

Am. Sub. H.B. 1

As Passed by the Senate

CC-4722-1

EDU-66, EDU-67, EDU-82,

EDU-117, EDU-118,

EDU-119, and EDU-137



_____ moved to amend as follows:

In line 340, after "3301.075," insert "3301.079, 3301.0710, 1
3301.0711,"; after "3301.0714," insert "3301.0715, 3301.0716, 2
3301.0718," 3

In line 341, after "3301.12," insert "3301.16,"; after 4
"3301.56," insert "3302.01, 3302.02,"; after "3302.03," insert 5
"3302.031, 3302.05, 3302.07," 6

In line 342, after "3310.03," insert "3310.11,"; after 7
"3313.53," insert "3313.532," 8

In line 343, after "3313.603," insert "3313.608, 3313.61, 9
3313.611, 3313.612, 3313.614, 3313.615,"; after "3313.642," insert 10
"3313.6410," 11

In line 344, after "3313.978," insert "3314.012,"; after 12
"3314.085," insert "3314.19, 3314.25," 13

In line 345, after "3314.35," insert "3314.36," 14

In line 347, after "3319.11," insert "3319.151," 15

In line 350, after "3323.05," insert "3325.08,"; after 16
"3326.11," insert "3326.14, 3326.23,"; after "3326.36," insert 17

"3326.37,"; after "3333.122," insert "3333.123," 18

In line 420, after "(173.422)," insert "3313.174 (3313.82)," 19

In line 424, after "173.43," insert "3301.0712," 20

In line 441, after "3313.719," insert "3313.821, 3313.822," 21

Delete lines 33236 through 33376 and insert: 22

"Sec. 3301.07. The state board of education shall exercise 23
under the acts of the general assembly general supervision of the 24
system of public education in the state. In addition to the powers 25
otherwise imposed on the state board under the provisions of law, 26
the board shall have the ~~following~~ powers+ described in this 27
section. 28

(A) ~~Exercise~~ The state board shall exercise policy forming, 29
planning, and evaluative functions for the public schools of the 30
state, ~~and for adult education,~~ except as otherwise provided by 31
law. 32

(B) ~~Exercise~~ (1) The state board shall exercise leadership in 33
the improvement of public education in this state, and administer 34
the educational policies of this state relating to public schools, 35
and relating to instruction and instructional material, building 36
and equipment, transportation of pupils, administrative 37
responsibilities of school officials and personnel, and finance 38
and organization of school districts, educational service centers, 39
and territory. Consultative and advisory services in such matters 40
shall be provided by the board to school districts and educational 41
service centers of this state. ~~The~~ 42

(2) The state board also shall develop a standard of 43
financial reporting which shall be used by ~~all~~ each school 44
~~districts~~ district board of education and educational service 45
~~centers~~ center governing board to make ~~their~~ its financial 46

information and annual budgets for each school building under its 47
control available to the public in a format understandable by the 48
average citizen ~~and provide year to year comparisons for at least~~ 49
~~five years~~. The format shall show, among other things, at the 50
district and educational service center level or at the school 51
building level, as determined appropriate by the department of 52
education, revenue by source; expenditures for salaries, wages, 53
and benefits of employees, showing such amounts separately for 54
classroom teachers, other employees required to hold licenses 55
issued pursuant to sections 3319.22 to 3319.31 of the Revised 56
Code, and all other employees; expenditures other than for 57
personnel, by category, including utilities, textbooks and other 58
educational materials, equipment, permanent improvements, pupil 59
transportation, extracurricular athletics, and other 60
extracurricular activities; and per pupil expenditures. 61

(C) ~~Administer~~ The state board shall administer and supervise 62
the allocation and distribution of all state and federal funds for 63
public school education under the provisions of law, and may 64
prescribe such systems of accounting as are necessary and proper 65
to this function. It may require county auditors and treasurers, 66
boards of education, educational service center governing boards, 67
treasurers of such boards, teachers, and other school officers and 68
employees, or other public officers or employees, to file with it 69
such reports as it may prescribe relating to such funds, or to the 70
management and condition of such funds. 71

(D) ~~Formulate~~ (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, 72
XXXVII, XLVII, and LI of the Revised Code a reference is made to 73
standards prescribed under this section or division (D) of this 74
section, that reference shall be construed to refer to the 75
standards prescribed under division (D) (2) of this section, unless 76
the context specifically indicates a different meaning or intent. 77

(2) The state board shall formulate and prescribe minimum 78
standards to be applied to all elementary and secondary schools in 79
this state for the purpose of requiring a general education of 80
high quality. Such standards shall provide adequately for: the 81
licensing of teachers, administrators, and other professional 82
personnel and their assignment according to training and 83
qualifications; efficient and effective instructional materials 84
and equipment, including library facilities; the proper 85
organization, administration, and supervision of each school, 86
including regulations for preparing all necessary records and 87
reports and the preparation of a statement of policies and 88
objectives for each school; buildings, grounds, health and 89
sanitary facilities and services; admission of pupils, and such 90
requirements for their promotion from grade to grade as will 91
assure that they are capable and prepared for the level of study 92
to which they are certified; requirements for graduation; and such 93
other factors as the board finds necessary. 94

In the formulation and administration of such standards for 95
nonpublic schools the board shall also consider the particular 96
needs, methods and objectives of those schools, provided they do 97
not conflict with the provision of a general education of a high 98
quality and provided that regular procedures shall be followed for 99
promotion from grade to grade of pupils who have met the 100
educational requirements prescribed. 101

~~(E) May~~ In the formulation and administration of such 102
standards as they relate to instructional materials and equipment 103
in public schools, including library materials, the board shall 104
require that the material and equipment be aligned with and 105
promote skills expected under the statewide academic standards 106
adopted under section 3301.079 of the Revised Code. 107

(3) In addition to the minimum standards required by division 108

(D) (2) of this section, the state board shall formulate and 109
prescribe the following additional minimum operating standards for 110
school districts: 111

(a) Standards for the effective and efficient organization, 112
administration, and supervision of each school district so that it 113
becomes a thinking and learning organization according to 114
principles of systems design and collaborative professional 115
learning communities research as defined by the superintendent of 116
public instruction, including a focus on the personalized and 117
individualized needs of each student; a shared responsibility 118
among school boards, administrators, faculty, and staff to develop 119
a common vision, mission, and set of guiding principles; a shared 120
responsibility among school boards, administrators, faculty, and 121
staff to engage in a process of collective inquiry, action 122
orientation, and experimentation to ensure the academic success of 123
all students; commitment to teaching and learning strategies that 124
utilize technological tools and emphasize inter-disciplinary, 125
real-world, project-based, and technology-oriented learning 126
experiences to meet the individual needs of every student; 127
commitment to high expectations for every student and commitment 128
to closing the achievement gap so that all students achieve core 129
knowledge and skills in accordance with the statewide academic 130
standards adopted under section 3301.079 of the Revised Code; 131
commitment to the use of assessments to diagnose the needs of each 132
student; effective connections and relationships with families and 133
others that support student success; and commitment to the use of 134
positive behavior intervention supports throughout a district to 135
ensure a safe and secure learning environment for all students; 136

(b) Standards for the establishment of business advisory 138
councils and family and civic engagement teams by school districts 139
under sections 3313.82, 3313.821, and 3313.822 of the Revised 140

Code: 141

(c) Standards incorporating the classifications for the components of the adequacy amount under Chapter 3306. of the Revised Code into core academic strategy components and academic improvement components, as specified in rules adopted under section 3306.25 of the Revised Code: 142-146

(d) Standards for school district organizational units, as defined in sections 3306.02 and 3306.04 of the Revised Code, that require: 147-149

(i) The effective and efficient organization, administration, and supervision of each school district organizational unit so that it becomes a thinking and learning organization according to principles of systems design and collaborative professional learning communities research as defined by the state superintendent, including a focus on the personalized and individualized needs of each student; a shared responsibility among organizational unit administrators, faculty, and staff to develop a common vision, mission, and set of guiding principles; a shared responsibility among organizational unit administrators, faculty, and staff to engage in a process of collective inquiry, action orientation, and experimentation to ensure the academic success of all students; commitment to job embedded professional development and professional mentoring and coaching; established periods of time for teachers to pursue planning time for the development of lesson plans, professional development, and shared learning; commitment to effective management strategies that allow administrators reasonable access to classrooms for observation and professional development experiences; commitment to teaching and learning strategies that utilize technological tools and emphasize inter-disciplinary, real-world, project-based, and technology-oriented learning experiences to meet the individual 150-171

needs of every student; commitment to high expectations for every student and commitment to closing the achievement gap so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code; commitment to the use of assessments to diagnose the needs of each student; effective connections and relationships with families and others that support student success; commitment to the use of positive behavior intervention supports throughout the organizational unit to ensure a safe and secure learning environment for all students;

(ii) A school organizational unit leadership team to coordinate positive behavior intervention supports, family and civic engagement services, learning environments, thinking and learning systems, collaborative planning, planning time, student academic interventions, student extended learning opportunities, and other activities identified by the team and approved by the district board of education. The team shall include the building principal, representatives from each collective bargaining unit, the building lead teacher, parents, business representatives, and others that support student success.

(E) The state board may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;

(F) Prepare The state board shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year

projection of the state's public and nonpublic school enrollment, 203
by year and by grade level~~7~~. 204

(G) ~~Prepare~~ The state board shall prepare and submit to the 205
director of budget and management the biennial budgetary requests 206
of the state board of education, for its agencies and for the 207
public schools of the state~~7~~. 208

(H) ~~Cooperate~~ The state board shall cooperate with federal, 209
state, and local agencies concerned with the health and welfare of 210
children and youth of the state~~7~~. 211

(I) ~~Require~~ The state board shall require such reports from 212
school districts and educational service centers, school officers, 213
and employees as are necessary and desirable. The superintendents 214
and treasurers of school districts and educational service centers 215
shall certify as to the accuracy of all reports required by law or 216
state board or state department of education rules to be submitted 217
by the district or educational service center and which contain 218
information necessary for calculation of state funding. Any 219
superintendent who knowingly falsifies such report shall be 220
subject to license revocation pursuant to section 3319.31 of the 221
Revised Code. 222

(J) In accordance with Chapter 119. of the Revised Code, the 223
state board shall adopt procedures, standards, and guidelines for 224
the education of children with disabilities pursuant to Chapter 225
3323. of the Revised Code, including procedures, standards, and 226
guidelines governing programs and services operated by county 227
boards of mental retardation and developmental disabilities 228
pursuant to section 3323.09 of the Revised Code~~7~~. 229

(K) For the purpose of encouraging the development of special 230
programs of education for academically gifted children, the state 231
board shall employ competent persons to analyze and publish data, 232
promote research, advise and counsel with boards of education, and 233

encourage the training of teachers in the special instruction of 234
 gifted children. The board may provide financial assistance out of 235
 any funds appropriated for this purpose to boards of education and 236
 educational service center governing boards for developing and 237
 conducting programs of education for academically gifted children. 238

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(L) ~~Require~~ The state board shall require that all public 240
 schools emphasize and encourage, within existing units of study, 241
 the teaching of energy and resource conservation as recommended to 242
 each district board of education by leading business persons 243
 involved in energy production and conservation, beginning in the 244
 primary grades. 245

(M) ~~Formulate~~ The state board shall formulate and prescribe 246
 minimum standards requiring the use of phonics as a technique in 247
 the teaching of reading in grades kindergarten through three. In 248
 addition, the state board shall provide in-service training 249
 programs for teachers on the use of phonics as a technique in the 250
 teaching of reading in grades kindergarten through three. 251

~~(N) Develop and modify as necessary a state plan for 252
 technology to encourage and promote the use of technological 253
 advancements in educational settings. 254~~

The board may adopt rules necessary for carrying out any 255
 function imposed on it by law, and may provide rules as are 256
 necessary for its government and the government of its employees, 257
 and may delegate to the superintendent of public instruction the 258
 management and administration of any function imposed on it by 259
 law. It may provide for the appointment of board members to serve 260
 on temporary committees established by the board for such purposes 261
 as are necessary. Permanent or standing committees shall not be 262
 created. 263

Compliance with the standards adopted under divisions (B) (2) 264

and (D) of this section, as they relate to the operation of a school operated by a school district, may be waived by the state superintendent pursuant to section 3306.40 of the Revised Code." 265
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Between lines 33428 and 33429, insert: 268

"Sec. 3301.079. (A) (1) Not later than ~~December 31, 2001~~ June 30, 2010, and at least once every five years thereafter, the state board of education shall adopt statewide academic standards with emphasis on coherence, focus, and rigor for each of grades kindergarten through twelve in ~~reading, writing, and mathematics.~~ 269
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~~Not later than December 31, 2002, the state board shall adopt statewide academic standards for each of grades kindergarten through twelve in science and social studies. The English language arts, mathematics, science, and social studies.~~ 274
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The standards shall specify the following: 278

(a) The core academic content and skills that students are expected to know and be able to do at each grade level- 279
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~~(2)~~ that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century; 281
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(b) The development of skill sets as they relate to creativity and innovation, critical thinking and problem solving, and communication and collaboration; 284
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(c) The development of skill sets that promote information, media, and technological literacy; 287
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(d) The development of skill sets that promote personal management, productivity and accountability, and leadership and responsibility; 289
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(e) Interdisciplinary, project-based, real-world learning opportunities. 292
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(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in computer literacy, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in divisions (A) (1) (a) to (e) of this section. 294
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 301
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The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 306
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(4) When academic standards have been completed for any subject area required by this ~~division~~ section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. 314
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(B) ~~Not later than eighteen months after the completion of academic standards for any subject area required by division (A) of this section~~ March 31, 2011, the state board shall adopt a 322
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model curriculum for instruction in ~~that~~ each subject area for 325
which updated academic standards are required by division (A) (1) 326
of this section and for each of grades kindergarten through twelve 327
that is sufficient to meet the needs of students in every 328
community. The model curriculum shall be aligned with the 329
standards, to ensure that the academic content and skills 330
specified for each grade level are taught to students, and shall 331
demonstrate vertical articulation and emphasize coherence, focus, 332
and rigor. When any model curriculum has been completed, the state 333
board shall inform all school districts, community schools, and 334
STEM schools of the content of that model curriculum. 335

All school districts, community schools, and STEM schools may 336
utilize the state standards and the model curriculum established 337
by the state board, together with other relevant resources, 338
examples, or models to ensure that students have the opportunity 339
to attain the academic standards. Upon request, the department of 340
education shall provide technical assistance to any district, 341
community school, or STEM school in implementing the model 342
curriculum. 343

Nothing in this section requires any school district to 344
utilize all or any part of a model curriculum developed under this 345
division. 346

(C) The state board shall develop achievement ~~tests~~ 347
assessments aligned with the academic standards and model 348
curriculum for each of the subject areas and grade levels required 349
by divisions (A) (1) and (B) (1) of section 3301.0710 of the Revised 350
Code. 351

When any achievement ~~test~~ assessment has been completed, the 352
state board shall inform all school districts, community schools, 353
STEM schools, and nonpublic schools required to administer the 354
assessment of its completion, and the department of education 355

shall make the achievement ~~test~~ assessment available to the 356
 districts and schools. ~~School districts shall administer the~~ 357
~~achievement test beginning in the school year indicated in section~~ 358
~~3301.0712 of the Revised Code.~~ 359

(D) (1) The state board shall adopt a diagnostic assessment 360
 aligned with the academic standards and model curriculum for each 361
 of grades kindergarten through two in ~~reading, writing, English~~ 362
language arts and mathematics and for grade three in ~~writing~~ 363
English language arts. The diagnostic assessment shall be designed 364
 to measure student comprehension of academic content and mastery 365
 of related skills for the relevant subject area and grade level. 366
 Any diagnostic assessment shall not include components to identify 367
 gifted students. Blank copies of diagnostic ~~tests~~ assessments 368
 shall be public records. 369

(2) When each diagnostic assessment has been completed, the 370
 state board shall inform all school districts of its completion 371
 and the department of education shall make the diagnostic 372
 assessment available to the districts at no cost to the district. 373
 School districts shall administer the diagnostic assessment 374
 pursuant to section 3301.0715 of the Revised Code beginning the 375
 first school year following the development of the assessment. 376

(E) The state board shall not adopt a diagnostic or 377
achievement assessment for any grade level or subject area other 378
than those specified in this section. 379

(F) Whenever the state board or the department of education 380
 consults with persons for the purpose of drafting or reviewing any 381
 standards, diagnostic assessments, achievement ~~tests~~ assessments, 382
 or model curriculum required under this section, the state board 383
 or the department shall first consult with parents of students in 384
 kindergarten through twelfth grade and with active Ohio classroom 385
 teachers, other school personnel, and administrators with 386

expertise in the appropriate subject area. Whenever practicable, 387
 the state board and department shall consult with teachers 388
 recognized as outstanding in their fields. 389

If the department contracts with more than one outside entity 390
 for the development of the achievement ~~tests~~ assessments required 391
 by this section, the department shall ensure the 392
 interchangeability of those ~~tests~~ assessments. 393

~~(F)~~(G) The fairness sensitivity review committee, established 394
 by rule of the state board of education, shall not allow any 395
 question on any achievement ~~test~~ or diagnostic assessment 396
 developed under this section or any proficiency test prescribed by 397
 former section 3301.0710 of the Revised Code, as it existed prior 398
 to September 11, 2001, to include, be written to promote, or 399
 inquire as to individual moral or social values or beliefs. The 400
 decision of the committee shall be final. This section does not 401
 create a private cause of action. 402

(H) Not later than forty-five days prior to the initial 403
deadline established under division (A)(1) of this section and the 404
deadline established under division (B) of this section, the 405
superintendent of public instruction shall present the academic 406
standards or model curricula, as applicable, to the respective 407
committees of the house of representatives and senate that 408
consider education legislation. 409

(I) As used in this section: 410

(1) "Coherence" means a reflection of the structure of the 411
discipline being taught. 412

(2) "Focus" means limiting the number of items included in a 413
curriculum to allow for deeper exploration of the subject matter. 414

(3) "Rigor" means more challenging and demanding when 415
compared to international standards. 416

(4) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.

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

The ~~testing~~ assessment program shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of achievement in ~~reading, writing~~ English language arts, mathematics, science, and social studies, and other skills necessary in the twenty-first century.

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

(a) Two statewide achievement ~~tests~~ assessments, one each designed to measure the level of ~~reading~~ English language arts and mathematics skill expected at the end of third grade;

(b) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one each designed to measure the level of ~~reading, writing,~~ English language arts and mathematics skill expected at the end of fourth grade;

(c) Four statewide achievement ~~tests~~ assessments, one each designed to measure the level of ~~reading~~ English language arts, mathematics, science, and social studies skill expected at the end

of fifth grade; 447

(d) Two statewide achievement ~~tests~~ assessments, one each 448
 designed to measure the level of ~~reading~~ English language arts and 449
 mathematics skill expected at the end of sixth grade; 450

(e) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one 451
 each designed to measure the level of ~~reading, writing,~~ English 452
language arts and mathematics skill expected at the end of seventh 453
 grade; 454

(f) Four statewide achievement ~~tests~~ assessments, one each 455
 designed to measure the level of ~~reading~~ English language arts, 456
 mathematics, science, and social studies skill expected at the end 457
 of eighth grade. 458

(2) The state board shall determine and designate at least 459
~~five~~ three ranges of scores on each of the achievement ~~tests~~ 460
~~assessments~~ described in divisions (A) (1) and (B) (1) of this 461
 section. Each range of scores shall be deemed to demonstrate a 462
 level of achievement so that any student attaining a score within 463
 such range has achieved one of the following: 464

(a) An advanced level of skill; 465

(b) ~~An accelerated level of skill;~~ 466

~~(c)~~ A proficient level of skill; 467

~~(d) A basic level of skill;~~ 468

~~(e)~~ (c) A limited level of skill. 469

(B) (1) The ~~tests~~ assessments prescribed under ~~this~~ division 470
(B) (1) of this section shall collectively be known as the Ohio 471
 graduation tests. The state board shall prescribe five statewide 472
 high school achievement ~~tests~~ assessments, one each designed to 473
 measure the level of reading, writing, mathematics, science, and 474
 social studies skill expected at the end of tenth grade. The state 475

board shall designate a score in at least the range designated 476
 under division (A) (2) ~~(e)~~ (b) of this section on each such ~~test~~ 477
assessment that shall be deemed to be a passing score on the ~~test~~ 478
assessment as a condition toward granting high school diplomas 479
 under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the 480
 Revised Code until the assessment system prescribed by section 481
3301.0712 of the Revised Code is implemented in accordance with 482
rules adopted by the state board under division (E) of that 483
section. 484

(2) The state board shall prescribe an assessment system in 485
accordance with section 3301.0712 of the Revised Code that shall 486
replace the Ohio graduation tests in the manner prescribed by 487
rules adopted by the state board under division (E) of that 488
section. 489

(3) The state board may enter into a reciprocal agreement 490
 with the appropriate body or agency of any other state that has 491
 similar statewide achievement ~~testing~~ assessment requirements for 492
 receiving high school diplomas, under which any student who has 493
 met an achievement ~~testing~~ assessment requirement of one state is 494
 recognized as having met the similar ~~achievement testing~~ 495
 requirement of the other state for purposes of receiving a high 496
 school diploma. For purposes of this section and sections 497
 3301.0711 and 3313.61 of the Revised Code, any student enrolled in 498
 any public high school in this state who has met an achievement 499
~~testing~~ assessment requirement specified in a reciprocal agreement 500
 entered into under this division shall be deemed to have attained 501
 at least the applicable score designated under this division on 502
 each ~~test~~ assessment required by ~~this~~ division (B) (1) or (2) of 503
this section that is specified in the agreement. 504

~~(C) Except as provided in division (H) of this section, the~~ 505
~~state board shall annually designate as follows the dates on which~~ 506

~~the tests prescribed under this section shall be administered:~~ 507

~~(1) For the reading test prescribed under division (A) (1) (a) of this section, as follows:~~ 508
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~~(a) One date prior to the thirty first day of December each school year;~~ 510
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~~(b) At least one date of each school year that is not earlier than Monday of the week containing the twenty fourth day of April.~~ 512
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~~(2) For the mathematics test prescribed under division (A) (1) (a) of this section and the tests prescribed under divisions (A) (1) (b), (c), (d), (e), and (f) of this section, at least one date of each school year that is not earlier than Monday of the week containing the twenty fourth day of April;~~ 515
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~~(3) For the tests prescribed under division (B) of this section, at least one date in each school year that is not earlier than Monday of the week containing the fifteenth day of March for all tenth grade students and at least one date prior to the thirty first day of December and at least one date subsequent to that date but prior to the thirty first day of March of each school year for eleventh and twelfth grade students.~~ 520
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~~(D) In prescribing test dates pursuant to division (C) (3) of this section, the state board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C) (2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.~~ 527
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~~(E) In The superintendent of public instruction shall~~ 536

designate dates and times for the administration of the 537
assessments prescribed by divisions (A) and (B) of this section. 538

In prescribing ~~test~~ administration dates pursuant to this 539
section ~~division~~, the ~~state board of education~~ superintendent 540
 shall designate the dates in such a way as to allow a reasonable 541
 length of time between the administration of ~~tests~~ assessments 542
 prescribed under this section and any administration of the 543
~~National Assessment~~ national assessment of ~~Education Progress Test~~ 544
educational progress given to students in the same grade level 545
 pursuant to section 3301.27 of the Revised Code or federal law. 546

~~(F)~~(D) The state board shall prescribe a practice version of 548
 each Ohio graduation test described in division (B) (1) of this 549
 section that is of comparable length to the actual test. 550

~~(G)~~(E) Any committee established by the department of 551
 education for the purpose of making recommendations to the state 552
 board regarding the state board's designation of scores on the 553
~~tests~~ assessments described by this section shall inform the state 554
 board of the probable percentage of students who would score in 555
 each of the ranges established under division (A) (2) of this 556
 section on the ~~tests~~ assessments if the committee's 557
 recommendations are adopted by the state board. To the extent 558
 possible, these percentages shall be disaggregated by gender, 559
 major racial and ethnic groups, limited English proficient 560
 students, economically disadvantaged students, students with 561
 disabilities, and migrant students. 562

If the state board intends to make any change to the 563
 committee's recommendations, the state board shall explain the 564
 intended change to the Ohio accountability task force established 565
 by section 3302.021 of the Revised Code. The task force shall 566
 recommend whether the state board should proceed to adopt the 567

intended change. Nothing in this division shall require the state
board to designate ~~test~~ assessment scores based upon the
recommendations of the task force.

