.03, 1145  
3302.031, 3302.04, 3312.04, 3313.6013, 3365.02, 3365.03, 3365.05, 1146  
3365.07, and 3365.08 of the Revised Code are hereby repealed. 1147  
1148

**Section 3.** The Department of Education, not later than 1149  
September 1, 2008, shall report written findings to the General 1150  
Assembly, in accordance with section 101.68 of the Revised Code, 1151  
on access by secondary grade students during college summer 1152  
sessions to the Post-Secondary Enrollment Options Program 1153  
established under Chapter 3365. of the Revised Code. Each regional 1154  
advisory council of the Educational Regional Service System 1155  
established under section 3312.03 of the Revised Code shall assist 1156

the Department in developing the report by collecting data for its 1157  
respective region and submitting the data to the Department in a 1158  
form and by a deadline established by the Department. 1159

At a minimum, the report shall disaggregate by region the 1160  
following: 1161

(A) The number of secondary students enrolling in college 1162  
courses during college summer sessions under the Program; 1163

(B) The percentage the number reported under division (A) of 1164  
this section is of the total number of secondary students 1165  
enrolling in college courses under the Program for the current 1166  
school year and the percentage that number is of the total number 1167  
of secondary students regardless of whether they participate in 1168  
the Program; 1169

(C) The number of those students reported under division (A) 1170  
of this section who enrolled in a college course at a four-year 1171  
college or university under the Program; 1172

(D) The number of those students reported under division (A) 1173  
of this section who enrolled in a college course at a two-year 1174  
college under the Program; 1175

(E) The number of those students reported under each of 1176  
divisions (C) and (D) of this section who enrolled in a college 1177  
course either through an Internet- or computer-based delivery 1178  
method or through some other distance-learning delivery method. 1179

**Section 4.** The revisions by this act to the Post-Secondary 1180  
Enrollment Options Program established under Chapter 3365. of the 1181  
Revised Code shall take effect and shall apply at the earliest 1182  
time permitted by law, except as follows: 1183

(A) The statement in section 3365.02 of the Revised Code, as 1184  
amended by this act, concerning the purpose of the Program applies 1185  
to courses taken beginning in the 2009-2010 school year. 1186

(B) The requirement that a secondary grade student notify the school district board of education, community school governing authority, STEM school chief administrative officer, or nonpublic school administrator by the thirty-first day of May of the student's intent to participate in the Program, as prescribed in division (B) of section 3365.02 of the Revised Code, as amended by this act, shall first apply in 2009. Accordingly, students intending to enroll in college courses under the Program in the 2009-2010 school year shall notify the appropriate board, authority, or administrator by May 31, 2009. Students intending to enroll in post-secondary courses under the Program in the 2008-2009 school year shall remain subject to the requirement to notify the appropriate board, authority, or administrator by the thirtieth day of March as prescribed in division (B) of section 3365.02 of the Revised Code, as it existed prior to the effective date of this act.

(C) The prohibition prescribed in division (C)(2) of section 3365.07 of the Revised Code on reimbursement to a college for a course taken by a participant under the Program that (1) is not included in, or is not equivalent to a course included in, either a transfer module or the Transfer Assurance Guide developed by the Ohio Board of Regents or (2) is not included in a program leading to certification or licensure in an occupation or profession first applies to courses taken during the 2009-2010 school year.

(D) The prohibition prescribed in division (C)(3) of section 3365.07 of the Revised Code on reimbursement to a college for a course taken by a participant under the Program that is taught by an instructor who is employed by a school district, including a joint vocational school district, or by a community school, educational service center, or nonpublic school, unless the instructor holds at least a master's degree in the content of instruction, first applies to courses taken during the 2009-2010



school year.

1219