~~(H)(1) The state board shall require any alternate assessment
administered to a student under division (C)(1) of section
3301.0711 of the Revised Code to be completed and submitted to the
entity with which the department contracts for the scoring of the
test not later than the first day of April of the school year in
which the test is administered.~~

~~(2) For any test prescribed by this section, the state board
may designate a date one week earlier than the applicable date
designated under division (C) of this section for the
administration of the test to limited English proficient students.~~

~~(3) In designating days for the administration of the tests
prescribed by division (A) of this section, the state board shall
require the tests for each grade level to be administered over a
period of two weeks.~~

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

(1) Annually furnish to, grade, and score all ~~tests~~
assessments required by divisions (A)(1) and (B)(1) of section
3301.0710 of the Revised Code to be administered by city, local,
exempted village, and joint vocational school districts, except
that each district shall score any ~~test~~ assessment administered
pursuant to division (B)(10) of this section. Each ~~test~~ assessment
so furnished shall include the data verification code of the
student to whom the ~~test~~ assessment will be administered, as
assigned pursuant to division (D)(2) of section 3301.0714 of the
Revised Code. In furnishing the practice versions of Ohio
graduation tests prescribed by division ~~(F)(D)~~ of section
3301.0710 of the Revised Code, the department shall make the tests

available on its web site for reproduction by districts. In 598
awarding contracts for grading ~~tests~~ assessments, the department 599
shall give preference to Ohio-based entities employing Ohio 600
residents. 601

(2) Adopt rules for the ethical use of ~~tests~~ assessments and 602
prescribing the manner in which the ~~tests~~ assessments prescribed 603
by section 3301.0710 of the Revised Code shall be administered to 604
students. 605

(B) Except as provided in divisions (C) and (J) of this 606
section, the board of education of each city, local, and exempted 607
village school district shall, in accordance with rules adopted 608
under division (A) of this section: 609

(1) Administer the ~~reading test~~ English language arts 610
assessments prescribed under division (A) (1) (a) of section 611
3301.0710 of the Revised Code twice annually to all students in 612
the third grade who have not attained the score designated for 613
that ~~test~~ assessment under division (A) (2) ~~(e)~~ (b) of section 614
3301.0710 of the Revised Code. 615

(2) Administer the mathematics ~~test~~ assessment prescribed 616
under division (A) (1) (a) of section 3301.0710 of the Revised Code 617
at least once annually to all students in the third grade. 618

(3) Administer the ~~tests~~ assessments prescribed under 619
division (A) (1) (b) of section 3301.0710 of the Revised Code at 620
least once annually to all students in the fourth grade. 621

(4) Administer the ~~tests~~ assessments prescribed under 622
division (A) (1) (c) of section 3301.0710 of the Revised Code at 623
least once annually to all students in the fifth grade. 624

(5) Administer the ~~tests~~ assessments prescribed under 625
division (A) (1) (d) of section 3301.0710 of the Revised Code at 626
least once annually to all students in the sixth grade. 627

(6) Administer the ~~tests~~ assessments prescribed under 628
division (A) (1) (e) of section 3301.0710 of the Revised Code at 629
least once annually to all students in the seventh grade. 630

(7) Administer the ~~tests~~ assessments prescribed under 631
division (A) (1) (f) of section 3301.0710 of the Revised Code at 632
least once annually to all students in the eighth grade. 633

(8) Except as provided in division (B) (9) of this section, 634
administer any ~~test~~ assessment prescribed under division (B) (1) of 635
section 3301.0710 of the Revised Code as follows: 636

(a) At least once annually to all tenth grade students and at 637
least twice annually to all students in eleventh or twelfth grade 638
who have not yet attained the score on that ~~test~~ assessment 639
designated under that division; 640

(b) To any person who has successfully completed the 641
curriculum in any high school or the individualized education 642
program developed for the person by any high school pursuant to 643
section 3323.08 of the Revised Code but has not received a high 644
school diploma and who requests to take such ~~test~~ assessment, at 645
any time such ~~test~~ assessment is administered in the district. 646

(9) In lieu of the board of education of any city, local, or 647
exempted village school district in which the student is also 648
enrolled, the board of a joint vocational school district shall 649
administer any ~~test~~ assessment prescribed under division (B) (1) of 650
section 3301.0710 of the Revised Code at least twice annually to 651
any student enrolled in the joint vocational school district who 652
has not yet attained the score on that ~~test~~ assessment designated 653
under that division. A board of a joint vocational school district 654
may also administer such a ~~test~~ an assessment to any student 655
described in division (B) (8) (b) of this section. 656

(10) If the district has been declared to be under an 657

academic watch or in a state of academic emergency pursuant to 658
section 3302.03 of the Revised Code or has a three-year average 659
graduation rate of not more than seventy-five per cent, administer 660
each ~~test~~ assessment prescribed by division ~~(F)~~(D) of section 661
3301.0710 of the Revised Code in September to all ninth grade 662
students, beginning in the school year that starts July 1, 2005. 663

Except as provided in section 3313.614 of the Revised Code 664
for administration of an assessment to a person who has fulfilled 665
the curriculum requirement for a high school diploma but has not 666
passed one or more of the required assessments, the assessments 667
prescribed under division (B)(1) of section 3301.0710 of the 668
Revised Code and the practice assessments prescribed under 669
division (D) of that section and required to be administered under 670
divisions (B)(8), (9), and (10) of this section shall not be 671
administered after the assessment system prescribed by division 672
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 673
Code is implemented under rule of the state board adopted under 674
division (E)(1) of section 3301.0712 of the Revised Code. 675

(11) Administer the assessments prescribed by division (B)(2) 676
of section 3301.0710 and section 3301.0712 of the Revised Code in 677
accordance with the timeline and plan for implementation of those 678
assessments prescribed by rule of the state board adopted under 679
division (E)(1) of section 3301.0712 of the Revised Code. 680

(C)(1)(a) Any student receiving special education services 681
under Chapter 3323. of the Revised Code may be excused from taking 682
any particular ~~test~~ assessment required to be administered under 683
this section if the individualized education program developed for 684
the student pursuant to section 3323.08 of the Revised Code 685
excuses the student from taking that ~~test~~ assessment and instead 686
specifies an alternate assessment method approved by the 687
department of education as conforming to requirements of federal 688

law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking ~~a test~~ an assessment unless no reasonable accommodation can be made to enable the student to take the ~~test~~ assessment.

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

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

(2) A district board may, for medical reasons or other good cause, excuse a student from taking ~~a test~~ an assessment administered under this section on the date scheduled, but ~~any such test~~ that assessment shall be administered to ~~such the~~ excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the ~~tests~~ assessments

required by this section to the state board of education not later than the thirtieth day of June.

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

No school district board shall excuse any limited English proficient student from taking any particular ~~test~~ assessment required to be administered under this section, except that any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any ~~such~~ reading ~~or~~ writing ~~test~~, or English language arts assessment. However, no board shall prohibit a limited English proficient student who is not required to take a ~~test~~ an assessment under this division from taking the ~~test~~ assessment. A board may permit any limited English proficient student to take ~~any test~~ an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

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

(D)(1) In the school year next succeeding the school year in which the ~~tests~~ assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which

the student is enrolled in that year shall provide to the student 751
 intervention services commensurate with the student's ~~test~~ 752
 performance, including any intensive intervention required under 753
 section 3313.608 of the Revised Code, in any skill in which the 754
 student failed to demonstrate at least a score at the proficient 755
 level on the ~~test~~ assessment. 756

(2) Following any administration of the ~~tests~~ assessments 757
 prescribed by division ~~(F)~~ (D) of section 3301.0710 of the Revised 758
 Code to ninth grade students, each school district that has a 759
 three-year average graduation rate of not more than seventy-five 760
 per cent shall determine for each high school in the district 761
 whether the school shall be required to provide intervention 762
 services to any students who took the ~~tests~~ assessments. In 763
 determining which high schools shall provide intervention services 764
 based on the resources available, the district shall consider each 765
 school's graduation rate and scores on the practice ~~tests~~ 766
assessments. The district also shall consider the scores received 767
 by ninth grade students on the ~~reading~~ English language arts and 768
 mathematics ~~tests~~ assessments prescribed under division (A) (1) (f) 769
 of section 3301.0710 of the Revised Code in the eighth grade in 770
 determining which high schools shall provide intervention 771
 services. 772

Each high school selected to provide intervention services 773
 under this division shall provide intervention services to any 774
 student whose ~~test~~ results indicate that the student is failing to 775
 make satisfactory progress toward being able to attain scores at 776
 the proficient level on the Ohio graduation tests. Intervention 777
 services shall be provided in any skill in which a student 778
 demonstrates unsatisfactory progress and shall be commensurate 779
 with the student's ~~test~~ performance. Schools shall provide the 780
 intervention services prior to the end of the school year, during 781
 the summer following the ninth grade, in the next succeeding 782

school year, or at any combination of those times. 783

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall utilize any student's failure to attain a specified score on ~~any test~~ an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take ~~any test~~ an assessment administered under this section or make up ~~such test~~ an assessment as provided by division (C) (2) of this section and who is not exempt from the requirement to take the ~~test~~ assessment under division (C) (3) of this section. 784
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(F) No person shall be charged a fee for taking any ~~test~~ assessment administered under this section. 795
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(G) (1) Each school district board shall designate one location for the collection of ~~tests~~ assessments administered in the spring under division (B) (1) of this section and ~~the tests~~ those administered under divisions (B) (2) to (7) of this section. Each district board shall submit the ~~tests~~ assessments to the entity with which the department contracts for the scoring of the ~~tests~~ assessments as follows: 797
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(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the ~~tests~~ assessments have been administered; 804
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(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the ~~tests~~ assessments have been administered; 808
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(c) If the district's total enrollment in grades kindergarten 813

through twelve during the first full school week of October was 814
 seven thousand or more, not later than the Tuesday after all of 815
 the ~~tests~~ assessments have been administered. 816

However, any ~~such test~~ assessment that a student takes during 817
 the make-up period described in division (C) (2) of this section 818
 shall be submitted not later than the Friday following the day the 819
 student takes the ~~test~~ assessment. 820

(2) The department or an entity with which the department 821
 contracts for the scoring of the ~~test~~ assessment shall send to 822
 each school district board a list of the individual ~~test~~ scores of 823
 all persons taking ~~any test~~ an assessment prescribed by division 824
 (A) (1) or (B) (1) of section 3301.0710 of the Revised Code within 825
 sixty days after its administration, but in no case shall the 826
 scores be returned later than the fifteenth day of June following 827
 the administration. For ~~any tests~~ assessments administered under 828
 this section by a joint vocational school district, the department 829
 or entity shall also send to each city, local, or exempted village 830
 school district a list of the individual ~~test~~ scores of any 831
 students of such city, local, or exempted village school district 832
 who are attending school in the joint vocational school district. 833

(H) Individual ~~test~~ scores on any ~~tests~~ assessments 835
 administered under this section shall be released by a district 836
 board only in accordance with section 3319.321 of the Revised Code 837
 and the rules adopted under division (A) of this section. No 838
 district board or its employees shall utilize individual or 839
 aggregate ~~test~~ results in any manner that conflicts with rules for 840
 the ethical use of ~~tests~~ assessments adopted pursuant to division 841
 (A) of this section. 842

(I) Except as provided in division (G) of this section, the 843
 department or an entity with which the department contracts for 844

the scoring of the ~~test~~ assessment shall not release any
individual ~~test~~ scores on any ~~test~~ assessment administered under
this section. The state board of education shall adopt rules to
ensure the protection of student confidentiality at all times. The
rules may require the use of the data verification codes assigned
to students pursuant to division (D) (2) of section 3301.0714 of
the Revised Code to protect the confidentiality of student ~~test~~
scores.

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

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

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

(a) Students who are attending school in the cooperative

district and who, if the cooperative district were not 876
 established, would be entitled to attend school in the city, 877
 local, or exempted village school district pursuant to section 878
 3313.64 or 3313.65 of the Revised Code; 879

(b) Persons described in division (B) (8) (b) of this section. 880

Any ~~testing~~ assessment of students pursuant to such an 881
 agreement shall be in lieu of any ~~testing~~ assessment of such 882
 students or persons pursuant to this section. 883

(K) (1) As a condition of compliance with section 3313.612 of 884
the Revised Code, each chartered nonpublic school that educates 885
students in grades nine through twelve shall administer the 886
assessments prescribed by divisions (B) (1) and (2) of section 887
3301.0710 of the Revised Code. Any chartered nonpublic school may 888
 participate in the ~~testing~~ assessment program by administering any 889
 of the ~~tests~~ assessments prescribed by division (A) of section 890
3301.0710 or 3301.0712 of the Revised Code if the. The chief 891
 administrator of the school ~~specifies~~ shall specify which ~~tests~~ 892
assessments the school ~~wishes to~~ will administer. Such 893
 specification shall be made in writing to the superintendent of 894
 public instruction prior to the first day of August of any school 895
 year in which ~~tests~~ assessments are administered and shall include 896
 a pledge that the nonpublic school will administer the specified 897
~~tests~~ assessments in the same manner as public schools are 898
 required to do under this section and rules adopted by the 899
 department. 900

(2) The department of education shall furnish the ~~tests~~ 901
assessments prescribed by section 3301.0710 or 3301.0712 of the 902
 Revised Code to any each chartered nonpublic school ~~electing to~~ 903
participate that participates under this division. 904

(L) (1) The superintendent of the state school for the blind 905
 and the superintendent of the state school for the deaf shall 906

administer the ~~tests~~ assessments described by ~~section~~ sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the ~~tests~~ assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C) (1) (a) of this section.

(2) The department of education shall furnish the ~~tests~~ assessments described by ~~section~~ sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

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

(N) (1) In the manner specified in divisions (N) (3) ~~to (5)~~ and (4) of this section, the ~~tests~~ assessments required by division (A) (1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the first day of July following the school year that the ~~test was~~ assessments were administered.

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

Field test questions and anchor questions shall not be considered in computing ~~test~~ scores for individual students. Field

test questions and anchor questions may be included as part of the 938
 administration of any ~~test~~ assessment required by division (A)(1) 939
 or (B)(1) of section 3301.0710 of the Revised Code. 940

(3) Any field test question or anchor question administered 941
 under division (N)(2) of this section shall not be a public 942
 record. Such field test questions and anchor questions shall be 943
 redacted from any ~~tests~~ assessments which are released as a public 944
 record pursuant to division (N)(1) of this section. 945

(4) This division applies to the ~~tests~~ assessments prescribed 946
 by division (A) of section 3301.0710 of the Revised Code. 947

(a) The first administration of each ~~test~~ assessment, as 948
 specified in former section 3301.0712 of the Revised Code, shall 949
 be a public record. 950

(b) For subsequent administrations of each ~~test~~ assessment, 951
 not less than forty per cent of the questions on the ~~test~~ 952
~~assessment~~ that are used to compute a student's score shall be a 953
 public record. The department shall determine which questions will 954
 be needed for reuse on a future ~~test~~ assessment and those 955
 questions shall not be public records and shall be redacted from 956
 the ~~test~~ assessment prior to its release as a public record. 957
 However, for each redacted question, the department shall inform 958
 each city, local, and exempted village school district of the 959
 statewide academic standard adopted by the state board of 960
 education under section 3301.079 of the Revised Code and the 961
 corresponding benchmark to which the question relates. The 962
 preceding sentence does not apply to field test questions that are 963
 redacted under division (N)(3) of this section. 964

(5) Each ~~test~~ assessment prescribed by division (B)(1) of 965
 section 3301.0710 of the Revised Code ~~that is administered in the~~ 966
~~spring shall be a public record. Each test prescribed by that~~ 967
~~division that is administered in the fall or summer shall not be a~~ 968

public record.	969
(0) As used in this section:	970
(1) "Three-year average" means the average of the most recent consecutive three school years of data.	971 972
(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.	973 974 975 976 977
(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.	978 979 980 981 982 983 984 985 986 987
<u>Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of the Ohio board of regents shall develop a system of college and work ready assessments as described in divisions (B)(1) to (3) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. The system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and a prerequisite for eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (E) of this section.</u>	988 989 990 991 992 993 994 995 996 997 998

<u>(B) The college and work ready assessment system shall</u>	999
<u>consist of the following:</u>	1000
<u>(1) A nationally standardized assessment that measures</u>	1001
<u>competencies in science, mathematics, and English language arts</u>	1002
<u>selected jointly by the state superintendent and the chancellor.</u>	1003
<u>(2) A series of end-of-course examinations in the areas of</u>	1004
<u>science, mathematics, English language arts, and social studies</u>	1005
<u>selected jointly by the state superintendent and the chancellor in</u>	1006
<u>consultation with faculty in the appropriate subject areas at</u>	1007
<u>institutions of higher education of the university system of Ohio.</u>	1008
<u>(3) A senior project completed by a student or a group of</u>	1009
<u>students. The purpose of the senior project is to assess the</u>	1010
<u>student's:</u>	1011
<u>(a) Mastery of core knowledge in a subject area chosen by the</u>	1012
<u>student:</u>	1013
<u>(b) Written and verbal communication skills;</u>	1014
<u>(c) Critical thinking and problem-solving skills;</u>	1015
<u>(d) Real-world and interdisciplinary learning;</u>	1016
<u>(e) Creative and innovative thinking;</u>	1017
<u>(f) Acquired technology, information, and media skills;</u>	1018
<u>(g) Personal management skills such as self-direction, time</u>	1019
<u>management, work ethic, enthusiasm, and the desire to produce a</u>	1020
<u>high quality product.</u>	1021
<u>The state superintendent and the chancellor jointly shall</u>	1022
<u>develop standards for the senior project for students</u>	1023
<u>participating in dual enrollment programs.</u>	1024
<u>(C) (1) The state superintendent and the chancellor jointly</u>	1025
<u>shall designate the scoring rubrics and the required overall</u>	1026

composite score for the assessment system to assess whether each student is college or work ready. 1027
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(2) Each senior project shall be judged by the student's high school in accordance with rubrics designated by the state superintendent and the chancellor. 1029
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(D) Not later than thirty days after the state board adopts the model curricula required by division (B) of section 3301.079 of the Revised Code, the state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations and scoring rubrics prescribed by this section. 1032
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(E) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: 1040
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 1043
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(2) The date after which a person entering ninth grade shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code; 1046
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(3) The date after which a person shall attain at least the composite score for the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 1050
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(4) Whether and the extent to which a person may be excused from a social studies end-of-course examination under division (H) of section 3313.61 and division (B)(2) of section 3313.612 of the 1054
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Revised Code; 1057

(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 1058
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(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 1065
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No rule adopted under this division shall be effective earlier than one year after the date the rule is filed in final form pursuant to Chapter 119. of the Revised Code. 1069
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(F) Not later than forty-five days prior to the state board's adoption of a resolution directing the department of education to file the rules prescribed by division (E) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation." 1072
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In line 33479, strike through "by the testing of" 1080

In line 33480, strike through "student achievement"; strike through "and" and insert an underlined comma; after "3301.0711" insert ", and 3301.0712" 1081
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In line 33654, strike through "tests" and insert "assessments" 1084
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In line 33655, strike through "or 3301.0712" 1086

Between lines 33894 and 33895, insert: 1087

"Sec. 3301.0715. (A) Except as provided in division (E) of 1088
this section, the board of education of each city, local, and 1089
exempted village school district shall administer each applicable 1090
diagnostic assessment developed and provided to the district in 1091
accordance with section 3301.079 of the Revised Code to the 1092
following: 1093

(1) Each student enrolled in a building that has failed to 1094
make adequate yearly progress for two or more consecutive school 1095
years; 1096

(2) Any student who transfers into the district or to a 1097
different school within the district if each applicable diagnostic 1098
assessment was not administered by the district or school the 1099
student previously attended in the current school year, within 1100
thirty days after the date of transfer. If the district or school 1101
into which the student transfers cannot determine whether the 1102
student has taken any applicable diagnostic assessment in the 1103
current school year, the district or school may administer the 1104
diagnostic assessment to the student. 1105

(3) Each kindergarten student, not earlier than four weeks 1106
prior to the first day of school and not later than the first day 1107
of October. For the purpose of division (A) (3) of this section, 1108
the district shall administer the kindergarten readiness 1109
assessment provided by the department of education. In no case 1110
shall the results of the readiness assessment be used to prohibit 1111
a student from enrolling in kindergarten. 1112

(4) Each student enrolled in first or second grade. 1113

(B) Each district board shall administer each diagnostic 1114
assessment as the board deems appropriate. However, the board 1115
shall administer any diagnostic assessment at least once annually 1116

to all students in the appropriate grade level. A district board
 may administer any diagnostic assessment in the fall and spring of
 a school year to measure the amount of academic growth
 attributable to the instruction received by students during that
 school year.

(C) Each district board shall utilize and score any
 diagnostic assessment administered under division (A) of this
 section in accordance with rules established by the department.
 Except as required by division (B) (1) ~~(e)~~ (n) of section 3301.0714
 of the Revised Code, neither the state board of education nor the
 department shall require school districts to report the results of
 diagnostic assessments for any students to the department or to
 make any such results available in any form to the public. After
 the administration of any diagnostic assessment, each district
 shall provide a student's completed diagnostic assessment, the
 results of such assessment, and any other accompanying documents
 used during the administration of the assessment to the parent of
 that student upon the parent's request.

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

(E) Any district that made adequate yearly progress in the
 immediately preceding school year may assess student progress in
 grades one through three using a diagnostic assessment other than
 the diagnostic assessment required by division (A) of this
 section.

(F) A district board may administer the third grade ~~writing~~
English language arts diagnostic assessment provided to the
 district in accordance with section 3301.079 of the Revised Code
 to any student enrolled in a building that is not subject to

division (A) (1) of this section. Any district electing to 1148
administer the diagnostic assessment to students under this 1149
division shall provide intervention services to any such student 1150
whose diagnostic assessment shows unsatisfactory progress toward 1151
attaining the academic standards for the student's grade level. 1152

(G) As used in this section, "adequate yearly progress" has 1153
the same meaning as in section 3302.01 of the Revised Code. 1154

Sec. 3301.0716. Notwithstanding division (D) of section 1155
3301.0714 of the Revised Code, the department of education may 1156
have access to personally identifiable information about any 1157
student under the following circumstances: 1158

(A) An entity with which the department contracts for the 1159
scoring of ~~tests~~ assessments administered under section 3301.0711 1160
or 3301.0712 of the Revised Code has notified the department that 1161
the student's written response to a question on ~~such a test~~ an 1162
assessment included threats or descriptions of harm to another 1163
person or the student's self and the information is necessary to 1164
enable the department to identify the student for purposes of 1165
notifying the school district or school in which the student is 1166
enrolled of the potential for harm. 1167

(B) The department requests the information to respond to an 1168
appeal from a school district or school for verification of the 1169
accuracy of the student's score on ~~a test~~ an assessment 1170
administered under section 3301.0711 or 3301.0712 of the Revised 1171
Code. 1172

(C) The department requests the information to determine 1173
whether the student satisfies the alternative conditions for a 1174
high school diploma prescribed in section 3313.615 of the Revised 1175
Code. 1176

~~Sec. 3301.0718. (A) After completing the required standards specified in section 3301.079 of the Revised Code, the state board of education shall adopt standards and model curricula for instruction in computer literacy for grades three through twelve and in fine arts and foreign language for grades kindergarten through twelve.~~

~~(B) Not later than December 31, 2007, the state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades. The department of education shall provide the standards, and any revisions of the standards, to all school districts and community schools established under Chapter 3314. of the Revised Code. Any school district or community school may utilize the standards.~~

~~The department shall employ a full time physical education coordinator to provide guidance and technical assistance to districts and community schools in implementing the standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. The department shall hire a coordinator not later than October 31, 2007.~~

~~(C) The state board of education shall not adopt or revise any standards or curriculum in the area of health unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate votes on a concurrent resolution approving health standards, curriculum, or revisions, its standing committee having jurisdiction over education legislation shall~~

conduct at least one public hearing on the standards, curriculum, 1208
or revisions. 1209

~~(D) The state board shall not adopt a diagnostic assessment 1210
or achievement test for any grade level or subject area other than 1211
those specified in section 3301.079 of the Revised Code." 1212~~

Between lines 33985 and 33986, insert: 1213

"Sec. 3301.16. Pursuant to standards prescribed by the state 1214
board of education as provided in division (D) of section 3301.07 1215
of the Revised Code, the state board shall classify and charter 1216
school districts and individual schools within each district 1217
except that no charter shall be granted to a nonpublic school 1218
unless pursuant to division (K) of section 3301.0711 of the 1219
Revised Code the school elects to administer the tests prescribed 1220
by division (B) of complies with section 3301.0710 3313.612 of the 1221
Revised Code beginning July 1, 1995. 1222

In the course of considering the charter of a new school 1223
district created under section 3311.26 or 3311.38 of the Revised 1224
Code, the state board shall require the party proposing creation 1225
of the district to submit to the board a map, certified by the 1226
county auditor of the county in which the proposed new district is 1227
located, showing the boundaries of the proposed new district. In 1228
the case of a proposed new district located in more than one 1229
county, the map shall be certified by the county auditor of each 1230
county in which the proposed district is located. 1231

The state board shall revoke the charter of any school 1232
district or school which fails to meet the standards for 1233
elementary and high schools as prescribed by the board. The state 1234
board shall also revoke the charter of any nonpublic school that 1235
does not comply with section 3313.612 of the Revised Code ~~or, on~~ 1236
~~or after July 1, 1995, does not participate in the testing program~~ 1237

~~prescribed by division (B) of section 3301.0710 of the Revised Code.~~ 1238
1239

In the issuance and revocation of school district or school charters, the state board shall be governed by the provisions of Chapter 119. of the Revised Code. 1240
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1242

No school district, or individual school operated by a school district, shall operate without a charter issued by the state board under this section. 1243
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In case a school district charter is revoked pursuant to this section, the state board may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the state board among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the state board. Prior to dissolving the school district, the state board shall notify the appropriate educational service center governing board and all adjacent school district boards of education of its intention to do so. Boards so notified may make recommendations to the state board regarding the proposed dissolution and subsequent transfer of territory. Except as provided in section 3301.161 of the Revised Code, the transfer ordered by the state board shall become effective on the date specified by the state board, but the date shall be at least thirty days following the date of issuance of the order. 1246
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A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the state board of education. 1263
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An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

A high school or an elementary school may consist of less than one or more than one organizational unit, as defined in sections 3306.02 and 3306.04 of the Revised Code.

Delete lines 34072 through 34151 and insert:

"Sec. 3301.42. The partnership for continued learning shall promote systemic approaches to education by supporting regional efforts to foster collaboration among providers of preschool through postsecondary education, identifying the workforce needs of private sector employers in the state, and making recommendations for facilitating collaboration among providers of preschool through postsecondary education and for maintaining a high-quality workforce in the state. Copies of the recommendations shall be provided to the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the chairpersons and ranking minority members of the standing committees of the senate and the house of representatives that consider education legislation, the ~~chairperson~~ chancellor of the Ohio board of regents, and the president of the state board of education. The recommendations shall address at least the following issues:

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

(B) Increasing opportunities for students to earn credit

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

(C) Expansion of access to workforce development programs
administered by school districts, institutions of higher
education, and other providers of career-technical education;

(D) Alignment of the statewide academic standards for grades
nine through twelve adopted under section 3301.079 of the Revised
Code, the Ohio graduation tests prescribed by division (B) (1) of
section 3301.0710 of the Revised Code and the assessment system
prescribed by division (B) (2) of that section, and the curriculum
requirements for a high school diploma prescribed by section
3313.603 of the Revised Code with the expectations of employers
and institutions of higher education regarding the knowledge and
skills that high school graduates should attain prior to entering
the workforce or enrolling in an institution of higher education;

(E) Improving the science and mathematics skills of students
and employees to meet the needs of a knowledge-intensive economy;

(F) Reducing the number of students who need academic
remediation after enrollment in an institution of higher
education;

(G) Expansion of school counseling career and educational
programs, access programs, and other strategies to overcome

financial, cultural, and organizational barriers that interfere	1330
with students' planning for postsecondary education and that	1331
prevent students from obtaining a postsecondary education;	1332
(H) Alignment of teacher preparation programs approved by the	1333
state board of education <u>chancellor of the Ohio board of regents</u>	1334
pursuant to section 3319.23 <u>3333.048</u> of the Revised Code with the	1335
instructional needs and expectations of school districts;	1336
(I) Strategies for retaining more graduates of Ohio	1337
institutions of higher education in the state and for attracting	1338
talented individuals from outside Ohio to work in the state;	1339
(J) Strategies for promoting lifelong continuing education as	1340
a component of maintaining a strong workforce and economy;	1341
(K) Appropriate measures of the impact of statewide efforts	1342
to promote collaboration among providers of preschool through	1343
postsecondary education and to develop a high-quality workforce	1344
and strategies for collecting and sharing data relevant to such	1345
measures;	1346
(L) Strategies for developing and improving opportunities and	1347
for removing barriers to achievement for children identified as	1348
gifted under Chapter 3324. of the Revised Code;	1349
(M) Legislative changes to establish criteria by which state	1350
universities may waive the general requirement, under division (B)	1351
of section 3345.06 of the Revised Code, that a student complete	1352
the Ohio core curriculum to be admitted as an undergraduate. The	1353
partnership at least shall consider criteria for waiving the	1354
requirement for students who have served in the military and	1355
students who entered ninth grade on or after July 1, 2010, in	1356
another state and moved to Ohio prior to high school graduation.	1357
The recommendations for legislative changes under this division	1358
shall be developed in consultation with the Ohio board of regents	1359

and shall be issued not later than July 1, 2007." 1360

Between lines 35163 and 35164, insert: 1361

"Sec. 3302.01. As used in this chapter: 1362

(A) "Performance index score" means the average of the totals 1363
derived from calculations for each subject area of ~~reading,~~ 1364
~~writing~~ English language arts, mathematics, science, and social 1365
studies of the weighted proportion of untested students and 1366
students scoring at each level of skill described in division 1367
(A) (2) of section 3301.0710 of the Revised Code on the ~~tests~~ 1368
assessments prescribed by divisions (A) and (B) (1) of that 1369
section. The department of education shall assign weights such 1370
that students who do not take a ~~test~~ an assessment receive a 1371
weight of zero and students who take a ~~test~~ an assessment receive 1372
progressively larger weights dependent upon the level of skill 1373
attained on the ~~test~~ assessment. The department shall also 1374
determine the performance index score a school district or 1375
building needs to achieve for the purpose of the performance 1376
ratings assigned pursuant to section 3302.03 of the Revised Code. 1377

Students shall be included in the "performance index score" 1378
in accordance with division (D) (2) of section 3302.03 of the 1379
Revised Code. 1380

(B) "Subgroup" means a subset of the entire student 1381
population of the state, a school district, or a school building 1382
and includes each of the following: 1383

- (1) Major racial and ethnic groups; 1384
(2) Students with disabilities; 1385
(3) Economically disadvantaged students; 1386
(4) Limited English proficient students. 1387

(C) "No Child Left Behind Act of 2001" includes the statutes 1388
 codified at 20 U.S.C. 6301 et seq. and any amendments thereto, 1389
 rules and regulations promulgated pursuant to those statutes, 1390
 guidance documents, and any other policy directives regarding 1391
 implementation of that act issued by the United States department 1392
 of education. 1393

(D) "Adequate yearly progress" means a measure of annual 1394
 academic performance as calculated in accordance with the "No 1395
 Child Left Behind Act of 2001." 1396

(E) "Supplemental educational services" means additional 1397
 academic assistance, such as tutoring, remediation, or other 1398
 educational enrichment activities, that is conducted outside of 1399
 the regular school day by a provider approved by the department in 1400
 accordance with the "No Child Left Behind Act of 2001." 1401

(F) "Value-added progress dimension" means a measure of 1402
 academic gain for a student or group of students over a specific 1403
 period of time that is calculated by applying a statistical 1404
 methodology to individual student achievement data derived from 1405
 the achievement ~~tests~~ assessments prescribed by section 3301.0710 1406
 of the Revised Code. 1407

Sec. 3302.02. The Not later than one year after the adoption 1408
of rules under division (E) of section 3301.0712 of the Revised 1409
Code and at least every sixth year thereafter, upon 1410
recommendations of the superintendent of public instruction, the 1411
state board of education annually through 2007, and every six 1412
years thereafter, shall establish at least seventeen performance 1413
indicators for the report cards required by division (C) of 1414
section 3302.03 of the Revised Code. In establishing these 1415
indicators, the ~~state board~~ superintendent shall consider 1416
inclusion of student performance on ~~any tests given~~ assessments 1417

prescribed under section 3301.0710 or 3301.0712 of the Revised Code, rates of student improvement on such ~~tests~~ assessments, student attendance, the breadth of coursework available within the district, and other indicators of student success. ~~The state board~~ Not later than December 31, 2011, the state board, upon recommendation of the superintendent, shall establish a performance indicator reflecting the level of services provided to, and the performance of, students identified as gifted under Chapter 3324. of the Revised Code.

The superintendent shall inform the Ohio accountability task force established under section 3302.021 of the Revised Code of the performance indicators ~~it~~ the superintendent establishes under this section and the rationale for choosing each indicator and for determining how a school district or building meets that indicator.

The ~~state board~~ superintendent shall not establish any performance indicator for passage of the third or fourth grade ~~reading test~~ English language arts assessment that is solely based on the ~~test~~ assessment given in the fall for the purpose of determining whether students have met the reading guarantee provisions of section 3313.608 of the Revised Code."

In line 35363, strike through "tests" and insert "assessments"

In line 35364, after "under" insert "division (A)(1) or (B)(1) of"

In line 35370, strike through "tests" and insert "assessments"; after "under" insert "division (A)(1) or (B)(1) of"

In line 35376, strike through "tests" and insert "assessments"; after "under" insert "division (A)(1) or (B)(1) of"

In line 35478, strike through "reading, writing" and insert

" <u>English language arts</u> "	1448
In line 35479, strike through "proficiency or achievement test" and insert " <u>assessment</u> "	1449 1450
In line 35481, strike through "a"	1451
In line 35482, strike through "test" and insert " <u>an assessment</u> "	1452 1453
In line 35493, strike through "test" and insert " <u>assessment</u> "	1454
In line 35494, after "by" insert " <u>division (A) (1) or (B) (1) of</u> "	1455 1456
In line 35497, strike through "reading" and insert " <u>English language arts</u> "; strike through "test" and insert " <u>assessment</u> "	1457 1458
Between lines 35502 and 35503, insert:	1459
"Sec. 3302.031. In addition to the report cards required under section 3302.03 of the Revised Code, the department of education shall annually prepare the following reports for each school district and make a copy of each report available to the superintendent of each district:	1460 1461 1462 1463 1464
(A) A funding and expenditure accountability report which shall consist of the amount of state aid payments the school district will receive during the fiscal year under Chapter 3317. of the Revised Code and any other fiscal data the department determines is necessary to inform the public about the financial status of the district;	1465 1466 1467 1468 1469 1470
(B) A school safety and discipline report which shall consist of statistical information regarding student safety and discipline in each school building, including the number of suspensions and expulsions disaggregated according to race and gender;	1471 1472 1473 1474
(C) A student equity report which shall consist of at least a	1475

description of the status of teacher qualifications, library and
 media resources, textbooks, classroom materials and supplies, and
 technology resources for each district. To the extent possible,
 the information included in the report required under this
 division shall be disaggregated according to grade level, race,
 gender, disability, and scores attained on ~~tests~~ assessments
 required under section 3301.0710 of the Revised Code.

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

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

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

Sec. 3302.05. The state board of education shall adopt rules
 freeing school districts declared to be excellent under division
 (B) (1) or effective under division (B) (2) of section 3302.03 of
 the Revised Code from specified state mandates. Any mandates
 included in the rules shall be only those statutes or rules

pertaining to state education requirements. The rules shall not 1506
exempt districts from any standard or requirement of Chapter 3306. 1507
or from any operating standard adopted under division (D) (3) of 1508
section 3301.07 of the Revised Code. 1509

Sec. 3302.07. (A) The board of education of any school 1510
district, the governing board of any educational service center, 1511
or the administrative authority of any chartered nonpublic school 1512
may submit to the state board of education an application 1513
proposing an innovative education pilot program the implementation 1514
of which requires exemptions from specific statutory provisions or 1515
rules. If a district or service center board employs teachers 1516
under a collective bargaining agreement adopted pursuant to 1517
Chapter 4117. of the Revised Code, any application submitted under 1518
this division shall include the written consent of the teachers' 1519
employee representative designated under division (B) of section 1520
4117.04 of the Revised Code. The exemptions requested in the 1521
application shall be limited to any requirement of Title XXXIII of 1522
the Revised Code or of any rule of the state board adopted 1523
pursuant to that title except that the application may not propose 1524
an exemption from any requirement of or rule adopted pursuant to 1525
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 1526
3323. of the Revised Code. Furthermore, an exemption from any 1527
standard or requirement of Chapter 3306. or from any operating 1528
standard adopted under division (D) (3) of section 3301.07 of the 1529
Revised Code shall be granted only pursuant to a waiver granted by 1530
the superintendent of public instruction under section 3306.40 of 1531
the Revised Code. 1532

(B) The state board of education shall accept any application 1533
submitted in accordance with division (A) of this section. The 1534
superintendent of public instruction shall approve or disapprove 1535
the application in accordance with standards for approval, which 1536

shall be adopted by the state board. 1537

(C) The superintendent of public instruction shall exempt 1538
each district or service center board or chartered nonpublic 1539
school administrative authority with an application approved under 1540
division (B) of this section for a specified period from the 1541
statutory provisions or rules specified in the approved 1542
application. The period of exemption shall not exceed the period 1543
during which the pilot program proposed in the application is 1544
being implemented and a reasonable period to allow for evaluation 1545
of the effectiveness of the program." 1546

In line 35755, strike through "state test" and insert 1547
"assessment" 1548

Delete lines 35778 through 35839 and insert: 1549

"Sec. 3310.11. (A) Only for the purpose of administering the 1550
educational choice scholarship pilot program, the department of 1551
education may request from any of the following entities the data 1552
verification code assigned under division (D)(2) of section 1553
3301.0714 of the Revised Code to any student who is seeking a 1554
scholarship under the program: 1555

(1) The student's resident district; 1556

(2) If applicable, the community school in which that student 1557
is enrolled; 1558

(3) The independent contractor engaged to create and maintain 1559
student data verification codes. 1560

(B) Upon a request by the department under division (A) of 1561
this section for the data verification code of a student seeking a 1562
scholarship or a request by the student's parent for that code, 1563
the school district or community school shall submit that code to 1564
the department or parent in the manner specified by the 1565

department. If the student has not been assigned a code, because
the student will be entering kindergarten during the school year
for which the scholarship is sought, the district shall assign a
code to that student and submit the code to the department or
parent by a date specified by the department. If the district does
not assign a code to the student by the specified date, the
department shall assign a code to that student.

The department annually shall submit to each school district
the name and data verification code of each student residing in
the district who is entering kindergarten, who has been awarded a
scholarship under the program, and for whom the department has
assigned a code under this division.

(C) For the purpose of administering the applicable ~~tests~~
assessments prescribed under sections 3301.0710 and 3301.0712 of
the Revised Code, as required by section 3310.14 of the Revised
Code, the department shall provide to each chartered nonpublic
school that enrolls a scholarship student the data verification
code for that student.

(D) The department and each chartered nonpublic school that
receives a data verification code under this section shall not
release that code to any person except as provided by law.

Any document relative to this program that the department
holds in its files that contains both a student's name or other
personally identifiable information and the student's data
verification code shall not be a public record under section
149.43 of the Revised Code.

Sec. 3310.14. Notwithstanding division (K) of section
3301.0711 of the Revised Code, each chartered nonpublic school
that enrolls students awarded scholarships under sections 3310.01
to 3310.17 of the Revised Code annually shall administer the ~~tests~~

assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school shall report to the department of education the results of each ~~test~~ assessment administered to each scholarship student under this section.

Nothing in this section requires a chartered nonpublic school to administer any achievement ~~test~~ assessment, except for an Ohio graduation test prescribed by division (B) (1) of section 3301.0710 of the Revised Code, as required by section 3313.612 of the Revised Code, to any student enrolled in the school who is not a scholarship student.

Sec. 3310.15. (A) The department of education annually shall compile the scores attained by scholarship students to whom an assessment is administered under section 3310.14 of the Revised Code. The scores shall be aggregated as follows:

(1) By state, which shall include all students awarded a scholarship under the educational choice scholarship pilot program and who were required to take an assessment under section 3310.14 of the Revised Code;

(2) By school district, which shall include all scholarship students who were required to take an assessment under section 3310.14 of the Revised Code and for whom the district is the student's resident district;

(3) By chartered nonpublic school, which shall include all scholarship students enrolled in that school who were required to take an assessment under section 3310.14 of the Revised Code.

(B) The department shall disaggregate the student performance data described in division (A) of this section according to the

<u>following categories:</u>	1625
<u>(1) Age;</u>	1626
<u>(2) Race and ethnicity;</u>	1627
<u>(3) Gender;</u>	1628
<u>(4) Students who have participated in the scholarship program</u>	1629
<u>for three or more years;</u>	1630
<u>(5) Students who have participated in the scholarship program</u>	1631
<u>for more than one year and less than three years;</u>	1632
<u>(6) Students who have participated in the scholarship program</u>	1633
<u>for one year or less;</u>	1634
<u>(7) Economically disadvantaged students.</u>	1635
<u>(C) The department shall post the student performance data</u>	1636
<u>required under divisions (A) and (B) of this section on its web</u>	1637
<u>site and, by the first day of February each year, shall distribute</u>	1638
<u>that data to the parent of each eligible student. In reporting</u>	1639
<u>student performance data under this division, the department shall</u>	1640
<u>not include any data that is statistically unreliable or that</u>	1641
<u>could result in the identification of individual students. For</u>	1642
<u>this purpose, the department shall not report performance data for</u>	1643
<u>any group that contains less than ten students.</u>	1644
<u>(D) The department shall provide the parent of each</u>	1645
<u>scholarship student with information comparing the student's</u>	1646
<u>performance on the assessments administered under section 3310.14</u>	1647
<u>of the Revised Code with the average performance of similar</u>	1648
<u>students enrolled in the building operated by the student's</u>	1649
<u>resident district that the scholarship student would otherwise</u>	1650
<u>attend. In calculating the performance of similar students, the</u>	1651
<u>department shall consider age, grade, race and ethnicity, gender,</u>	1652
<u>and socioeconomic status."</u>	1653

Between lines 36565 and 36566, insert:

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"Sec. 3313.532. (A) Any person twenty-two or more years of age and enrolled in an adult high school continuation program established pursuant to section 3313.531 of the Revised Code may request the board of education operating the program to conduct an evaluation in accordance with division (C) of this section.

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(B) Any applicant to a board of education for a diploma of adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

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(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is disabled, in accordance with rules adopted by the state board of education. If the evaluation indicates that the person is disabled, the board shall determine whether to excuse the person from taking any of the ~~tests~~ assessments required by division (B) of section 3301.0710 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The board may require the person to take an alternate assessment in place of any test from which the person is so excused."

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In line 36836, after "under" insert "division (A) (1) of"

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In line 36837, after "Code" insert "and the academic content standards for financial literacy and entrepreneurship adopted under division (A) (2) of that section"

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In line 36977, strike through "tests" and insert "assessments"

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In line 36978, after "(B)" insert "(1)"; after "Code" insert "or, to the extent prescribed by rule of the state board of"

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education under division (E) (6) of section 3301.0712 of the Revised Code, division (B) (2) of that section" 1683
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Between lines 37085 and 37086, insert: 1685

"Sec. 3313.608. (A) Beginning with students who enter third 1686
grade in the school year that starts July 1, ~~2003~~ 2009, for any 1687
student who attains a score in the range designated under division 1688
(A) (2) ~~(e)~~ (c) of section 3301.0710 of the Revised Code on the ~~test~~ 1689
assessment prescribed under that section to measure skill in 1690
reading English language arts expected at the end of third grade, 1691
each school district, in accordance with the policy adopted under 1692
section 3313.609 of the Revised Code, shall do one of the 1693
following: 1694

(1) Promote the student to fourth grade if the student's 1695
principal and reading teacher agree that other evaluations of the 1696
student's skill in reading demonstrate that the student is 1697
academically prepared to be promoted to fourth grade; 1698

(2) Promote the student to fourth grade but provide the 1699
student with intensive intervention services in fourth grade; 1700

(3) Retain the student in third grade. 1701

(B) (1) To assist students in meeting this third grade 1702
guarantee established by this section, each school district shall 1703
adopt policies and procedures with which it shall annually assess 1704
the reading skills of each student at the end of first and second 1705
grade and identify students who are reading below their grade 1706
level. If the diagnostic assessment to measure ~~reading~~ English 1707
language arts ability for the appropriate grade level has been 1708
developed in accordance with division (D) (1) of section 3301.079 1709
of the Revised Code, each school district shall use such 1710
diagnostic assessment to identify such students, except that any 1711
district to which division (E) of section 3301.0715 of the Revised 1712

Code applies may use another assessment to identify such students. 1713
 The policies and procedures shall require the students' classroom 1714
 teachers to be involved in the assessment and the identification 1715
 of students reading below grade level. The district shall notify 1716
 the parent or guardian of each student whose reading skills are 1717
 below grade level and, in accordance with division (C) of this 1718
 section, provide intervention services to each student reading 1719
 below grade level. Such intervention services shall include 1720
 instruction in intensive, systematic phonetics pursuant to rules 1721
 adopted by the state board of education. 1722
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(2) For each student entering third grade after July 1, ~~2003~~ 1724
~~2009~~, who does not attain by the end of the third grade at least a 1725
 score in the range designated under division (A) (2) ~~(a)~~ (b) of 1726
 section 3301.0710 of the Revised Code on the ~~test~~ assessment 1727
 prescribed under that section to measure skill in ~~reading English~~ 1728
language arts expected at the end of third grade, the district 1729
 also shall offer intense remediation services during the summer 1730
 following third grade. 1731

(C) For each student required to be offered intervention 1732
 services under this section, the district shall involve the 1733
 student's parent or guardian and classroom teacher in developing 1734
 the intervention strategy, and shall offer to the parent or 1735
 guardian the opportunity to be involved in the intervention 1736
 services. 1737

(D) Any summer remediation services funded in whole or in 1738
 part by the state and offered by school districts to students 1739
 under this section shall meet the following conditions: 1740

(1) The remediation methods are based on reliable educational 1741
 research. 1742

(2) The school districts conduct ~~testing~~ assessment before 1743

and after students participate in the program to facilitate 1744
monitoring results of the remediation services. 1745

(3) The parents of participating students are involved in 1746
programming decisions. 1747

(4) The services are conducted in a school building or 1748
community center and not on an at-home basis. 1749

(E) This section does not create a new cause of action or a 1750
substantive legal right for any person. 1751

Sec. 3313.61. (A) A diploma shall be granted by the board of 1752
education of any city, exempted village, or local school district 1753
that operates a high school to any person to whom all of the 1754
following apply: 1755

(1) The person has successfully completed the curriculum in 1756
any high school or the individualized education program developed 1757
for the person by any high school pursuant to section 3323.08 of 1758
the Revised Code, or has qualified under division (D) or (F) of 1759
section 3313.603 of the Revised Code, provided that no school 1760
district shall require a student to remain in school for any 1761
specific number of semesters or other terms if the student 1762
completes the required curriculum early; 1763

(2) Subject to section 3313.614 of the Revised Code, the 1764
person has met the assessment requirements of division (A)(2)(a) 1765
or (b) of this section, as applicable. 1766

(a) If the person entered the ninth grade prior to the date 1767
prescribed by rule of the state board of education under division 1768
(E)(2) of section 3301.0712 of the Revised Code, the person 1769
either: 1770

~~(a)~~(i) Has attained at least the applicable scores designated 1771
under division (B)(1) of section 3301.0710 of the Revised Code on 1772

all the ~~tests~~ assessments required by that division unless the 1773
 person was excused from taking any such ~~test~~ assessment pursuant 1774
 to section 3313.532 of the Revised Code or unless division (H) or 1775
 (L) of this section applies to the person; 1776

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 1777
 in section 3313.615 of the Revised Code. 1778

(b) If the person entered the ninth grade on or after the 1779
 date prescribed by rule of the state board under division (E)(2) 1780
 of section 3301.0712 of the Revised Code, the person has attained 1781
 on the entire assessment system prescribed under division (B)(2) 1782
 of section 3301.0710 of the Revised Code at least the required 1783
 passing composite score, designated under division (C)(1) of 1784
 section 3301.0712 of the Revised Code, except to the extent that 1785
 the person is excused from some portion of that assessment system 1786
 pursuant to section 3313.532 of the Revised Code or division (H) 1787
 or (L) of this section. 1788

(3) The person is not eligible to receive an honors diploma 1789
 granted pursuant to division (B) of this section. 1790

Except as provided in divisions (C), (E), (J), and (L) of 1791
 this section, no diploma shall be granted under this division to 1792
 anyone except as provided under this division. 1793

(B) In lieu of a diploma granted under division (A) of this 1794
 section, an honors diploma shall be granted, in accordance with 1795
 rules of the state board ~~of education~~, by any such district board 1796
 to anyone who accomplishes all of the following: 1797

(1) Successfully completes the curriculum in any high school 1798
 or the individualized education program developed for the person 1799
 by any high school pursuant to section 3323.08 of the Revised 1800
 Code; 1801

(2) Subject to section 3313.614 of the Revised Code, has met 1802

the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 1803
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(a) If the person entered the ninth grade prior to the date prescribed by rule of the state board of education under division (E)(2) of section 3301.0712 of the Revised Code, the person 1805
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either: 1807
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~~(a)(i)~~ Has attained at least the applicable scores designated 1809
under division (B)(1) of section 3301.0710 of the Revised Code on 1810
all the ~~tests~~ assessments required by that division; 1811

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 1812
in section 3313.615 of the Revised Code. 1813

(b) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the person has attained on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code. 1814
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(3) Has met additional criteria established by the state board for the granting of such a diploma. 1821
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An honors diploma shall not be granted to a student who is 1823
subject to the Ohio core curriculum prescribed in division (C) of 1824
section 3313.603 of the Revised Code but elects the option of 1825
division (D) or (F) of that section. Except as provided in 1826
divisions (C), (E), and (J) of this section, no honors diploma 1827
shall be granted to anyone failing to comply with this division 1828
and no more than one honors diploma shall be granted to any 1829
student under this division. 1830

The state board shall adopt rules prescribing the granting of 1831
honors diplomas under this division. These rules may prescribe the 1832

granting of honors diplomas that recognize a student's achievement
 as a whole or that recognize a student's achievement in one or
 more specific subjects or both. The rules may prescribe the
 granting of an honors diploma recognizing technical expertise for
 a career-technical student. In any case, the rules shall designate
 two or more criteria for the granting of each type of honors
 diploma the board establishes under this division and the number
 of such criteria that must be met for the granting of that type of
 diploma. The number of such criteria for any type of honors
 diploma shall be at least one less than the total number of
 criteria designated for that type and no one or more particular
 criteria shall be required of all persons who are to be granted
 that type of diploma.

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(C) Any ~~such~~ district board administering any of the ~~tests~~
assessments required by section 3301.0710 ~~or 3301.0712~~ of the
 Revised Code to any person requesting to take such ~~test~~ assessment
 pursuant to division (B) (8) (b) of section 3301.0711 of the Revised
 Code shall award a diploma to such person if the person attains at
 least the applicable scores designated under division (B) (1) of
 section 3301.0710 of the Revised Code on all the ~~tests~~ assessments
 administered and if the person has previously attained the
 applicable scores on all the other ~~tests~~ assessments required by
 division (B) (1) of that section or has been exempted or excused
 from attaining the applicable score on any such ~~test~~ assessment
 pursuant to division (H) or (L) of this section or from taking any
 such ~~test~~ assessment pursuant to section 3313.532 of the Revised
 Code.

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(D) Each diploma awarded under this section shall be signed
 by the president and treasurer of the issuing board, the
 superintendent of schools, and the principal of the high school.
 Each diploma shall bear the date of its issue, be in such form as

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the district board prescribes, and be paid for out of the
district's general fund.

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

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

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(G) The state board of education shall provide by rule for
the administration of the ~~tests~~ assessments required by section
3301.0710 of the Revised Code to inmates of correctional
institutions.

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(H) Any person to whom all of the following apply shall be
exempted from attaining the applicable score on the ~~test~~

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assessment in social studies designated under division (B)(1) of 1895
 section 3301.0710 of the Revised Code, any social studies 1896
end-of-course examination required under division (B)(2) of that 1897
section if such an exemption is prescribed by rule of the state 1898
board under division (E)(4) of section 3301.0712 of the Revised 1899
Code, or the test in citizenship designated under former division 1900
 (B) of section 3301.0710 of the Revised Code as it existed prior 1901
 to September 11, 2001: 1902

(1) The person is not a citizen of the United States; 1903

(2) The person is not a permanent resident of the United 1904
 States; 1905

(3) The person indicates no intention to reside in the United 1906
 States after the completion of high school. 1907

(I) Notwithstanding division (D) of section 3311.19 and 1908
 division (D) of section 3311.52 of the Revised Code, this section 1909
 and section 3311.611 of the Revised Code do not apply to the board 1910
 of education of any joint vocational school district or any 1911
 cooperative education school district established pursuant to 1912
 divisions (A) to (C) of section 3311.52 of the Revised Code. 1913

(J) Upon receipt of a notice under division (D) of section 1914
 3325.08 of the Revised Code that a student has received a diploma 1915
 under that section, the board of education receiving the notice 1916
 may grant a high school diploma under this section to the student, 1917
 except that such board shall grant the student a diploma if the 1918
 student meets the graduation requirements that the student would 1919
 otherwise have had to meet to receive a diploma from the district. 1920
 The diploma granted under this section shall be of the same type 1921
 the notice indicates the student received under section 3325.08 of 1922
 the Revised Code. 1923

(K) As used in this division, "limited English proficient 1924
 student" has the same meaning as in division (C)(3) of section 1925

3301.0711 of the Revised Code.

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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the tests assessments required by that division, or attained the composite score designated for the assessments required by division (B)(2) of that section. shall be awarded a diploma under this section.

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

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Sec. 3313.611. (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

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(1) Work experiences or experiences as a volunteer;

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(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

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(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational

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institution other than a chartered public or nonpublic school;	1956
(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.	1957 1958 1959
(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:	1960 1961 1962 1963
(1) The applicant is a resident of the district;	1964
(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;	1965 1966 1967
(3) Subject to section 3313.614 of the Revised Code, the applicant <u>has met the assessment requirements of division (B) (3) (a) or (b) of this section, as applicable.</u>	1968 1969 1970
<u>(a) Prior to the date prescribed by rule of the state board under division (E) (3) of section 3301.0712 of the Revised Code, the applicant either:</u>	1971 1972 1973
(a) <u>(i)</u> Has attained the applicable scores designated under division (B) <u>(1)</u> of section 3301.0710 of the Revised Code on all of the tests <u>assessments</u> required by that division or was excused or exempted from any such test <u>assessment</u> pursuant to section 3313.532 or was exempted from attaining the applicable score on any such test <u>assessment</u> pursuant to division (H) or (L) of section 3313.61 of the Revised Code;	1974 1975 1976 1977 1978 1979 1980
(b) <u>(ii)</u> Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	1981 1982
<u>(b) On or after the date prescribed by rule of the state board under division (E) (3) of section 3301.0712 of the Revised</u>	1983 1984

Code, has attained on the entire assessment system prescribed under division (B) (2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C) (1) of section 3301.0712 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that assessment system pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code.

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(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation.

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(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, it shall inform the applicant of the reason the applicant is ineligible and shall provide a list of any courses required for the diploma for which the applicant has not received credit. An applicant may reapply for a diploma under this section at any time.

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(D) If a district board awards an adult education diploma under this section, the president and treasurer of the board and the superintendent of schools shall sign it. Each diploma shall bear the date of its issuance, be in such form as the district board prescribes, and be paid for from the district's general fund, except that the state board may by rule prescribe standard language to be included on each diploma.

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(E) As used in this division, "limited English proficient student" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.

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Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the ~~tests~~ assessments required by that division, or attained the composite score designated for the assessments required by division (B) (2) of that section, shall be awarded a diploma under this section.

Sec. 3313.612. (A) No nonpublic school chartered by the state board of education shall grant ~~any~~ a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A) (1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to the date prescribed by rule of the state board under division (E) (2) of section 3301.0712 of the Revised Code, the person has attained, ~~subject to section 3313.614 of the Revised Code~~ at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the ~~tests~~ assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (E) (2) of section 3301.0712 of the Revised Code, the person has attained on the entire assessment system prescribed under division (B) (2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C) (1) of section 3301.0712 of the Revised Code.

(B) This section does not apply to either of the following:

(1) Any person with regard to any ~~test~~ assessment from which the person was excused pursuant to division (C) (1) (c) of section

3301.0711 of the Revised Code; 2046

(2) Any person with regard to the social studies ~~test~~ 2047
assessment under division (B)(1) of section 3301.0710 of the 2048
Revised Code, any social studies end-of-course examination 2049
required under division (B)(2) of that section if such an 2050
exemption is prescribed by rule of the state board of education 2051
under division (E)(4) of section 3301.0712 of the Revised Code, or 2052
the citizenship test under former division (B) of section 2053
3301.0710 of the Revised Code as it existed prior to September 11, 2054
2001, if all of the following apply: 2055

(a) The person is not a citizen of the United States; 2056

(b) The person is not a permanent resident of the United 2057
States; 2058

(c) The person indicates no intention to reside in the United 2059
States after completion of high school. 2060

(C) As used in this division, "limited English proficient 2061
student" has the same meaning as in division (C)(3) of section 2062
3301.0711 of the Revised Code. 2063

Notwithstanding division (C)(3) of section 3301.0711 of the 2064
Revised Code, no limited English proficient student who has not 2065
either attained the applicable scores designated under division 2066
(B) (1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 2067
assessments required by that division, or attained the composite 2068
score designated for the assessments required by division (B)(2) 2069
of that section, shall be awarded a diploma under this section. 2070

Sec. 3313.614. (A) As used in this section, a person 2071
"fulfills the curriculum requirement for a diploma" at the time 2072
one of the following conditions is satisfied: 2073

(1) The person successfully completes the high school 2074

curriculum of a school district, a community school, a chartered
nonpublic school, or a correctional institution. 2075
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(2) The person successfully completes the individualized
education program developed for the person under section 3323.08
of the Revised Code. 2077
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(3) A board of education issues its determination under
section 3313.611 of the Revised Code that the person qualifies as
having successfully completed the curriculum required by the
district. 2080
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(B) This division specifies the ~~testing~~ assessment
requirements that must be fulfilled as a condition toward granting
high school diplomas under sections 3313.61, 3313.611, 3313.612,
and 3325.08 of the Revised Code. 2084
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(1) A person who fulfills the curriculum requirement for a
diploma before September 15, 2000, is not required to pass any
proficiency test or achievement test in science as a condition to
receiving a diploma. 2088
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(2) A person who began ninth grade prior to July 1, 2003, is
not required to pass the Ohio graduation test prescribed under
division (B)(1) of section 3301.0710 or any assessment prescribed
under division (B)(2) of that section in any subject as a
condition to receiving a diploma once the person has passed the
ninth grade proficiency test in the same subject, so long as the
person passed the ninth grade proficiency test prior to September
15, 2008. However, any such person who passes the Ohio graduation
test in any subject prior to passing the ninth grade proficiency
test in the same subject shall be deemed to have passed the ninth
grade proficiency test in that subject as a condition to receiving
a diploma. For this purpose, the ninth grade proficiency test in
citizenship substitutes for the Ohio graduation test in social
studies. If a person began ninth grade prior to July 1, 2003, but
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does not pass a ninth grade proficiency test or the Ohio graduation test in a particular subject before September 15, 2008, and passage of a test in that subject is a condition for the person to receive a diploma, the person must pass the Ohio graduation test instead of the ninth grade proficiency test in that subject to receive a diploma.

(3) A person who begins ninth grade on or after July 1, 2003, in a school district, community school, or chartered nonpublic school is not eligible to receive a diploma based on passage of ninth grade proficiency tests. Each such person who begins ninth grade prior to the date prescribed by the state board of education under division (E)(5) of section 3301.0712 of the Revised Code must pass Ohio graduation tests to meet the ~~testing~~ assessment requirements applicable to that person as a condition to receiving a diploma.

(4) A person who begins ninth grade on or after the date prescribed by the state board of education under division (E)(5) of section 3301.0712 of the Revised Code is not eligible to receive a diploma based on passage of the Ohio graduation tests. Each such person must attain on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code.

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

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall complete the curriculum required by the school district or school

issuing the diploma for the first year that the person originally
 enrolled in high school, except for a person who qualifies for
 graduation from high school under either division (D) or (F) of
 section 3313.603 of the Revised Code.

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

Sec. 3313.615. This section shall apply to diplomas awarded
 after September 15, 2006, to students who are required to take the
 five Ohio graduation tests prescribed by division (B) (1) of
 section 3301.0710 of the Revised Code.

(A) As an alternative to the requirement that a person attain
 the scores designated under division (B) (1) of section 3301.0710
 of the Revised Code on all the ~~tests~~ assessments required under
 that division in order to be eligible for a high school diploma or
 an honors diploma under sections 3313.61, 3313.612, or 3325.08 of
 the Revised Code or for a diploma of adult education under section
 3313.611 of the Revised Code, a person who has attained at least
 the applicable scores designated under division (B) (1) of section
 3301.0710 of the Revised Code on all but one of the ~~tests~~
assessments required by that division and from which the person
 was not excused or exempted, pursuant to division (L) of section
 3313.61, division (B) (1) of section 3313.612, or section 3313.532
 of the Revised Code, may be awarded a diploma or honors diploma if
 the person has satisfied all of the following conditions:

- (1) On the one ~~test~~ assessment required under division (B) (1) 2167
of section 3301.0710 of the Revised Code for which the person 2168
failed to attain the designated score, the person missed that 2169
score by ten points or less; 2170
- (2) Has a ninety-seven per cent school attendance rate in 2171
each of the last four school years, excluding any excused 2172
absences; 2173
- (3) Has not been expelled from school under section 3313.66 2174
of the Revised Code in any of the last four school years; 2175
- (4) Has a grade point average of at least 2.5 out of 4.0, or 2176
its equivalent as designated in rules adopted by the state board 2177
of education, in the subject area of the ~~test~~ assessment required 2178
under division (B) (1) of section 3301.0710 of the Revised Code for 2179
which the person failed to attain the designated score; 2180
- (5) Has completed the high school curriculum requirements 2181
prescribed in section 3313.603 of the Revised Code or has 2182
qualified under division (D) or (F) of that section; 2183
- (6) Has taken advantage of any intervention programs provided 2184
by the school district or school in the subject area described in 2185
division (A) (4) of this section and has a ninety-seven per cent 2186
attendance rate, excluding any excused absences, in any of those 2187
programs that are provided at times beyond the normal school day, 2188
school week, or school year or has received comparable 2189
intervention services from a source other than the school district 2190
or school; 2191
- (7) Holds a letter recommending graduation from each of the 2192
person's high school teachers in the subject area described in 2193
division (A) (4) of this section and from the person's high school 2194
principal. 2195
- (B) The state board of education shall establish rules 2196

designating grade point averages equivalent to the average 2197
 specified in division (A) (4) of this section for use by school 2198
 districts and schools with different grading systems. 2199

(C) Any student who is exempt from attaining the applicable 2200
 score designated under division (B) (1) of section 3301.0710 of the 2201
 Revised Code on the Ohio graduation test in social studies 2202
 pursuant to division (H) of section 3313.61 or division (B) (2) of 2203
 section 3313.612 of the Revised Code shall not qualify for a high 2204
 school diploma under this section, unless, notwithstanding the 2205
 exemption, the student attains the applicable score on that ~~test~~ 2206
~~assessment~~. If the student attains the applicable score on that 2207
~~test~~ assessment, the student may qualify for a diploma under this 2208
 section in the same manner as any other student who is required to 2209
 take the five Ohio graduation tests prescribed by division (B) (1) 2210
 of section 3301.0710 of the Revised Code." 2211

Between lines 37659 and 37660, insert: 2212

"Sec. 3313.6410. This section applies to any school that is 2213
 operated by a school district and in which the enrolled students 2214
 work primarily on assignments in nonclassroom-based learning 2215
 opportunities provided via an internet- or other computer-based 2216
 instructional method. 2217

(A) Any school to which this section applies shall withdraw 2218
 from the school any student who, for two consecutive school years, 2219
 has failed to participate in the spring administration of any ~~test~~ 2220
~~assessment~~ prescribed under section 3301.0710 or 3301.0712 of the 2221
 Revised Code for the student's grade level and was not excused 2222
 from the ~~test~~ assessment pursuant to division (C) (1) or (3) of 2223
 section 3301.0711 of the Revised Code, regardless of whether a 2224
 waiver was granted for the student under division (E) of section 2225
 3317.03 of the Revised Code. The school shall report any such 2226

student's data verification code, as assigned pursuant to section 2227
 3301.0714 of the Revised Code, to the department of education to 2228
 be added to the list maintained by the department under section 2229
 3314.26 of the Revised Code. 2230

(B) No school to which this section applies shall receive any 2231
 state funds under Chapter 3306. or 3317. of the Revised Code for 2232
 any enrolled student whose data verification code appears on the 2233
 list maintained by the department under section 3314.26 of the 2234
 Revised Code. Notwithstanding any provision of the Revised Code to 2235
 the contrary, the parent of any such student shall pay tuition to 2236
 the school district that operates the school in an amount equal to 2237
 the state funds the district otherwise would receive for that 2238
 student, as determined by the department. A school to which this 2239
 section applies may withdraw any student for whom the parent does 2240
 not pay tuition as required by this division." 2241

Between lines 37770 and 37771, insert: 2242

Sec. ~~3313.174~~ 3313.82. The board of education of each city 2243
 and exempted village school district and the governing board of 2244
 each educational service center shall appoint a business advisory 2245
 council. The council shall advise and provide recommendations to 2246
 the board on matters specified by the board including, but not 2247
 necessarily limited to, the delineation of employment skills and 2248
 the development of curriculum to instill these skills; changes in 2249
 the economy and in the job market, and the types of employment in 2250
 which future jobs are most likely to be available; and suggestions 2251
 for developing a working relationship among businesses, labor 2252
 organizations, and educational personnel in the district or in the 2253
 territory of the educational service center. Each board shall 2254
 determine the membership and organization of its council. 2255
 Notwithstanding division (D) of section 3311.19 and division (D) 2256
 of section 3311.52 of the Revised Code, this section shall not 2257

apply to the board of education of any joint vocational school 2258
 district or any cooperative education school district created 2259
 pursuant to divisions (A) to (C) of section 3311.52 of the Revised 2260
 Code. 2261

Sec. 3313.821. (A) The board of education of each school 2262
district shall appoint a family and civic engagement team. Each 2263
team shall do the following: 2264

(1) Work with local county family and children first councils 2265
established under section 121.37 of the Revised Code to recommend 2266
to the board qualifications and responsibilities to be included in 2267
the job descriptions for school family and civic engagement 2268
coordinators; 2269

(2) Develop five-year family and civic engagement plans; 2270

(3) Provide annual progress reports on the development and 2271
implementation of the plan. The board shall submit the plan and 2272
annual progress reports to the county family and children first 2273
council. 2274

(4) Advise and provide recommendations to the board on 2275
matters specified by the board. 2276

(B) Each board shall determine the membership and 2277
organization of its family and civic engagement team, provided 2278
that it shall include parents, community representatives, health 2279
and human service representatives, business representatives, and 2280
any other representatives identified by the board. 2281

(C) Notwithstanding section 3311.055 of the Revised Code, 2282
this section does not apply to the governing board of an 2283
educational service center. 2284

(D) The governing authority of any community school 2285
established under Chapter 3314. of the Revised Code or the 2286

governing body of any STEM school established under Chapter 3326. 2287
of the Revised Code may appoint a family and civic engagement team 2288
in accordance with this section. 2289

Sec. 3313.822. As an alternative to appointing both a 2290
business advisory council and a family and civic engagement team, 2291
the board of education of a city or exempted village school 2292
district may appoint one committee that functions as both. A 2293
committee appointed under this section shall perform all functions 2294
required of a business advisory council under section 3313.82 of 2295
the Revised Code and of a family and civic engagement team under 2296
section 3313.821 of the Revised Code. Each board shall determine 2297
the membership and organization of its committee, provided the 2298
membership shall comply with the requirements of division (B) of 2299
section 3313.821 of the Revised Code." 2300

In line 37918, delete "tests" and insert "assessments" 2301

In line 37922, delete "test" and insert "assessment" 2302

In line 38108, delete "tests" and insert "assessments" 2303

In line 38114, delete "test" and insert "assessment" 2304

In line 38118, delete "test" and insert "assessment" 2305

In line 38145, delete "tests" and insert "assessments" 2306

Between lines 38152 and 38153, insert: 2307

"Sec. 3314.012. (A) Within ninety days of September 28, 1999, 2308
the superintendent of public instruction shall appoint 2309
representatives of the department of education, including 2310
employees who work with the education management information 2311
system and employees of the office of community schools 2312
established by section 3314.11 of the Revised Code, to a committee 2313
to develop report card models for community schools. The director 2314

of the legislative office of education oversight shall also 2315
 appoint representatives to the committee. The committee shall 2316
 design model report cards appropriate for the various types of 2317
 community schools approved to operate in the state. Sufficient 2318
 models shall be developed to reflect the variety of grade levels 2319
 served and the missions of the state's community schools. All 2320
 models shall include both financial and academic data. The initial 2321
 models shall be developed by March 31, 2000. 2322

(B) The department of education shall issue an annual report 2323
 card for each community school. The report card shall report the 2324
 academic and financial performance of the school utilizing one of 2325
 the models developed under division (A) of this section. The 2326
 report card shall include all information applicable to school 2327
 buildings under division (A) of section 3302.03 of the Revised 2328
 Code ~~and section 3302.032 of the Revised Code.~~ 2329

(C) Upon receipt of a copy of a contract between a sponsor 2330
 and a community school entered into under this chapter, the 2331
 department of education shall notify the community school of the 2332
 specific model report card that will be used for that school. 2333

(D) Report cards shall be distributed to the parents of all 2334
 students in the community school, to the members of the board of 2335
 education of the school district in which the community school is 2336
 located, and to any person who requests one from the department. 2337

(E) No report card shall be issued for any community school 2338
 under this section until the school has been open for instruction 2339
 for two full school years." 2340

In line 38377, strike through "tests" and insert 2341
 "assessments" 2342

In line 39196, strike through "tests" and insert 2343
 "assessments" 2344

In line 39198, strike through "tests" and insert "assessments" 2345
2346

In line 39201, strike through "test" and insert "assessment" 2347

Between lines 39258 and 39259, insert: 2348

"Sec. 3314.19. The sponsor of each community school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school: 2349
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2351
2352

(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the state office of community schools established under section 3314.11 of the Revised Code and that any subsequent modifications to that contract will be filed with the office; 2353
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(B) That the school has submitted to the sponsor a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law; 2359
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(C) That the school has a plan and procedures for administering the achievement ~~tests~~ and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code; 2364
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(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 2368
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3314.17 of the Revised Code;	2374
(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;	2375 2376 2377
(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;	2378 2379 2380 2381
(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	2382 2383 2384 2385
(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;	2386 2387
(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;	2388 2389 2390 2391
(J) That the school holds all of the following:	2392
(1) Proof of property ownership or a lease for the facilities used by the school;	2393 2394
(2) A certificate of occupancy;	2395
(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	2396 2397 2398 2399
(4) A satisfactory health and safety inspection;	2400
(5) A satisfactory fire inspection;	2401

(6) A valid food permit, if applicable.	2402
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	2403 2404 2405
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	2406 2407 2408 2409
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	2410 2411
Sec. 3314.25. Each internet- or computer-based community school shall provide its students a location within a fifty-mile radius of the student's residence at which to complete the statewide achievement tests and diagnostic assessments prescribed under sections 3301.079 and , <u>3301.0710</u> , <u>and 3301.0712</u> of the Revised Code."	2412 2413 2414 2415 2416 2417
In line 39262, strike through "test" and insert " <u>assessment</u> "	2418
In line 39264, strike through "test" and insert " <u>assessment</u> "	2419
Between lines 39345 and 39346, insert:	2420
"Sec. 3314.36. (A) Section 3314.35 of the Revised Code does not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. 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:	2421 2422 2423 2424 2425 2426 2427 2428
(1) The program serves only students not younger than sixteen	2429

years of age and not older than twenty-one years of age. 2430

(2) The program enrolls students who, at the time of their 2431
initial enrollment, either, or both, are at least one grade level 2432
behind their cohort age groups or experience crises that 2433
significantly interfere with their academic progress such that 2434
they are prevented from continuing their traditional programs. 2435

(3) The program requires students to attain at least the 2436
applicable score designated for each of the ~~tests~~ assessments 2437
prescribed under division (B) (1) of section 3301.0710 of the 2438
Revised Code or, to the extent prescribed by rule of the state 2439
board of education under division (E) (6) of section 3301.0712 of 2440
the Revised Code, division (B) (2) of that section. 2441

(4) The program develops an individual career plan for the 2442
student that specifies the student's matriculating to a two-year 2443
degree program, acquiring a business and industry credential, or 2444
entering an apprenticeship. 2445

(5) The program provides counseling and support for the 2446
student related to the plan developed under division (A) (4) of 2447
this section during the remainder of the student's high school 2448
experience. 2449

(6) Prior to receiving the waiver, the program has submitted 2450
to the department an instructional plan that demonstrates how the 2451
academic content standards adopted by the state board of education 2452
under section 3301.079 of the Revised Code will be taught and 2453
assessed. 2454

If the department does not act either to grant the waiver or 2455
to reject the program application for the waiver within sixty days 2456
as required under this section, the waiver shall be considered to 2457
be granted. 2458

(B) Notwithstanding division (A) of this section, the 2459

department shall not grant a waiver to any community school that
 did not qualify for a waiver under this section when it initially
 began operations, unless the state board of education approves the
 waiver.")

In line 40711, strike through "tests" and insert
 "assessments"

In line 40713, strike through "tests" and insert
 "assessments"

In line 40729, strike through "test" and insert "assessment"

In line 40731, strike through "test" and insert "assessment"

Between lines 41732 and 41733, insert:

"Sec. 3319.151. (A) No person shall reveal to any student any
 specific question that the person knows is part of a ~~test~~ an
assessment to be administered under section 3301.0711 of the
 Revised Code or in any other way assist a pupil to cheat on such a
~~test~~ an assessment."

(B) On a finding by the state board of education, after
 investigation, that a school employee who holds a license issued
 under sections 3319.22 to 3319.31 of the Revised Code has violated
 division (A) of this section, the license of such teacher shall be
 suspended for one year. Prior to commencing an investigation, the
 board shall give the teacher notice of the allegation and an
 opportunity to respond and present a defense.

(C) (1) Violation of division (A) of this section is grounds
 for termination of employment of a nonteaching employee under
 division (C) of section 3319.081 or section 124.34 of the Revised
 Code.

(2) Violation of division (A) of this section is grounds for
 termination of a teacher contract under section 3319.16 of the

Revised Code." 2489

In line 42447, strike through "tests" and insert 2490
"assessments" 2491

In line 42936, after the period insert "These standards shall 2492
also be aligned with the operating standards adopted under 2493
division (D)(3) of section 3301.07 of the Revised Code." 2494

In line 42951, after "(vi)" insert "The standards under 2495
section 3301.079 of the Revised Code, including standards on 2496
collaborative learning environments and interdisciplinary, 2497
project-based, real-world learning and differentiated instruction; 2498
(vii)" 2499

In line 42959, after "standards" insert "and the operating 2500
standards developed under division (D)(3) of section 3301.07 of 2501
the Revised Code" 2502

In line 42965, after "standards" insert "and the operating 2503
standards developed under division (D)(3) of section 3301.07 of 2504
the Revised Code" 2505

Between lines 43394 and 43395, insert: 2506

"**Sec. 3325.08.** (A) A diploma shall be granted by the 2507
superintendent of the state school for the blind and the 2508
superintendent of the state school for the deaf to any student 2509
enrolled in one of these state schools to whom all of the 2510
following apply: 2511

(1) The student has successfully completed the individualized 2512
education program developed for the student for the student's high 2513
school education pursuant to section 3323.08 of the Revised Code; 2514

(2) Subject to section 3313.614 of the Revised Code, the 2515
student has met the assessment requirements of division (A)(2)(a) 2516

or (b) of this section, as applicable. 2517

(a) If the student entered the ninth grade prior to the date 2518
prescribed by rule of the state board of education under division 2519
(E) (2) of section 3301.0712 of the Revised Code, the student 2520
either: 2521

~~(a)(i)~~ Has attained at least the applicable scores designated 2522
under division (B) (1) of section 3301.0710 of the Revised Code on 2523
all the ~~tests~~ assessments prescribed by that division unless 2524
division (L) of section 3313.61 of the Revised Code applies to the 2525
student; 2526

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 2527
in section 3313.615 of the Revised Code. 2528

(b) If the student entered the ninth grade on or after the 2529
date prescribed by rule of the state board under division (E) (2) 2530
of section 3301.0712 of the Revised Code, the student has attained 2531
on the entire assessment system prescribed under division (B) (2) 2532
of section 3301.0710 of the Revised Code at least the required 2533
passing composite score, designated under division (C) (1) of 2534
section 3301.0712 of the Revised Code, except to the extent that 2535
division (L) of section 3313.61 of the Revised Code applies to the 2536
student. 2537

(3) The student is not eligible to receive an honors diploma 2538
granted pursuant to division (B) of this section. 2539

No diploma shall be granted under this division to anyone 2540
except as provided under this division. 2541

(B) In lieu of a diploma granted under division (A) of this 2542
section, the superintendent of the state school for the blind and 2543
the superintendent of the state school for the deaf shall grant an 2544
honors diploma, in the same manner that the boards of education of 2545
school districts grant such diplomas under division (B) of section 2546

3313.61 of the Revised Code, to any student enrolled in one of 2547
 these state schools who accomplishes all of the following: 2548
 2549

(1) Successfully completes the individualized education 2550
 program developed for the student for the student's high school 2551
 education pursuant to section 3323.08 of the Revised Code; 2552

(2) Subject to section 3313.614 of the Revised Code, has met 2553
the assessment requirements of division (B)(2)(a) or (b) of this 2554
section, as applicable. 2555

(a) If the student entered the ninth grade prior to the date 2556
prescribed by rule of the state board under division (E)(2) of 2557
section 3301.0712 of the Revised Code, the student either: 2558

~~(a)(i)~~ Has attained at least the applicable scores designated 2559
 under division (B)(1) of section 3301.0710 of the Revised Code on 2560
 all the ~~tests~~ assessments prescribed under that division; 2561

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 2562
 in section 3313.615 of the Revised Code. 2563

(b) If the student entered the ninth grade on or after the 2564
date prescribed by rule of the state board under division (E)(2) 2565
of section 3301.0712 of the Revised Code, the student has attained 2566
on the entire assessment system prescribed under division (B)(2) 2567
of section 3301.0710 of the Revised Code at least the required 2568
passing composite score, designated under division (C)(1) of 2569
section 3301.0712 of the Revised Code. 2570

(3) Has met additional criteria for granting an honors 2571
 diploma. 2572

These additional criteria shall be the same as those 2573
 prescribed by the state board under division (B) of section 2574
 3313.61 of the Revised Code for the granting of such diplomas by 2575
 school districts. No honors diploma shall be granted to anyone 2576

failing to comply with this division and not more than one honors diploma shall be granted to any student under this division. 2577
2578

(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 as the school superintendent prescribes. 2579
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(D) Upon granting a diploma to a student under this section, the superintendent of the state school in which the student is enrolled shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted." 2585
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In line 43399, strike through "3301.0712," 2593

Between lines 43411 and 43412, insert: 2594

"Sec. 3326.14. Each science, technology, engineering, and mathematics school and its governing body shall administer the tests assessments required by sections 3301.0710 ~~and~~ 3301.0711, and 3301.0712 of the Revised Code, as if it were a school district, except that, notwithstanding any provision of those sections to the contrary, any student enrolled in a grade lower than the tenth grade in a STEM school may take one or more of the Ohio graduation tests prescribed under division (B) (1) of section 3301.0710 of the Revised Code on any of the dates prescribed ~~in~~ division (C) (3) of that section for that assessment. 2595
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Sec. 3326.23. The governing body of each science, technology, 2606
 engineering, and mathematics school annually shall provide the 2607
 following assurances in writing to the department of education not 2608
 later than ten business days prior to the opening of the school: 2609
 2610

(A) That the school has a plan for providing special 2611
 education and related services to students with disabilities and 2612
 has demonstrated the capacity to provide those services in 2613
 accordance with Chapter 3323. of the Revised Code and federal law; 2614
 2615

(B) That the school has a plan and procedures for 2616
 administering the achievement ~~tests~~ and diagnostic assessments 2617
 prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 2618
 Revised Code; 2619

(C) That school personnel have the necessary training, 2620
 knowledge, and resources to properly use and submit information to 2621
 all databases maintained by the department for the collection of 2622
 education data, including the education management information 2623
 system established under section 3301.0714 of the Revised Code; 2624

(D) That all required information about the school has been 2625
 submitted to the Ohio education directory system or any successor 2626
 system; 2627

(E) That all classroom teachers are licensed in accordance 2628
 with sections 3319.22 to 3319.31 of the Revised Code or are 2629
 engaged to teach pursuant to section 3319.301 of the Revised Code; 2630

(F) That the school's treasurer is in compliance with section 2631
 3326.21 of the Revised Code; 2632

(G) That the school has complied with sections 3319.39 and 2633
 3319.391 of the Revised Code with respect to all employees and 2634

that the school has conducted a criminal records check of each of	2635
its governing body members;	2636
(H) That the school holds all of the following:	2637
(1) Proof of property ownership or a lease for the facilities	2638
used by the school;	2639
(2) A certificate of occupancy;	2640
(3) Liability insurance for the school, as required by	2641
section 3326.11 of the Revised Code;	2642
(4) A satisfactory health and safety inspection;	2643
(5) A satisfactory fire inspection;	2644
(6) A valid food permit, if applicable.	2645
(I) That the governing body has conducted a pre-opening site	2646
visit to the school for the school year for which the assurances	2647
are provided;	2648
(J) That the school has designated a date it will open for	2649
the school year for which the assurances are provided;	2650
(K) That the school has met all of the governing body's	2651
requirements for opening and any other requirements of the	2652
governing body."	2653
Between lines 43420 and 43421, insert:	2654
"Sec. 3326.37. The department of education shall not pay to a	2655
science, technology, engineering, and mathematics school any	2656
amount for any of the following:	2657
(A) Any student who has graduated from the twelfth grade of a	2658
public or nonpublic school;	2659
(B) Any student who is not a resident of the state;	2660
(C) Any student who was enrolled in a STEM school during the	2661

previous school year when ~~tests~~ assessments were administered 2662
 under section 3301.0711 of the Revised Code but did not take one 2663
 or more of the ~~tests~~ assessments required by that section and was 2664
 not excused pursuant to division (C)(1) or (3) of that section, 2665
 unless the superintendent of public instruction grants the student 2666
 a waiver from the requirement to take the ~~test~~ assessment. The 2667
 superintendent may grant a waiver only for good cause in 2668
 accordance with rules adopted by the state board of education. 2669
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(D) Any student who has attained the age of twenty-two years, 2671
 except for veterans of the armed services whose attendance was 2672
 interrupted before completing the recognized twelve-year course of 2673
 the public schools by reason of induction or enlistment in the 2674
 armed forces and who apply for enrollment in a STEM school not 2675
 later than four years after termination of war or their honorable 2676
 discharge. If, however, any such veteran elects to enroll in 2677
 special courses organized for veterans for whom tuition is paid 2678
 under federal law, or otherwise, the department shall not pay to 2679
 the school any amount for that veteran." 2680

Between lines 44222 and 44223, insert: 2681

"Sec. 3333.123. (A) As used in this section: 2682

(1) "The Ohio college opportunity grant program" means the 2683
 program established under section 3333.122 of the Revised Code. 2684

(2) "Rules for the Ohio college opportunity grant program" 2685
 means the rules authorized in division (S) of section 3333.04 of 2686
 the Revised Code for the implementation of the program. 2687

(B) In adopting rules for the Ohio college opportunity grant 2688
 program, the chancellor of the Ohio board of regents may include 2689
 provisions that give preferential or priority funding to 2690
 low-income students who in their primary and secondary school work 2691

participate in or complete rigorous academic coursework, attain 2692
 passing scores on the ~~tests~~ assessments prescribed in section 2693
 3301.0710 of the Revised Code, or meet other high academic 2694
 performance standards determined by the chancellor to reduce the 2695
 need for remediation and ensure academic success at the 2696
 postsecondary education level. Any such rules shall include a 2697
 specification of procedures needed to certify student achievement 2698
 of primary and secondary standards as well as the timeline for 2699
 implementation of the provisions authorized by this section." 2700

In line 90842, after "3301.075," insert "3301.079, 3301.0710, 2701
 3301.0711,"; after "3301.0714," insert "3301.0715, 3301.0716, 2702
 3301.0718," 2703

In line 90843, after "3301.12," insert "3301.16,"; after 2704
 "3301.56," insert "3302.01, 3302.02,"; after "3302.03," insert 2705
 "3302.031, 3302.05, 3302.07," 2706

In line 90844, after "3310.03," insert "3310.11,"; after 2707
 "3311.059," insert "3313.174,"; after "3313.53," insert 2708
 "3313.532," 2709

In line 90845, after "3313.603," insert "3313.608, 3313.61, 2710
 3313.611, 3313.612, 3313.614, 3313.615,"; after "3313.642," insert 2711
 "3313.6410," 2712

In line 90846, after "3313.978," insert "3314.012,"; after 2713
 "3314.085," insert "3314.19, 3314.25," 2714

In line 90847, after "3314.35," insert "3314.36," 2715

In line 90849, after "3319.11," insert "3319.151," 2716

In line 90852, after "3323.05," insert "3325.08,"; after 2717
 "3326.11," insert "3326.14, 3326.23,"; after "3326.36," insert 2718
 "3326.37,"; after "3333.122," insert "3333.123," 2719

In line 90943, after "1711.58," insert "3301.0712,"; after 2720

"3301.43," insert "3302.032,"

2721

Between lines 94224 and 94225, insert:

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"Section 265.20.15. (A) Notwithstanding anything to the contrary in section 3301.0710, 3301.0711, 3301.0715 or 3313.608 of the Revised Code, the administration of the English language arts assessments for elementary grades as a replacement for the separate reading and writing assessments prescribed by sections 3301.0710 and 3301.0711 of the Revised Code, as those sections are amended by this act, shall not be required until a date prescribed by rule of the State Board of Education. Until that date, the Department of Education and school districts and schools shall continue to administer separate reading and writing assessments for elementary grades, as prescribed by the versions of sections 3301.0710 and 3301.0711 of the Revised Code that were in effect prior to the effective date of this section. The intent for delaying implementation of the replacement English language arts assessment is to provide adequate time for the complete development of the new assessment.

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(B) Notwithstanding anything to the contrary in section 3301.0710 of the Revised Code, the State Board shall not prescribe the three ranges of scores for the assessments prescribed by division (A)(2) of section 3301.0710 of the Revised Code, as amended by this act, until the Board adopts the rule required by division (A) of this section. Until that date, the Board shall continue to prescribe the five ranges of scores required by the version of section 3301.0710 of the Revised Code in effect prior to the effective date of this section, and the following apply:

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(1) The range of scores designated by the State Board as a proficient level of skill remains the passing score on the Ohio Graduation Tests for purposes of sections 3313.61, 3313.611,

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3313.612, and 3325.08 of the Revised Code; 2751

(2) The range of scores designated as a limited level of skill remains the standard for applying the third-grade reading guarantee under division (A) of section 3313.608 of the Revised Code; 2752 2753 2754 2755

(3) The range of scores designated by the State Board as a proficient level of skill remains the standard for the summer remediation requirement of division (B)(2) of section 3313.608 of the Revised Code. 2756 2757 2758 2759

(C) This section is not subject to expiration under Section 809.10 of this act. 2760 2761

Section 265.20.18. Notwithstanding anything to the contrary in sections 3301.0710 and 3301.0711 of the Revised Code, in the 2009-2010 and 2010-2011 school years, the Department of Education shall not furnish, and school districts and schools shall not administer, the elementary writing and social studies achievement assessments prescribed by section 3301.0710 of the Revised Code, unless the Superintendent of Public Instruction determines the Department has sufficient funds to pay the costs of furnishing and scoring those assessments." 2762 2763 2764 2765 2766 2767 2768 2769 2770

Delete lines 95645 through 95705 2771

Between lines 95776 and 95777, insert: 2772

"Section 265.60.80. COMMITTEE TO UPDATE STANDARDS AND CURRICULA 2773 2774

Not later than September 15, 2009, the State Board of Education shall convene a committee of national experts, state experts, and local practitioners to provide advice and guidance in the design of the updated standards and curricula required by 2775 2776 2777 2778

section 3301.079 of the Revised Code, as amended by this act." 2779

In line 106538, after "3301.95," insert "3302.031, 3302.05, 2780
3302.07," 2781

In line 106541, after "3318.011," insert "3326.21," 2782

Between lines 106591f and 106592, insert: 2783

"3301.07 The amendment that strikes All amendments except the 2784
through original division amendment described in the
(N) middle column

3313.6410 Division (A) Division (B) 2785

3314.03 All amendments except the The amendments to division 2786
amendments described in the (A) (8) "
right-hand column

Between lines 106635 and 106636, insert: 2787

"Section 3313.614. of the Revised Code as amended by Am. Sub. 2788
H.B. 276 and Am. Sub. S.B. 311, both of the 126th General 2789
Assembly." 2790

In line 64 of the title, after "3301.075," insert "3301.079, 2791
3301.0710, 3301.0711," 2792

In line 65 of the title, after "3301.0714," insert 2793
"3301.0715, 3301.0716, 3301.0718,"; after "3301.12," insert 2794
"3301.16,"; after "3301.56," insert "3302.01, 3302.02," 2795

In line 66 of the title, after "3302.03," insert "3302.031, 2796
3302.05, 3302.07,"; after "3310.03," insert "3310.11," 2797

In line 67 of the title, after "3313.53," insert "3313.532," 2798

In line 68 of the title, after "3313.603," insert "3313.608, 2799
3313.61, 3313.611, 3313.612, 3313.614, 3313.615,"; after 2800
"3313.642," insert "3313.6410," 2801

In line 69 of the title, after "3313.978," insert "3314.012," 2802

In line 70 of the title, after "3314.085," insert "3314.19, 2803
 3314.25,"; after "3314.35," insert "3314.36," 2804

In line 73 of the title, after "3319.11," insert "3319.151," 2805

In line 77 of the title, after "3323.05," insert "3325.08,"; 2806
 after "3326.11," insert "3326.14, 3326.23," 2807

In line 78 of the title, after "3326.36," insert "3326.37,"; 2808
 after "3333.122," insert "3333.123," 2809

In line 176 of the title, after "(173.422)," insert "3313.174 2810
 (3313.82)," 2811

In line 179 of the title, after "173.43," insert "3301.0712," 2812

In line 200 of the title, after "3313.719," insert "3313.821, 2813
 3313.822," 2814

In line 234 of the title, after "1711.58," insert 2815
 "3301.0712,"; after "3301.43," insert "3302.032," 2816

The motion was _____ agreed to.

SYNOPSIS

Academic Standards 2817

R.C. 3301.079, 3301.0710, 3313.603 (C), and 3319.61 (A) (1); 2818

Section 265.60.80 2819

Reinstates the following requirements of the House version: 2820

(1) That the State Board of Education, by June 30, 2010, and 2821
 at least once every five years thereafter, adopt new statewide 2822
 academic standards for all grades in English language arts, math, 2823
 science, and social studies and adopt model curricula reflecting 2824
 the revised standards by March 31, 2011; 2825

(2) That the State Board, after completing the standards in 2826
 (1), (a) revise the academic standards and model curricula for 2827
 grades K-12 in fine arts and foreign language, (b) revise the 2828
 standards and curricula in computer literacy and expand them to 2829
 cover grades K-12, and (c) adopt standards and curricula for 2830
 grades K-12 in the new area of financial literacy and 2831
 entrepreneurship; 2832

(3) That all the academic standards specify (a) skills 2833
 related to creativity and innovation, critical thinking and 2834
 problem solving, and communication and collaboration, (b) skills 2835
 that promote information, media, and technological literacy, (c) 2836
 skills that promote productivity and accountability and leadership 2837
 and responsibility, and (d) interdisciplinary, project-based real 2838
 world learning opportunities; 2839

(4) That the State Board convene a committee of national and 2840
 state experts and local practitioners to provide guidance in the 2841
 design of the updated standards and model curricula; 2842

(5) That the Educator Standards Board's standards for 2843
 teachers reflect the revised academic standards; and 2844

(6) That the State Board periodically revise its physical 2845
 education standards. 2846

Requires the academic standards to specify skills that 2847
 promote personal management. 2848

Requires the Superintendent of Public Instruction to present 2849
 the revised standards and model curricula in the core academic 2850
 areas to the House and Senate education committees at least 45 2851
 days prior to the deadline for their adoption. 2852

Student Assessments 2853

R.C. 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 2854
 3301.0715, 3301.0716, 3301.16, 3301.42, 3302.01, 3302.02, 3302.03, 2855

3302.031, 3310.03, 3310.11, 3310.14, 3310.15, 3313.532, 3313.603, 2856
 3313.608, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615, 2857
 3313.6410, 3313.976, 3313.978, 3314.03, 3314.08, 3314.19, 3314.25, 2858
 3314.26, 3314.36, 3317.03, 3319.151, 3319.28, 3325.08, 3326.11, 2859
 3326.14, 3326.23, 3326.37, and 3333.123; repealed R.C. 3301.0712; 2860
 Sections 265.20.15 and 265.20.18 2861

Reinstates the following House provisions: 2862

(1) The renaming of the state achievement tests as 2863
 "achievement assessments"; 2864

(2) The combining of the separate grade-level reading and 2865
 writing achievement assessments and diagnostic assessments into 2866
 the single subject of English language arts; 2867

(3) The reduction in the number of scoring levels on the 2868
 achievement assessments from five to three; 2869

(4) The transfer of authority for designating dates for the 2870
 administration of the achievement assessments from the State Board 2871
 of Education to the Superintendent of Public Instruction and the 2872
 repeal of the current statutory restrictions on the administration 2873
 dates and times; 2874

(5) The requirement that the State Board, Superintendent of 2875
 Public Instruction, and Chancellor of the Board of Regents develop 2876
 a new high school assessment system to replace the Ohio Graduation 2877
 Tests (OGT) that consists of (a) a nationally standardized 2878
 assessment in science, math, and English language arts, (2) a 2879
 series of end-of-course examinations in science, math, English 2880
 language arts, and social studies, and (3) a senior project. (The 2881
 amendment does not reinstate the House requirement that the 2882
 assessment system also include a community service learning 2883
 project.) 2884

(6) The requirement for the State Board to adopt rules for 2885

implementing the new high school assessment system; and 2886

(7) The prohibition on release of the OGT as a public record. 2887

Delays until a date set by the State Board of Education (1) 2888

administration of elementary English language arts assessments as 2889

a replacement for the separate reading and writing assessments and 2890

(2) the requirement for three score ranges on all of the 2891

elementary assessments. 2892

Prohibits the administration of the elementary writing and 2893

social studies achievement assessments during the 2009-2010 and 2894

2010-2011 school years, unless the Superintendent of Public 2895

Instruction determines the Department of Education has sufficient 2896

funds to pay the costs of furnishing and scoring the assessments. 2897

Requires the state Superintendent to present the new high 2898

school assessment system to the House and Senate education 2899

committees at least 45 days before the State Board adopts a 2900

resolution directing the Department of Education to file the rules 2901

implementing the system in final form. 2902

Report Card Performance Indicators 2903

R.C. 3302.02 and 3314.012; repealed R.C. 3302.032 2904

Reinstates the following provisions of the House bill: 2905

(1) The requirement that the State Board of Education 2906

establish new performance indicators for the school district and 2907

building report cards within one year after adopting rules for the 2908

new high school assessment system and at least every six years 2909

thereafter, based on recommendations of the Superintendent of 2910

Public Instruction; 2911

(2) The requirement that the State Board, by December 31, 2912

2011, and upon recommendation of the state Superintendent, 2913

establish a performance indicator that reflects the level of 2914

services provided to, and performance of, gifted students; 2915

(3) The repeal of the requirement that there be at least 17 2916
performance indicators; and 2917

(4) The repeal of the requirement that the State Board 2918
include measures of high school graduates' preparedness for higher 2919
education and the workforce on the report cards, beginning with 2920
the 2012-2013 school year. 2921

**Business Advisory Councils and Family and Civic Engagement 2922
Teams 2923**

R.C. 3313.82, 3313.821, and 3313.822 2924

Reinstates the House provisions that (1) require school 2925
districts to appoint a family and community engagement team, but 2926
the amendment changes the name to a family and civic engagement 2927
team and (2) permit districts to appoint one committee to function 2928
as both that team and a business advisory council, which city and 2929
exempted village districts must appoint under current law. 2930

Permits community schools and STEM schools to appoint a 2931
family and civic engagement team. 2932

School District Operating Standards 2933

**R.C. 3301.07, 3302.05, 3302.07, 3314.03(A)(8), 3319.61(A), 2934
and 3326.21 2935**

Reinstates the House bill's requirement that the State Board 2936
of Education adopt minimum operating standards for school 2937
districts, which districts must comply with unless they receive a 2938
waiver from the Superintendent of Public Instruction, and 2939
reinstates the House provision specifying that the operating 2940
standards override any conflicting provisions of a collective 2941
bargaining agreement. The operating standards must include (1) 2942
standards for the effective and efficient organization, 2943

administration, and supervision of districts, (2) standards for
 the establishment of business advisory councils and family and
 civic engagement teams, (3) standards incorporating the
 classifications of the components of the adequacy amount into core
 academic strategy components and academic improvement components,
 and (4) standards for school district organizational units.

Reinstates the House bill's requirement that the Educator
 Standards Board's standards for teachers, principals,
 superintendents, and treasurers be aligned with the minimum
 operating standards.

Reinstates the House bill's requirement that the State
 Board's existing minimum standards for all public schools require
 instructional materials and equipment, including library
 materials, to be aligned with the academic content standards.

Reinstates the House bill's provision modifying the current
 requirement for the State Board to develop a standard for
 reporting financial information to the public by (1) requiring
 districts and ESCs to report revenues and expenditures by school
 building and (2) eliminating a requirement that the reporting
 format include year-to-year comparisons of budgets over a
 five-year period. (The amendment does not apply the requirement to
 community schools and STEM schools.)

Study of Proposed Education Reforms

Section 265.60.50

Removes the bill's requirement that the State Board of
 Education and Superintendent of Public Instruction, by July 1,
 2010, study and make recommendations regarding the Governor's
 proposed education reforms.

6 _____ moved to amend as follows:

7 In line 442, after "3333.91," insert "3353.09,"

8 In line 33365, strike through "(N)"; delete "The state
9 board shall develop"; strike through "and modify as"

10 Strike through lines 33366 and 33367

11 Between lines 46267 and 46268, insert:

12 "Sec. 3353.09. (A) Not later than January 1, 2010, the
13 eTech Ohio commission shall develop and implement a state
14 technology plan to create an aligned educational technology
15 system that spans preschool to postsecondary education and
16 complies with federal mandates. The commission periodically
17 shall modify the plan as it determines necessary.

18 (B) The commission shall consult with the state board of
19 education in the development and modification of the state
20 technology plan."

21 In line 94127, after "Plan" insert "developed"; delete
22 "3301.07" and insert "3353.09"

23 In line 94128, delete "developed in conjunction with the
24 Chancellor of the"

25 In line 94129, delete "Board of Regents"
26 In line 94259, delete "pursuant to" and insert "developed
27 under"
28 In line 94260, delete "3301.07" and insert "3353.09"
29 In line 106538, delete "3301.07,"
30 Between lines 106591e and 106592, insert:
"3301.07 The amendment that All amendments except
strikes through the amendment described
division (N) in the middle column"
31 In line 202 of the title, after "3333.91," insert
32 "3353.09,"

33 The motion was _____ agreed to.

34 SYNOPSIS

35 **State Education Technology Plan**

36 **R.C. 3301.07 and 3353.09; Sections 265.10.70 and 265.20.30**

37 Transfers responsibility for developing a state education
38 technology plan from the State Board of Education to the eTech
39 Ohio Commission. Requires the Commission to consult with the
40 State Board in the development and modification of the plan.

41 Changes the purpose of the plan from "promoting the use of
42 technological advancements in educational settings" to "creating
43 an aligned educational technology system that spans preschool to
44 postsecondary education and complies with federal mandates."

45 Requires the eTech Ohio Commission to "implement" the plan
46 (but does not specify any powers or duties with which to do so
47 and retains budget language requiring the Department of

48 Education to maintain a system of information technology
49 throughout the state).

50 Makes conforming changes to budget language addressing
51 Department of Education appropriation line-items, as follows:

52 (1) The language directing that line-item 200426, Ohio
53 Educational Computer Network, be used by the Department to
54 maintain a system of information technology throughout Ohio and
55 to provide technical assistance for such a system in support of
56 the state plan. (In addition to changing a cross-reference to
57 reflect the transfer of the plan's development to eTech, the
58 amendment deletes a reference that the plan is "in conjunction
59 with" the Chancellor of the Board of Regents.)

60 (2) The language directing that an earmark of line-item
61 200446, Education Management Information System, for costs of
62 information technology centers may include costs for "services
63 to participate in" the state plan (cross-reference change only).

64 The amendment does not transfer any funds from the
65 Department of Education to eTech Ohio.

Am. Sub. H.B. 1

As Passed by the Senate

CC-4725

SFC-12

_____ moved to amend as follows:

In line 346, after "3318.011," insert "3318.36," 1

Between lines 41138 and 41139, insert: 2

"Sec. 3318.36. (A) (1) As used in this section: 3

(a) "Ohio school facilities commission," "classroom 4
facilities," "school district," "school district board," "net 5
bonded indebtedness," "required percentage of the basic project 6
costs," "basic project cost," "valuation," and "percentile" have 7
the same meanings as in section 3318.01 of the Revised Code. 8

(b) "Required level of indebtedness" means five per cent of 9
the school district's valuation for the year preceding the year in 10
which the commission and school district enter into an agreement 11
under division (B) of this section, plus [two one-hundredths of 12
one per cent multiplied by (the percentile in which the district 13
ranks minus one)]. 14

(c) "Local resources" means any moneys generated in any 15
manner permitted for a school district board to raise the school 16
district portion of a project undertaken with assistance under 17
sections 3318.01 to 3318.20 of the Revised Code. 18

(2) For purposes of determining ~~either~~ the required level of 19

indebtedness, ~~as defined in division (A) (1) (b) of this section, or~~ 20
the required percentage of the basic project costs, under division 21
(C) (1) of this section, and priority for assistance under sections 22
3318.01 to 3318.20 of the Revised Code, the percentile ranking of 23
a school district with which the commission has entered into an 24
agreement under this section between the first day of July and the 25
thirty-first day of August in each fiscal year is the percentile 26
ranking calculated for that district for the immediately preceding 27
fiscal year, and the percentile ranking of a school district with 28
which the commission has entered into such agreement between the 29
first day of September and the thirtieth day of June in each 30
fiscal year is the percentile ranking calculated for that district 31
for the current fiscal year. 32

(B) (1) There is hereby established the school building 33
assistance expedited local partnership program. Under the program, 34
the Ohio school facilities commission may enter into an agreement 35
with the school district board of any school district under which 36
the school district board may proceed with the new construction or 37
major repairs of a part of the school district's classroom 38
facilities needs, as determined under sections 3318.01 to 3318.20 39
of the Revised Code, through the expenditure of local resources 40
prior to the school district's eligibility for state assistance 41
under those sections ~~3318.01 to 3318.20 of the Revised Code~~ and 42
may apply that expenditure toward meeting the school district's 43
portion of the basic project cost of the total of the school 44
district's classroom facilities needs, as determined under 45
sections 3318.01 to 3318.20 of the Revised Code and as 46
recalculated under division (E) of this section, that are eligible 47
for state assistance under sections 3318.01 to 3318.20 of the 48
Revised Code when the school district becomes eligible for ~~such~~ 49
~~state~~ that assistance. Any school district that is reasonably 50
expected to receive assistance under sections 3318.01 to 3318.20 51

of the Revised Code within two fiscal years from the date the 52
school district adopts its resolution under division (B) of this 53
section shall not be eligible to participate in the program 54
established under this section. 55

(2) To participate in the program, a school district board 56
shall first adopt a resolution certifying to the commission the 57
board's intent to participate in the program. 58

The resolution shall specify the approximate date that the 59
board intends to seek elector approval of any bond or tax measures 60
or to apply other local resources to use to pay the cost of 61
classroom facilities to be constructed under this section. The 62
resolution may specify the application of local resources or 63
elector-approved bond or tax measures after the resolution is 64
adopted by the board, and in such case the board may proceed with 65
a discrete portion of its project under this section as soon as 66
the commission and the controlling board have approved the basic 67
project cost of the district's classroom facilities needs as 68
specified in division (D) of this section. The board shall submit 69
its resolution to the commission not later than ten days after the 70
date the resolution is adopted by the board. 71

The commission shall not consider any resolution that is 72
submitted pursuant to division (B)(2) of this section, as amended 73
by this amendment, sooner than September 14, 2000. 74

(3) For purposes of determining when a district that enters 75
into an agreement under this section becomes eligible for 76
assistance under sections 3318.01 to 3318.20 of the Revised Code, 77
the commission shall use the district's percentile ranking 78
determined at the time the district entered into the agreement 79
under this section, as prescribed by division (A)(2) of this 80
section. 81

(4) Any project under this section shall comply with section 82

3318.03 of the Revised Code and with any specifications for plans 83
and materials for classroom facilities adopted by the commission 84
under section 3318.04 of the Revised Code. 85

~~(4)~~(5) If a school district that enters into an agreement 86
under this section has not begun a project applying local 87
resources as provided for under that agreement at the time the 88
district is notified by the commission that it is eligible to 89
receive state assistance under sections 3318.01 to 3318.20 of the 90
Revised Code, all assessment and agreement documents entered into 91
under this section are void. 92

~~(5)~~(6) Only construction of or repairs to classroom 93
facilities that have been approved by the commission and have been 94
therefore included as part of a district's basic project cost 95
qualify for application of local resources under this section. 96

(C) Based on the results of ~~the~~ on-site visits and assessment 97
~~conducted under division (B) (2) of this section~~, the commission 98
shall determine the basic project cost of the school district's 99
classroom facilities needs. The commission shall determine the 100
school district's portion of such basic project cost, which shall 101
be the greater of: 102

(1) The required percentage of the basic project costs, 103
determined based on the school district's percentile ranking; 104

(2) An amount necessary to raise the school district's net 105
bonded indebtedness, as of the fiscal year the commission and the 106
school district enter into the agreement under division (B) of 107
this section, to within five thousand dollars of the required 108
level of indebtedness. 109

(D) (1) When the commission determines the basic project cost 110
of the classroom facilities needs of a school district and the 111
school district's portion of that basic project cost under 112
division (C) of this section, the project shall be conditionally 113

approved. Such conditional approval shall be submitted to the
controlling board for approval thereof. The controlling board
shall forthwith approve or reject the commission's determination,
conditional approval, and the amount of the state's portion of the
basic project cost; however, no state funds shall be encumbered
under this section. Upon approval by the controlling board, the
school district board may identify a discrete part of its
classroom facilities needs, which shall include only new
construction of or additions or major repairs to a particular
building, to address with local resources. Upon identifying a part
of the school district's basic project cost to address with local
resources, the school district board may allocate any available
school district moneys to pay the cost of that identified part,
including the proceeds of an issuance of bonds if approved by the
electors of the school district.

All local resources utilized under this division shall first
be deposited in the project construction account required under
section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option
under division (D)(3) of this section, for a school district to
qualify for participation in the program authorized under this
section, one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote
shall approve the levy of taxes outside the ten-mill limitation
for a period of twenty-three years at the rate of not less than
one-half mill for each dollar of valuation to be used to pay the
cost of maintaining the classroom facilities included in the basic
project cost as determined by the commission. The form of the
ballot to be used to submit the question whether to approve the
tax required under this division to the electors of the school
district shall be the form for an additional levy of taxes

prescribed in section 3318.361 of the Revised Code, which may be 145
combined in a single ballot question with the questions prescribed 146
under section 5705.218 of the Revised Code. 147

(b) As authorized under division (C) of section 3318.05 of 148
the Revised Code, the school district board shall earmark from the 149
proceeds of a permanent improvement tax levied under section 150
5705.21 of the Revised Code, an amount equivalent to the 151
additional tax otherwise required under division (D)(2)(a) of this 152
section for the maintenance of the classroom facilities included 153
in the basic project cost as determined by the commission. 154

(c) As authorized under section 3318.051 of the Revised Code, 155
the school district board shall, if approved by the commission, 156
annually transfer into the maintenance fund required under section 157
3318.05 of the Revised Code the amount prescribed in section 158
3318.051 of the Revised Code in lieu of the tax otherwise required 159
under division (D)(2)(a) of this section for the maintenance of 160
the classroom facilities included in the basic project cost as 161
determined by the commission. 162

(d) If the school district board has rescinded the agreement 163
to make transfers under section 3318.051 of the Revised Code, as 164
provided under division (F) of that section, the electors of the 165
school district, in accordance with section 3318.063 of the 166
Revised Code, first shall approve the levy of taxes outside the 167
ten-mill limitation for the period specified in that section at a 168
rate of not less than one-half mill for each dollar of valuation. 169

(e) The school district board shall apply the proceeds of a 170
tax to leverage bonds as authorized under section 3318.052 of the 171
Revised Code or dedicate a local donated contribution in the 172
manner described in division (B) of section 3318.084 of the 173
Revised Code in an amount equivalent to the additional tax 174
otherwise required under division (D)(2)(a) of this section for 175

the maintenance of the classroom facilities included in the basic 176
project cost as determined by the commission. 177

(3) A school district board may opt to delay taking any of 178
the actions described in division (D) (2) of this section until 179
~~such time as~~ the school district becomes eligible for state 180
assistance under sections 3318.01 to 3318.20 of the Revised Code. 181
In order to exercise this option, the board shall certify to the 182
commission a resolution indicating the board's intent to do so 183
prior to entering into an agreement under division (B) of this 184
section. 185

(4) If pursuant to division (D) (3) of this section a district 186
board opts to delay levying an additional tax until the district 187
becomes eligible for state assistance, it shall submit the 188
question of levying that tax to the district electors as follows: 189

(a) In accordance with section 3318.06 of the Revised Code if 190
it will also be necessary pursuant to division (E) of this section 191
to submit a proposal for approval of a bond issue; 192

(b) In accordance with section 3318.361 of the Revised Code 193
if it is not necessary to also submit a proposal for approval of a 194
bond issue pursuant to division (E) of this section. 195

(5) No state assistance under sections 3318.01 to 3318.20 of 196
the Revised Code shall be released until a school district board 197
that adopts and certifies a resolution under division (D) of this 198
section also demonstrates to the satisfaction of the commission 199
compliance with the provisions of division (D) (2) of this section. 200

Any amount required for maintenance under division (D) (2) of 201
this section shall be deposited into a separate fund as specified 202
in division (B) of section 3318.05 of the Revised Code. 203

(E) (1) If the school district becomes eligible for state 204
assistance under sections 3318.01 to 3318.20 of the Revised Code 205

based on its percentile ranking ~~as determined~~ under division 206
(B) (3) of this section, the commission shall conduct a new 207
assessment of the school district's classroom facilities needs and 208
shall recalculate the basic project cost based on this new 209
assessment. The basic project cost recalculated under this 210
division shall include the amount of expenditures made by the 211
school district board under division (D) (1) of this section. The 212
commission shall then recalculate the school district's portion of 213
the new basic project cost, which shall be the percentage of the 214
original basic project cost assigned to the school district as its 215
portion under division (C) of this section. The commission shall 216
deduct the expenditure of school district moneys made under 217
division (D) (1) of this section from the school district's portion 218
of the basic project cost as recalculated under this division. If 219
the amount of school district resources applied by the school 220
district board to the school district's portion of the basic 221
project cost under this section is less than the total amount of 222
such portion as recalculated under this division, the school 223
district board by a majority vote of all of its members shall, if 224
it desires to seek state assistance under sections 3318.01 to 225
3318.20 of the Revised Code, adopt a resolution as specified in 226
section 3318.06 of the Revised Code to submit to the electors of 227
the school district the question of approval of a bond issue in 228
order to pay any additional amount of school district portion 229
required for state assistance. Any tax levy approved under 230
division (D) of this section satisfies the requirements to levy 231
the additional tax under section 3318.06 of the Revised Code. 232

(2) If the amount of school district resources applied by the 234
school district board to the school district's portion of the 235
basic project cost under this section is more than the total 236
amount of such portion as recalculated under this division, within 237

one year after the school district's portion is recalculated under 238
 division (E) (1) of this section the commission may grant to the 239
 school district the difference between the two calculated 240
 portions, but at no time shall the commission expend any state 241
 funds on a project in an amount greater than the state's portion 242
 of the basic project cost as recalculated under this division. 243

Any reimbursement under this division shall be only for local 244
 resources the school district has applied toward construction cost 245
 expenditures for the classroom facilities approved by the 246
 commission, which shall not include any financing costs associated 247
 with that construction. 248

The school district board shall use any moneys reimbursed to 249
 the district under this division to pay off any debt service the 250
 district owes for classroom facilities constructed under its 251
 project under this section before such moneys are applied to any 252
 other purpose. However, the district board first may deposit 253
 moneys reimbursed under this division into the district's general 254
 fund or a permanent improvement fund to replace local resources 255
 the district withdrew from those funds, as long as, and to the 256
 extent that, those local resources were used by the district for 257
 constructing classroom facilities included in the district's basic 258
 project cost." 259

In line 90848, after "3318.011," insert "3318.36," 260

In line 72 of the title, after "3318.011," insert "3318.36," 261

The motion was _____ agreed to.

SYNOPSIS

Priority for School Districts Participating in Expedited 262

Local Partnership Program

263

R.C. 3318.36

264

Reinstates the House provision that specifies that priority 265
for state assistance under the Classroom Facilities Assistance 266
Program (CFAP) for a school district participating in the 267
Expedited Local Partnership Program is based on the district's 268
percentile ranking on the equity list at the time it entered into 269
its agreement for the Expedited Program. (Under current law, the 270
district's priority for CFAP is based on its current percentile 271
ranking.) 272

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2
3 Am. Sub. H.B. 1
4 As Passed by the Senate
5 CC-4727
EDU-29

6 _____ moved to amend as follows:

7 Strike through line 41736

8 In line 41737, strike through "violations of reasonable"
9 and delete the balance of the line

10 In line 41738, strike through "regulations"; delete "as set
11 forth by"; strike through "the board of education"; strike
12 through "or"

13 In line 41739, reinsert "good and just cause" and delete
14 the balance of the line

15 Delete lines 41740 and 41741

16 In line 41742, delete "misfeasance, malfeasance, or
17 nonfeasance"

18 The motion was _____ agreed to.

19 SYNOPSIS

20 **Termination of Teacher Employment Contracts**

21 **R.C. 3319.16**

22 Restores the House version which:

23 (1) Eliminates "gross inefficiency or immorality" and
24 "willful and persistent violations of reasonable regulations of
25 the board of education" as statutory grounds for termination of
26 a school district teacher employment contract.

27 (2) Retains "good and just cause" as statutory grounds for
28 termination of a school district teacher employment contract
29 (instead of for willful and persistent violations of written
30 rules and regulations of ~~as~~ set forth by the board of education;
31 or for other good and just cause including incompetency,
32 inefficiency, dishonesty, drunkenness, immoral conduct,
33 insubordination, discourteous treatment of the public, neglect
34 of duty, or any other acts of misfeasance, malfeasance, or
35 nonfeasance, as in the Senate version).

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4728
OBM062

6 _____ moved to amend as follows:

7 Between lines 92256 and 92257, insert:

8 "COAL RESEARCH AND DEVELOPMENT

9 The foregoing appropriation item 898604, Coal Research and
10 Development Fund, shall be used for research and development of
11 clean coal technologies. On or before June 30, 2010, any
12 unexpended and unencumbered portion of the appropriation item at
13 the end of fiscal year 2010 is hereby reappropriated for the
14 same purpose in fiscal year 2011."

15 The motion was _____ agreed to.

16 SYNOPSIS

17 **Air Quality Development Authority**

18 **Section 213.10**

19 Reappropriates any unexpended and unencumbered portion of
20 non-GRF appropriation item 898604, Coal Research and Development
21 Fund, in the Air Quality Development Authority, at the end of
22 fiscal year 2010 to be used for the same purpose in fiscal year
23 2011.

Am. Sub. H.B. 1
As Passed by the Senate
CC-4730-1
CD-EPA-21

_____ moved to amend as follows:

In line 315, after "340.033," insert "343.01," 1

In line 369, after "3734.281," insert "3734.53," 2

Between lines 19771 and 19772, insert: 3

"Sec. 343.01. (A) In order to comply with division (B) of 4
section 3734.52 of the Revised Code, the board of county 5
commissioners of each county shall do one of the following: 6

(1) Establish, by resolution, and maintain a county solid 7
waste management district under this chapter that consists of all 8
the incorporated and unincorporated territory within the county 9
except as otherwise provided in division (A) of this section; 10

(2) With the boards of county commissioners of one or more 11
other counties establish, by agreement, and maintain a joint solid 12
waste management district under this chapter that consists of all 13
the incorporated and unincorporated territory within the counties 14
forming the joint district except as otherwise provided in 15
division (A) of this section. 16

If a municipal corporation is located in more than one solid 17
waste management district, the entire municipal corporation shall 18
be considered to be included in and shall be under the 19

jurisdiction of the district in which a majority of the population
of the municipal corporation resides.

A county and joint district established to comply with
division (B) of section 3734.52 of the Revised Code shall have a
population of not less than one hundred twenty thousand unless, in
the instance of a county district, the board of county
commissioners has obtained an exemption from that requirement
under division (C) (1) or (2) of that section. Each joint district
established to comply with an order issued under division (D) of
that section shall have a population of at least one hundred
twenty thousand.

(B) The boards of county commissioners of the counties
establishing a joint district constitute, collectively, the board
of directors of the joint district, except that if a county with a
form of legislative authority other than a board of county
commissioners participates, it shall be represented on the board
of directors by three persons appointed by the legislative
authority.

The agreement to establish and maintain a joint district
shall be ratified by resolution of the board of county
commissioners of each participating county. Upon ratification, the
board of directors shall take control of and manage the joint
district subject to this chapter, except that, in the case of a
joint district formed pursuant to division (C), (D), or (E) of
section 343.012 of the Revised Code, the board of directors shall
take control of and manage the district when the formation of the
district becomes final under the applicable division. A majority
of the board of directors constitutes a quorum, and a majority
vote is required for the board to act.

A county participating in a joint district may contribute
lands or rights or interests therein, money, other personal

property or rights or interests therein, or services to the 51
 district. The agreement shall specify any contributions of 52
 participating counties and the rights of the participating 53
 counties in lands or personal property, or rights or interests 54
 therein, contributed to or otherwise acquired by the joint 55
 district. The agreement may be amended or added to by a majority 56
 vote of the board of directors, but no amendment or addition shall 57
 divest a participating county of any right or interest in lands or 58
 personal property without its consent. 59

The board of directors may appoint and fix the compensation 60
 of employees of, accept gifts, devises, and bequests for, and take 61
 other actions necessary to control and manage the joint district. 62
 Employees of the district shall be considered county employees for 63
 the purposes of Chapter 124. of the Revised Code and other 64
 provisions of state law applicable to employees. Instead of or in 65
 addition to appointing employees of the district, the board of 66
 directors may agree to use employees of one or more of the 67
 participating counties in the service of the joint district and to 68
 share in their compensation in any manner that may be agreed upon. 69

The board of directors shall do one of the following: 70

(1) Designate the county auditor, including any other 71
 official acting in a capacity similar to a county auditor under a 72
 county charter, of a county participating in the joint district as 73
 the fiscal officer of the district, and the county treasurer, or 74
 other official acting in a capacity similar to a county treasurer 75
 under a county charter, of that county as the treasurer of the 76
 district. The designated county officials shall perform any 77
 applicable duties for the district as each typically performs for 78
 the county of which he the individual is an official, except as 79
 otherwise may be provided in any bylaws or resolutions adopted by 80
 the board of directors. The board of directors may pay to that 81

county any amount agreed upon by the board of directors and the 82
board of county commissioners of that county to reimburse that 83
county for the cost properly allocable to the service of its 84
officials as fiscal officer and treasurer of the joint district. 85

(2) Appoint one individual who is neither a county auditor 86
nor a county treasurer, and who may be an employee of the 87
district, to serve as both the treasurer of the district and its 88
fiscal officer. That individual shall act as custodian of the 89
funds of the board and the district and shall maintain all 90
accounts of the district. Any reference in this chapter or Chapter 91
3734. of the Revised Code to a county auditor or county treasurer 92
serving as fiscal officer of a district or custodian of any funds 93
of a board or district is deemed to refer to an individual 94
appointed under division (B) (2) of this section. 95

The fiscal officer of a district shall establish a general 96
fund and any other necessary funds for the district. 97

(C) A board of county commissioners of a county district or 98
board of directors of a joint district may acquire, by purchase or 99
lease, construct, improve, enlarge, replace, maintain, and operate 100
such solid waste collection systems within their respective 101
districts and such solid waste facilities within or outside their 102
respective districts as are necessary for the protection of the 103
public health. A board of county commissioners may acquire within 104
its county real property or any estate, interest, or right 105
therein, by appropriation or any other method, for use by a county 106
or joint district in connection with such facilities. 107
Appropriation proceedings shall be conducted in accordance with 108
sections 163.01 to 163.22 of the Revised Code. 109

(D) The sanitary engineer or sanitary engineering department 110
of a county maintaining a district and any sanitary engineer or 111
sanitary engineering department of a county in a joint district, 112

as determined by the board of directors, in addition to other
duties assigned to that engineer or department, shall assist the
board of county commissioners or directors in the performance of
their duties under this chapter and sections 3734.52 to 3734.575
of the Revised Code and shall be charged with any other duties and
services in relation thereto that the board prescribes. A board
may employ registered professional engineers to assist the
sanitary engineer in those duties and also may employ financial
advisers and any other professional services it considers
necessary to assist it in the construction, financing, and
maintenance of solid waste collection or other solid waste
facilities. Such contracts of employment shall not require the
certificate provided in section 5705.41 of the Revised Code.
Payment for such services may be made from the general fund or any
other fund legally available for that use at times that are agreed
upon or as determined by the board of county commissioners or
directors, and the funds may be reimbursed from the proceeds of
bonds or notes issued to pay the cost of any improvement to which
the services related.

(E) (1) The prosecuting attorney of the county shall serve as
the legal advisor of a county district and shall provide such
services to the board of county commissioners of the district as
are required or authorized to be provided to other county boards
under Chapter 309. of the Revised Code, except that, if the board
considers it to be necessary or appropriate, the board, on its own
initiative, may employ an attorney or other legal counsel on an
annual basis to serve as the legal advisor of the district in
place of the prosecuting attorney. When the prosecuting attorney
is serving as the district's legal advisor and the board considers
it to be necessary or appropriate, the board, on its own
initiative, may employ an attorney or other legal counsel to
represent or advise the board regarding a particular matter in

place of the prosecuting attorney. The employment of an attorney 145
 or other legal counsel on an annual basis or in a particular 146
 matter is not subject to or governed by sections 305.14 and 309.09 147
 of the Revised Code. 148

Notwithstanding the employment of an attorney or other legal 149
 counsel on an annual basis to serve as the district's legal 150
 advisor, the board may require written opinions or instructions 151
 from the prosecuting attorney under section 309.09 of the Revised 152
 Code in matters connected with its official duties as though the 153
 prosecuting attorney were serving as the legal advisor of the 154
 district. 155

(2) The board of directors of a joint district may designate 156
 the prosecuting attorney of one of the counties forming the 157
 district to serve as the legal advisor of the district. When so 158
 designated, the prosecuting attorney shall provide such services 159
 to the joint district as are required or authorized to be provided 160
 to county boards under Chapter 309. of the Revised Code. The board 161
 of directors may pay to that county any amount agreed upon by the 162
 board of directors and the board of county commissioners of that 163
 county to reimburse that county for the cost properly allocable to 164
 the services of its prosecuting attorney as the legal advisor of 165
 the joint district. When that prosecuting attorney is so serving 166
 and the board considers it to be necessary or appropriate, the 167
 board, on its own initiative, may employ an attorney or other 168
 legal counsel to represent or advise the board regarding a 169
 particular matter in place of the prosecuting attorney. 170

Instead of designating the prosecuting attorney of one of the 171
 counties forming the district to be the legal advisor of the 172
 district, the board of directors may employ on an annual basis an 173
 attorney or other legal counsel to serve as the district's legal 174
 advisor. Notwithstanding the employment of an attorney or other 175

legal counsel as the district's legal advisor, the board of 176
 directors may require written opinions or instructions from the 177
 prosecuting attorney of any of the counties forming the district 178
 in matters connected with the board's official duties, and the 179
 prosecuting attorney shall provide the written opinion or 180
 instructions as though ~~he~~ the prosecuting attorney had been 181
 designated to serve as the district's legal advisor under division 182
 (E) (2) of this section. 183

(F) A board of county commissioners may issue bonds or bond 184
 anticipation notes of the county to pay the cost of preparing 185
 general and detailed plans and other data required for the 186
 construction of solid waste facilities in connection with a county 187
 or joint district. A board of directors of a joint solid waste 188
 management district may issue bonds or bond anticipation notes of 189
 the joint solid waste management district to pay the cost of 190
 preparing general and detailed plans and other data required for 191
 the construction of solid waste facilities in connection with a 192
 joint district. The bonds and notes shall be issued in accordance 193
 with Chapter 133. of the Revised Code, except that the maximum 194
 maturity of bonds issued for that purpose shall not exceed ten 195
 years. Bond anticipation notes may be paid from the proceeds of 196
 bonds issued either to pay the cost of the solid waste facilities 197
 or to pay the cost of the plans and other data. 198

(G) To the extent authorized by the solid waste management 199
 plan of the district approved under section 3734.521 or 3734.55 of 200
 the Revised Code or subsequent amended plans of the district 201
 approved under section 3734.521 or 3734.56 of the Revised Code, 202
 the board of county commissioners of a county district or board of 203
 directors of a joint district may adopt, publish, and enforce 204
 rules doing any of the following: 205

(1) Prohibiting or limiting the receipt of solid wastes 206

generated outside the district or outside a service area 207
prescribed in the solid waste management plan or amended plan, at 208
facilities ~~covered by the plan~~ located within the solid waste 209
management district, consistent with the projections contained in 210
the plan or amended plan under divisions (A) (6) and (7) of section 211
3734.53 of the Revised Code, ~~except that~~. However, rules adopted 212
by a board under division (G) (1) of this section may be adopted 213
and enforced with respect to solid waste disposal facilities in 214
the solid waste management district that are not owned by a county 215
or the solid waste management district only if the board submits 216
an application to the director of environmental protection that 217
demonstrates that there is insufficient capacity to dispose of all 218
solid wastes that are generated within the district at the solid 219
waste disposal facilities located within the district and the 220
director approves the application. The demonstration in the 221
application shall be based on projections contained in the plan or 222
amended plan of the district. The director shall establish the 223
form of the application. The approval or disapproval of such an 224
application by the director is an action that is appealable under 225
section 3745.04 of the Revised Code. 226

In addition, the director of environmental protection may 227
issue an order modifying a rule adopted under division (G) (1) of 228
this section to allow the disposal in the district of solid wastes 229
from another county or joint solid waste management district if 230
all of the following apply: 231

(a) The district in which the wastes were generated does not 232
have sufficient capacity to dispose of solid wastes generated 233
within it for six months following the date of the director's 234
order; 235

(b) No new solid waste facilities will begin operation during 236
those six months in the district in which the wastes were 237

generated and, despite good faith efforts to do so, it is 238
impossible to site new solid waste facilities within the district 239
because of its high population density; 240

(c) The district in which the wastes were generated has made 241
good faith efforts to negotiate with other districts to 242
incorporate its disposal needs within those districts' solid waste 243
management plans, including efforts to develop joint facilities 244
authorized under section 343.02 of the Revised Code, and the 245
efforts have been unsuccessful; 246

(d) The district in which the wastes were generated has 247
located a facility willing to accept the district's solid wastes 248
for disposal within the receiving district; 249

(e) The district in which the wastes were generated has 250
demonstrated to the director that the conditions specified in 251
divisions (G) (1) (a) to (d) of this section have been met; 252

(f) The director finds that the issuance of the order will be 253
consistent with the state solid waste management plan and that 254
receipt of the out-of-district wastes will not limit the capacity 255
of the receiving district to dispose of its in-district wastes to 256
less than eight years. 257

Any order issued under division (G) (1) of this section shall not 258
become final until thirty days after it has been served by 259
certified mail upon the county or joint solid waste management 260
district that will receive the out-of-district wastes. 261

(2) Governing the maintenance, protection, and use of solid 262
waste collection or other solid waste facilities located within 263
its district. The rules adopted under division (G) (2) of this 264
section shall not establish design standards for solid waste 265
facilities and shall be consistent with the solid waste provisions 266
of Chapter 3734. of the Revised Code and the rules adopted under 267

those provisions. The rules adopted under division (G) (2) of this section may prohibit any person, municipal corporation, township, or other political subdivision from constructing, enlarging, or modifying any solid waste facility until general plans and specifications for the proposed improvement have been submitted to and approved by the board of county commissioners or board of directors as complying with the solid waste management plan or amended plan of the district. The construction of such a facility shall be done under the supervision of the county sanitary engineer or, in the case of a joint district, a county sanitary engineer designated by the board of directors, and any person, municipal corporation, township, or other political subdivision proposing or constructing such improvements shall pay to the county or joint district all expenses incurred by the board in connection therewith. The sanitary engineer may enter upon any public or private property for the purpose of making surveys or examinations necessary for designing solid waste facilities or for supervising the construction, enlargement, modification, or operation of any such facilities. No person, municipal corporation, township, or other political subdivision shall forbid or interfere with the sanitary engineer or ~~his~~ the sanitary engineer's authorized assistants entering upon such property for that purpose. If actual damage is done to property by the making of the surveys and examinations, a board shall pay the reasonable value of that damage to the owner of the property damaged, and the cost shall be included in the financing of the improvement for which the surveys and examinations are made.

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(3) Governing the development and implementation of a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's solid waste management plan or amended plan. A board of county commissioners or board of

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directors or its authorized representative may enter upon the premises of any solid waste facility included in the district's solid waste management plan or amended plan for the purpose of conducting the inspections required or authorized by the rules adopted under division (G) (3) of this section. No person, municipal corporation, township, or other political subdivision shall forbid or interfere with a board of county commissioners or directors or its authorized representative entering upon the premises of any such solid waste facility for that purpose.

(4) Exempting the owner or operator of any existing or proposed solid waste facility provided for in the plan or amended plan from compliance with any amendment to a township zoning resolution adopted under section 519.12 of the Revised Code or to a county rural zoning resolution adopted under section 303.12 of the Revised Code that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a permit required under division (A) (2) (a) of section 3734.05 of the Revised Code to open a new or modify an existing solid waste facility.

(H) A board of county commissioners or board of directors may enter into a contract with any person, municipal corporation, township, or other political subdivision for the operation and maintenance of any solid waste facilities regardless of whether the facilities are owned or leased by the county or joint district or the contractor.

(I) (1) No person, municipal corporation, township, or other political subdivision shall tamper with or damage any solid waste facility constructed under this chapter or any apparatus or accessory connected therewith or pertaining thereto, fail or refuse to comply with the applicable rules adopted by a board of

county commissioners or directors under division (G) (1), (2), (3),
or (4) of this section, refuse to permit an inspection or
examination by a sanitary engineer as authorized under division
(G) (2) of this section, or refuse to permit an inspection by a
board of county commissioners or directors or its authorized
representative as required or authorized by rules adopted under
division (G) (3) of this section.

(2) If the board of county commissioners of a county district
or board of directors of a joint district has established facility
designations under section 343.013, 343.014, or 343.015 of the
Revised Code, or the director has established facility
designations in the initial or amended plan of the district
prepared and ordered to be implemented under section 3734.521,
3734.55, or 3734.56 of the Revised Code, no person, municipal
corporation, township, or other political subdivision shall
deliver, or cause the delivery of, any solid wastes generated
within a county or joint district to any solid waste facility
other than the facility designated under section 343.013, 343.014,
or 343.015 of the Revised Code, or in the initial or amended plan
of the district prepared and ordered to be implemented under
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as
applicable. Upon the request of a person or the legislative
authority of a municipal corporation or township, the board of
county commissioners of a county district or board of directors of
a joint district may grant a waiver authorizing the delivery of
all or any portion of the solid wastes generated in a municipal
corporation or township to a solid waste facility other than the
facility designated under section 343.013, 343.014, or 343.015 of
the Revised Code, or in the initial or amended plan of the
district prepared and ordered to be implemented under section
3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable,
regardless of whether the other facility is located within or

outside of the district, if the board finds that delivery of those
solid wastes to the other facility is not inconsistent with the
projections contained in the district's initial or amended plan
under divisions (A) (6) and (7) of section 3734.53 of the Revised
Code as approved or ordered to be implemented and will not
adversely affect the implementation and financing of the
district's initial or amended plan pursuant to the implementation
schedule contained in it under divisions (A) (12) (a) to (d) of that
section. The board shall act on a request for such a waiver within
ninety days after receiving the request. Upon granting such a
waiver, the board shall send notice of that fact to the director.
The notice shall indicate to whom the waiver was granted. Any
waiver or authorization granted by a board on or before October
29, 1993, shall continue in force until the board takes action
concerning the same entity under this division or until action is
taken under division (G) of section 343.014 of the Revised Code.

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(J) Divisions (G) (1) to (4) and (I) (2) of this section do not
apply to the construction, operation, use, repair, enlargement, or
modification of either of the following:

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(1) A solid waste facility owned by a generator of solid
wastes when the solid waste facility exclusively disposes of solid
wastes generated at one or more premises owned by the generator
regardless of whether the facility is located on a premises where
the wastes are generated;

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(2) A facility that exclusively disposes of wastes that are
generated from the combustion of coal, or from the combustion of
primarily coal in combination with scrap tires, that is not
combined in any way with garbage at one or more premises owned by
the generator.

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(K) (1) A member of the board of county commissioners of a
county solid waste management district, member of the board of

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directors of a joint solid waste management district, member of 394
the board of trustees of a regional solid waste management 395
authority managing a county or joint solid waste management 396
district, or officer or employee of any solid waste management 397
district, for the purposes of sections 102.03, 102.04, 2921.41, 398
and 2921.42 of the Revised Code, shall not be considered to be 399
directly or indirectly interested in, or improperly influenced by, 400
any of the following: 401

(a) A contract entered into under this chapter or section 402
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 403
the district and any county forming the district, municipal 404
corporation or township located within the district, or health 405
district having territorial jurisdiction within the district, of 406
which that member, officer, or employee also is an officer or 407
employee, but only to the extent that any interest or influence 408
could arise from ~~his~~ holding public office or employment with the 409
political subdivision or health district; 410

(b) A contract entered into under this chapter or section 411
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 412
the district and a county planning commission organized under 413
section 713.22 of the Revised Code, or regional planning 414
commission created under section 713.21 of the Revised Code, 415
having territorial jurisdiction within the district, of which that 416
member also is a member, officer, or employee, but only to the 417
extent that any interest or influence could arise from ~~his~~ holding 418
public office or employment with the commission; 419

(c) An expenditure of money made by the district for the 420
benefit of any county forming the district, municipal corporation 421
or township located within the district, or health district or 422
county or regional planning commission having territorial 423
jurisdiction within the district, of which that member also is a 424

member, officer, or employee, but only to the extent that any
interest or influence could arise from ~~his~~ holding public office
or employment with the political subdivision, health district, or
commission;

(d) An expenditure of money made for the benefit of the
district by any county forming the district, municipal corporation
or township located within the district, or health district or
county or regional planning commission having territorial
jurisdiction within the district, of which that member also is a
member, officer, or employee, but only to the extent that any
interest or influence could arise from ~~his~~ holding public office
or employment with the political subdivision, health district, or
commission.

(2) A solid waste management district, county, municipal
corporation, township, health district, or planning commission
described or referred to in divisions (K) (1) (a) to (d) of this
section shall not be construed to be the business associate of a
person who is concurrently a member of the board of county
commissioners, directors, or trustees, or an officer or employee,
of the district and an officer or employee of that municipal
corporation, county, township, health district, or planning
commission for the purposes of sections 102.03, 2921.42, and
2921.43 of the Revised Code. Any person who is concurrently a
member of the board of county commissioners, directors, or
trustees, or an officer or employee, of a solid waste management
district so described or referred to and an officer or employee of
a county, municipal corporation, township, health district, or
planning commission so described or referred to may participate
fully in deliberations concerning and vote on or otherwise
participate in the approval or disapproval of any contract or
expenditure of funds described in those divisions as a member of

the board of county commissioners or directors, or an officer or
employee, of a county or joint solid waste management district;
member of the board of trustees, or an officer or employee, of a
regional solid waste management authority managing a county or
joint solid waste management district; member of the legislative
authority, or an officer or employee, of a county forming the
district; member of the legislative authority, or an officer or
employee, of a municipal corporation or township located within
the district; member of the board of health, or an officer or
employee, of a health district having territorial jurisdiction
within the district; or member of the planning commission, or an
officer or employee of a county or regional planning commission
having territorial jurisdiction within the district.

(3) Nothing in division (K) (1) or (2) of this section shall
be construed to exempt any member of the board of county
commissioners, directors, or trustees, or an officer or employee,
of a solid waste management district from a conflict of interest
arising because of a personal or private business interest.

(4) A member of the board of county commissioners of a county
solid waste management district, board of directors of a joint
solid waste management district, or board of trustees of a
regional solid waste management authority managing a county or
joint solid waste management district, or an officer or employee,
of any such solid waste management district, neither shall be
disqualified from holding any other public office or position of
employment nor be required to forfeit any other public office or
position of employment by reason of ~~his~~ serving as a member of the
board of county commissioners, directors, or trustees, or as an
officer or employee, of the district, notwithstanding any
requirement to the contrary under the common law of this state or
the Revised Code.

(L) As used in this chapter:	487
(1) "Board of health," "disposal," "health district," "scrap tires," and "solid waste transfer facility" have the same meanings as in section 3734.01 of the Revised Code.	488 489 490
(2) "Change in district composition" and "change" have the same meaning as in section 3734.521 of the Revised Code.	491 492
(3) (a) Except as provided in division (L) (3) (b) or (c), and (d), of this section, "solid wastes" has the same meaning as in section 3734.01 of the Revised Code.	493 494 495
(b) If the solid waste management district is not one that resulted from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code, until such time as an amended solid waste management plan is approved under section 3734.56 of the Revised Code, "solid wastes" need not include scrap tires unless the solid waste management policy committee established under section 3734.54 of the Revised Code for the district chooses to include the management of scrap tires in the district's initial solid waste management plan prepared under sections 3734.54 and 3734.55 of the Revised Code.	496 497 498 499 500 501 502 503 504 505
(c) If the solid waste management district is one resulting from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code and if the change involves an existing district that is operating under either an initial solid waste management plan approved or prepared and ordered to be implemented under section 3734.55 of the Revised Code or an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does not provide for the management of scrap tires and scrap tire facilities, until such time as the amended plan of the district resulting from the change is approved under section 3734.56 of the Revised Code, "solid wastes" need not include scrap	506 507 508 509 510 511 512 513 514 515 516 517

tires unless the solid waste management policy committee 518
established under division (C) of section 3734.521 of the Revised 519
Code for the district chooses to include the management of scrap 520
tires in the district's initial or amended solid waste management 521
plan prepared under section 3734.521 of the Revised Code in 522
connection with the change proceedings. 523

(d) If the policy committee chooses to include the management 524
of scrap tires in an initial plan prepared under sections 3734.54 525
and 3734.55 of the Revised Code or in an initial or amended plan 526
prepared under section 3734.521 of the Revised Code, the board of 527
county commissioners or directors shall execute all of the duties 528
imposed and may exercise any or all of the rights granted under 529
this section for the purpose of managing solid wastes that consist 530
of scrap tires. 531

(4) (a) Except as provided in division (L) (4) (b) or (c), and 532
(d) of this section, "facility" has the same meaning as in section 533
3734.01 of the Revised Code and also includes any solid waste 534
transfer, recycling, or resource recovery facility. 535

(b) If the solid waste management district is not one that 536
resulted from proceedings for a change in district composition 537
under sections 343.012 and 3734.521 of the Revised Code, until 538
such time as an amended solid waste management plan is approved 539
under section 3734.56 of the Revised Code, "facility" need not 540
include any scrap tire collection, storage, monocell, monofill, or 541
recovery facility unless the solid waste management policy 542
committee established under section 3734.54 of the Revised Code 543
for the district chooses to include the management of scrap tire 544
facilities in the district's initial solid waste management plan 545
prepared under sections 3734.54 and 3734.55 of the Revised Code. 546

(c) If the solid waste management district is one resulting 547
from proceedings for a change in district composition under 548

sections 343.012 and 3734.521 of the Revised Code and if the
change involves an existing district that is operating under
either an initial solid waste management plan approved under
section 3734.55 of the Revised Code or an initial or amended plan
approved or prepared and ordered to be implemented under section
3734.521 of the Revised Code that does not provide for the
management of scrap tires and scrap tire facilities, until such
time as the amended plan of the district resulting from the change
is approved under section 3734.56 of the Revised Code, "facility"
need not include scrap tires unless the solid waste management
policy committee established under division (C) of section
3734.521 of the Revised Code for the district chooses to include
the management of scrap tires in the district's initial or amended
solid waste management plan prepared under section 3734.521 of the
Revised Code in connection with the change proceedings.

(d) If the policy committee chooses to include the management
of scrap tires in an initial plan prepared under sections 3734.54
and 3734.55 of the Revised Code or in an initial or amended plan
prepared under section 3734.521 of the Revised Code, the board of
county commissioners or directors shall execute all of the duties
imposed and may exercise any or all of the rights granted under
this section for the purpose of managing solid waste facilities
that are scrap tire collection, storage, monocell, monofill, or
recovery facilities."

Between lines 55189 and 55190, insert:

"Sec. 3734.53. (A) The solid waste management plan of any
county or joint solid waste management district shall be prepared
in a format prescribed by the director of environmental protection
and shall provide for compliance with the objectives of the state
solid waste management plan and rules adopted under section
3734.50 of the Revised Code. The plan shall provide for,

demonstrate, and certify the availability of and access to 580
sufficient solid waste management facility capacity to meet the 581
solid waste management needs of the district for the ten-year 582
period covered by the plan. The solid waste management policy 583
committee of a county or joint district created in section 3734.54 584
of the Revised Code may prepare and submit a solid waste 585
management plan that covers and makes the required demonstration 586
for a longer period of time. 587

The solid waste management plan shall contain all of the 588
following: 589

(1) An inventory of the sources, composition, and quantities 590
of solid wastes generated in the district during the current year; 591

(2) An inventory of all existing facilities where solid 592
wastes are being disposed of, all resource recovery facilities, 593
and all recycling activities within the district. The inventory 594
shall identify each such facility or activity and, for each 595
disposal facility, shall estimate the remaining disposal capacity 596
available at the facility. The inventory shall be accompanied by a 597
map that shows the location of each such existing facility or 598
activity. 599

(3) An inventory of existing solid waste collection systems 600
and routes, transportation systems and routes, and transfer 601
facilities within the district. The inventory shall identify the 602
entities engaging in solid waste collection within the district. 603

(4) An inventory of open dumping sites for solid wastes, 604
including solid wastes consisting of scrap tires, and facilities 605
for the disposal of fly ash and bottom ash, foundry sand, and slag 606
within the district. The inventory shall identify each such site 607
or facility and shall be accompanied by a map that shows the 608
location of each of them. 609

(5) A projection of population changes within the district 610

- during the next ten years; 611
- (6) For each year of the forecast period, projections of the 612
amounts and composition of solid wastes that will be generated 613
within the district, the amounts of solid wastes originating 614
outside the district that will be brought into the district for 615
disposal or resource recovery, the nature of industrial activities 616
within the district, and the effect of newly regulated waste 617
streams, solid waste minimization activities, and solid waste 618
recycling and reuse activities on solid waste generation rates. 619
For each year of the forecast period, projections of waste 620
quantities shall be compiled as an aggregate quantity of wastes. 621
- (7) An identification of the additional solid waste 622
management facilities and the amount of additional capacity needed 623
to dispose of the quantities of wastes projected in division 624
(A) (6) of this section; 625
- (8) A strategy for identification of sites for the additional 626
solid waste management facilities and capacity identified under 627
division (A) (7) of this section; 628
- (9) An analysis and comparison of the capital and operating 629
costs of the solid waste disposal facilities, solid waste resource 630
recovery facilities, and solid waste recycling and reuse 631
activities necessary to meet the solid waste management needs of 632
the district, projected in five- and ten-year increments; 633
- (10) An analysis of expenses for which the district is liable 634
under section 3734.35 of the Revised Code; 635
- (11) A projection of solid waste transfer facilities that 636
will be needed in conjunction with existing solid waste facilities 637
and those projected under division (A) (7) of this section; 638
- (12) Such other projections as the district considers 639
necessary or appropriate to ascertain and meet the solid waste 640

management needs of the district during the period covered by the
plan;

(13) A schedule for implementation of the plan that, when
applicable, contains all of the following:

(a) An identification of the solid waste disposal, transfer,
and resource recovery facilities and recycling activities
contained in the plan where solid wastes generated within or
transported into the district will be taken for disposal,
transfer, resource recovery, or recycling. An initial or amended
plan prepared and ordered to be implemented by the director under
section 3734.521, 3734.55, or 3734.56 of the Revised Code may
designate solid waste disposal, transfer, or resource recovery
facilities or recycling activities that are owned by a municipal
corporation, county, county or joint solid waste management
district, township, or township waste disposal district created
under section 505.28 of the Revised Code for which debt issued
under Chapter 133., 343., or 6123. of the Revised Code is
outstanding where solid wastes generated within or transported
into the district shall be taken for disposal, transfer, resource
recovery, or recycling.

(b) A schedule for closure of existing solid waste
facilities, expansion of existing facilities, and establishment of
new facilities. The schedule for expansion of existing facilities
or establishment of new facilities shall include, without
limitation, the approximate dates for filing applications for
appropriate permits to install or modify those facilities under
section 3734.05 of the Revised Code.

(c) A schedule for implementation of solid waste recycling,
reuse, and reduction programs needed to meet the waste reduction,
recycling, reuse, and minimization objectives of the state solid
waste management plan and rules adopted by the director under

section 3734.50 of the Revised Code;

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(d) The methods of financing implementation of the plan and a demonstration of the availability of financial resources for that purpose.

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(14) A program for providing informational or technical assistance regarding source reduction to solid waste generators, or particular categories of solid waste generators, within the district. The plan shall set forth the types of assistance to be provided by the district and the specific categories of generators that are to be served. The district has the sole discretion to determine the types of assistance that are to be provided under the program and the categories of generators to be served by it.

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(B) In addition to the information, projections, demonstrations, and certification required by division (A) of this section, a plan shall do all of the following:

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(1) Establish the schedule of fees, if any, to be levied under divisions (B) (1) to (3) of section 3734.57 of the Revised Code;

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(2) Establish the fee, if any, to be levied under division (A) of section 3734.573 of the Revised Code;

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(3) Contain provisions governing the allocation among the purposes enumerated in divisions (G) (1) to (10) of section 3734.57 of the Revised Code of the moneys credited to the special fund of the district under division (G) of that section that are available for expenditure by the district under that division. The plan shall do all of the following:

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(a) Ensure that sufficient of the moneys so credited to and available from the special fund are available for use by the solid waste management policy committee of the district at the time the moneys are needed to monitor implementation of the plan and

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conduct its periodic review and amendment as required under 702
 section 3734.56 of the Revised Code; 703

(b) Contain provisions governing the allocation and 704
 distribution of moneys credited to and available from the special 705
 fund of the district to health districts within the county or 706
 joint district that have approved programs under section 3734.08 707
 of the Revised Code for the purposes of division (G) (3) of section 708
 3734.57 of the Revised Code; 709

(c) Contain provisions governing the allocation and 710
 distribution of moneys credited to and available from the special 711
 fund of the district to the county in which solid waste facilities 712
 are or are to be located and operated under the plan for the 713
 purposes of division (G) (4) of section 3734.57 of the Revised 714
 Code; 715

(d) Contain provisions governing the allocation and 716
 distribution, pursuant to contracts entered into for that purpose, 717
 of moneys credited to and available from the special fund of the 718
 district to boards of health within the district in which solid 719
 waste facilities contained in the district's plan are located for 720
 the purposes of division (G) (5) of section 3734.57 of the Revised 721
 Code. 722

(4) Incorporate all solid waste recycling activities that 723
 were in operation within the district on the effective date of the 724
 plan. 725

(C) The solid waste management plan of a county or joint 726
 district may provide for the adoption of rules under division (G) 727
 of section 343.01 of the Revised Code after approval of the plan 728
 under section 3734.521 or 3734.55 of the Revised Code doing any or 729
 all of the following: 730

(1) Prohibiting or limiting the receipt at facilities covered 731

by the plan located within the solid waste management district of 732
solid wastes generated outside the district or outside a 733
prescribed service area consistent with the projections under 734
divisions (A) (6) and (7) of this section, except that. However, 735
rules adopted by a board under division (C) (1) of this section may 736
be adopted and enforced with respect to solid waste disposal 737
facilities in the solid waste management district that are not 738
owned by a county or the solid waste management district only if 739
the board submits an application to the director of environmental 740
protection that demonstrates that there is insufficient capacity 741
to dispose of all solid wastes that are generated within the 742
district at the solid waste disposal facilities located within the 743
district and the director approves the application. The 744
demonstration in the application shall be based on projections 745
contained in the plan or amended plan of the district. The 746
director shall establish the form of the application. The approval 747
or disapproval of such an application by the director is an action 748
that is appealable under section 3745.04 of the Revised Code. 749

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In addition, the director of environmental protection may 751
issue an order modifying a rule authorized to be adopted under 752
division (C) (1) of this section to allow the disposal in the 753
district of wastes from another county or joint solid waste 754
management district if all of the following apply: 755

(a) The district in which the wastes were generated does not 756
have sufficient capacity to dispose of solid wastes generated 757
within it for six months following the date of the director's 758
order; 759

(b) No new solid waste facilities will begin operation during 760
those six months in the district in which the wastes were 761
generated and, despite good faith efforts to do so, it is 762

impossible to site new solid waste facilities within the district 763
because of its high population density; 764

(c) The district in which the wastes were generated has made 765
good faith efforts to negotiate with other districts to 766
incorporate its disposal needs within those districts' solid waste 767
management plans, including efforts to develop joint facilities 768
authorized under section 343.02 of the Revised Code, and the 769
efforts have been unsuccessful; 770

(d) The district in which the wastes were generated has 771
located a facility willing to accept the district's solid wastes 772
for disposal within the receiving district; 773

(e) The district in which the wastes were generated has 774
demonstrated to the director that the conditions specified in 775
divisions (C) (1) (a) to (d) of this section have been met; 776

(f) The director finds that the issuance of the order will be 777
consistent with the state solid waste management plan and that 778
receipt of the out-of-district wastes will not limit the capacity 779
of the receiving district to dispose of its in-district wastes to 780
less than eight years. Any order issued under division (C) (1) of 781
this section shall not become final until thirty days after it has 782
been served by certified mail upon the county or joint solid waste 783
management district that will receive the out-of-district wastes. 784

(2) Governing the maintenance, protection, and use of solid 785
waste collection, storage, disposal, transfer, recycling, 786
processing, and resource recovery facilities within the district 787
and requiring the submission of general plans and specifications 788
for the construction, enlargement, or modification of any such 789
facility to the board of county commissioners or board of 790
directors of the district for review and approval as complying 791
with the plan or amended plan of the district; 792

(3) Governing development and implementation of a program for the inspection of solid wastes generated outside the boundaries of the state that are being disposed of at solid waste facilities included in the district's plan;

(4) Exempting the owner or operator of any existing or proposed solid waste facility provided for in the plan from compliance with any amendment to a township zoning resolution adopted under section 519.12 of the Revised Code or to a county rural zoning resolution adopted under section 303.12 of the Revised Code that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a permit required under division (A)(2)(a) of section 3734.05 of the Revised Code to open a new or modify an existing solid waste facility.

(D) Except for the inventories required by divisions (A)(1), (2), and (4) of this section and the projections required by division (A)(6) of this section, neither this section nor the solid waste management plan of a county or joint district applies to the construction, operation, use, repair, or maintenance of either of the following:

(1) A solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(2) A facility that exclusively disposes of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(E) (1) The initial solid waste management plans prepared by county or joint districts under section 3734.521 of the Revised Code and the amended plans prepared under section 3734.521 or 3734.56 of the Revised Code shall contain a clear statement as to whether the board of county commissioners or directors is authorized to or precluded from establishing facility designations under section 343.014 of the Revised Code.

(2) A policy committee that is preparing a draft or revised draft plan under section 3734.55 of the Revised Code on October 29, 1993, may include in the draft or revised draft plan only one of the following pertaining to the solid waste facilities or recycling activities where solid wastes generated within or transported into the district are to be taken for disposal, transfer, resource recovery, or recycling:

(a) The designations required under former division (A) (12) (a) of this section as it existed prior to October 29, 1993;

(b) The identifications required in division (A) (12) (a) of this section and the statement required under division (E) (1) of this section;

(c) Both of the following:

(i) The designations required under former division (A) (12) (a) of this section as it existed prior to October 29, 1993, except that those designations only shall pertain to solid waste disposal, transfer, or resource recovery facilities or recycling activities that are owned by a municipal corporation, county, county or joint solid waste management district, township, or township waste disposal district created under section 505.28 of the Revised Code for which debt issued under Chapter 133., 343., or 6123. of the Revised Code is outstanding;

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(ii) The identifications required under division (A) (12) (a) 854
of this section, and the statement required under division (E) (1) 855
of this section, pertaining to the solid waste facilities and 856
recycling activities described in division (A) of section 343.014 857
of the Revised Code. 858

(F) Notwithstanding section 3734.01 of the Revised Code, 859
"solid wastes" does not include scrap tires and "facility" does 860
not include any scrap tire collection, storage, monocell, 861
monofill, or recovery facility in either of the following 862
circumstances: 863

(1) For the purposes of an initial plan prepared and ordered 864
to be implemented by the director under section 3734.55 of the 865
Revised Code; 866

(2) For the purposes of an initial or amended plan prepared 867
and ordered to be implemented by the director under division (D) 868
or (F) (1) or (2) of section 3734.521 of the Revised Code in 869
connection with a change in district composition as defined in 870
that section that involves an existing district that is operating 871
under either an initial plan approved or prepared and ordered to 872
be implemented under section 3734.55 of the Revised Code or an 873
initial or amended plan approved or prepared and ordered to be 874
implemented under section 3734.521 of the Revised Code that does 875
not provide for the management of scrap tires and scrap tire 876
facilities. 877

(G) Notwithstanding section 3734.01 of the Revised Code, and 878
except as provided in division (A) (4) of this section, "solid 879
wastes" need not include scrap tires and "facility" need not 880
include any scrap tire collection, storage, monocell, monofill, or 881
recovery facility in either of the following circumstances: 882

(1) For the purposes of an initial plan prepared under 883
sections 3734.54 and 3734.55 of the Revised Code unless the solid 884

waste management policy committee preparing the initial plan 885
chooses to include the management of scrap tires and scrap tire 886
facilities in the plan; 887

(2) For the purposes of a preliminary demonstration of 888
capacity as defined in section 3734.521 of the Revised Code, if 889
any, and an initial or amended plan prepared under that section by 890
the solid waste management policy committee of a solid waste 891
management district resulting from proceedings for a change in 892
district composition under sections 343.012 and 3734.521 of the 893
Revised Code that involves an existing district that is operating 894
either under an initial plan approved or prepared and ordered to 895
be implemented under section 3734.55 of the Revised Code or under 896
an initial or amended plan approved or prepared and ordered to be 897
implemented under section 3734.521 of the Revised Code that does 898
not provide for the management of scrap tires and scrap tire 899
facilities unless the solid waste management policy committee of 900
the district resulting from the change chooses to include the 901
management of scrap tires and scrap tire facilities in the 902
preliminary demonstration of capacity, if any, and the initial or 903
amended plan prepared under section 3734.521 of the Revised Code 904
in connection with the change proceedings. 905

If a policy committee chooses to include the management of 906
scrap tires and scrap tire facilities in an initial plan pursuant 907
to division (G)(1) of this section, the initial plan shall 908
incorporate all of the elements required under this section, and 909
may incorporate any of the elements authorized under this section, 910
for the purpose of managing solid wastes that consist of scrap 911
tires and solid waste facilities that are scrap tire collection, 912
storage, monocell, monofill, or recovery facilities. If a policy 913
committee chooses to provide for the management of scrap tires and 914
scrap tire facilities pursuant to division (G)(2) of this section, 915

the preliminary demonstration of capacity, if one is required, 916
 shall incorporate all of the elements required under division 917
 (E) (1) or (2) of section 3734.521 of the Revised Code, as 918
 appropriate, for the purpose of managing solid wastes that consist 919
 of scrap tires and solid waste facilities that are scrap tire 920
 collection, storage, monocell, monofill, or recovery facilities. 921
 The initial or amended plan also shall incorporate all of the 922
 elements required under this section, and may incorporate any of 923
 the elements authorized under this section, for the purpose of 924
 managing solid wastes that consist of scrap tires and solid waste 925
 facilities that are scrap tire collection, storage, monocell, 926
 monofill, or recovery facilities. 927

(H) Neither this section nor the solid waste management plan 928
 of a county or joint district applies to the construction, 929
 operation, use, repair, or maintenance of any compost facility 930
 that exclusively composts raw rendering material." 931

In line 90817, after "340.033," insert "343.01," 932

In line 90871, after "3734.281," insert "3734.53," 933

In line 29 of the title, after "340.033," insert "343.01," 934

In line 105 of the title, after "3734.281," insert "3734.53," 935

The motion was _____ agreed to.

SYNOPSIS

Solid Waste Management District Rules Governing 936
 Out-of-District Waste 937
 R.C. 343.01 and 3734.53 938
 Restores a provision from the House-passed version of the 939

bill that provides that rules of a solid waste management district 940
governing out-of-district waste apply only to county and district 941
solid waste disposal facilities unless the board of county 942
commissioners or board of directors of the district submits an 943
application to the Director of Environmental Protection 944
demonstrating insufficient disposal capacity in the district and 945
the Director approves the application and that provides for appeal 946
of the Director's action. 947