

**As Reported by the House Education Committee**

**130th General Assembly  
Regular Session  
2013-2014**

**Sub. H. B. No. 343**

**Representative Stebelton**

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**A B I L L**

To amend sections 3301.0711, 3301.0712, 3302.02, 1  
3302.03, 3302.035, 3311.78, 3313.42, 3313.534, 2  
3313.612, 3313.672, 3313.814, 3314.06, 3314.38, 3  
3317.034, 3317.12, 3317.14, 3317.141, 3317.23, 4  
3317.24, 3319.227, 3319.261, 3321.13, 3345.86, 5  
3365.04, 3365.05, 3365.07, 5126.24, and 5705.412; 6  
to repeal section 3317.13 of the Revised Code; and 7  
to amend Sections 263.20 and 263.320 of Am. Sub. 8  
H.B. 59 of the 130th General Assembly, as 9  
subsequently amended, and Section 9 of Am. Sub. 10  
H.B. 487 of the 130th General Assembly with 11  
respect to state assessments and academic 12  
performance reporting, and to make other changes 13  
regarding primary and secondary education 14  
programs. 15

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

**Section 1.** That sections 3301.0711, 3301.0712, 3302.02, 16  
3302.03, 3302.035, 3311.78, 3313.42, 3313.534, 3313.612, 3313.672, 17  
3313.814, 3314.06, 3314.38, 3317.034, 3317.12, 3317.14, 3317.141, 18  
3317.23, 3317.24, 3319.227, 3319.261, 3321.13, 3345.86, 3365.04, 19  
3365.05, 3365.07, 5126.24, and 5705.412 of the Revised Code be 20  
amended to read as follows: 21

Sec. 3301.0711. (A) The department of education shall: 22

(1) Annually furnish to, grade, and score all assessments 23  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 24  
the Revised Code to be administered by city, local, exempted 25  
village, and joint vocational school districts, except that each 26  
district shall score any assessment administered pursuant to 27  
division (B)(10) of this section. Each assessment so furnished 28  
shall include the data verification code of the student to whom 29  
the assessment will be administered, as assigned pursuant to 30  
division (D)(2) of section 3301.0714 of the Revised Code. In 31  
furnishing the practice versions of Ohio graduation tests 32  
prescribed by division (D) of section 3301.0710 of the Revised 33  
Code, the department shall make the tests available on its web 34  
site for reproduction by districts. In awarding contracts for 35  
grading assessments, the department shall give preference to 36  
Ohio-based entities employing Ohio residents. 37

(2) Adopt rules for the ethical use of assessments and 38  
prescribing the manner in which the assessments prescribed by 39  
section 3301.0710 of the Revised Code shall be administered to 40  
students. 41

(B) Except as provided in divisions (C) and (J) of this 42  
section, the board of education of each city, local, and exempted 43  
village school district shall, in accordance with rules adopted 44  
under division (A) of this section: 45

(1) Administer the English language arts assessments 46  
prescribed under division (A)(1)(a) of section 3301.0710 of the 47  
Revised Code twice annually to all students in the third grade who 48  
have not attained the score designated for that assessment under 49  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 50

(2) Administer the mathematics assessment prescribed under 51  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 52

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| least once annually to all students in the third grade.           | 53 |
| (3) Administer the assessments prescribed under division          | 54 |
| (A)(1)(b) of section 3301.0710 of the Revised Code at least once  | 55 |
| annually to all students in the fourth grade.                     | 56 |
| (4) Administer the assessments prescribed under division          | 57 |
| (A)(1)(c) of section 3301.0710 of the Revised Code at least once  | 58 |
| annually to all students in the fifth grade.                      | 59 |
| (5) Administer the assessments prescribed under division          | 60 |
| (A)(1)(d) of section 3301.0710 of the Revised Code at least once  | 61 |
| annually to all students in the sixth grade.                      | 62 |
| (6) Administer the assessments prescribed under division          | 63 |
| (A)(1)(e) of section 3301.0710 of the Revised Code at least once  | 64 |
| annually to all students in the seventh grade.                    | 65 |
| (7) Administer the assessments prescribed under division          | 66 |
| (A)(1)(f) of section 3301.0710 of the Revised Code at least once  | 67 |
| annually to all students in the eighth grade.                     | 68 |
| (8) Except as provided in division (B)(9) of this section,        | 69 |
| administer any assessment prescribed under division (B)(1) of     | 70 |
| section 3301.0710 of the Revised Code as follows:                 | 71 |
| (a) At least once annually to all tenth grade students and at     | 72 |
| least twice annually to all students in eleventh or twelfth grade | 73 |
| who have not yet attained the score on that assessment designated | 74 |
| under that division;  | 75 |
| (b) To any person who has successfully completed the              | 76 |
| curriculum in any high school or the individualized education     | 77 |
| program developed for the person by any high school pursuant to   | 78 |
| section 3323.08 of the Revised Code but has not received a high   | 79 |
| school diploma and who requests to take such assessment, at any   | 80 |
| time such assessment is administered in the district.             | 81 |
| (9) In lieu of the board of education of any city, local, or      | 82 |

exempted village school district in which the student is also 83  
enrolled, the board of a joint vocational school district shall 84  
administer any assessment prescribed under division (B)(1) of 85  
section 3301.0710 of the Revised Code at least twice annually to 86  
any student enrolled in the joint vocational school district who 87  
has not yet attained the score on that assessment designated under 88  
that division. A board of a joint vocational school district may 89  
also administer such an assessment to any student described in 90  
division (B)(8)(b) of this section. 91

(10) If the district has a three-year average graduation rate 92  
of not more than seventy-five per cent, administer each assessment 93  
prescribed by division (D) of section 3301.0710 of the Revised 94  
Code in September to all ninth grade students, ~~beginning in the~~ 95  
~~school year that starts July 1, 2005~~ who entered ninth grade prior 96  
to July 1, 2014. 97

Except as provided in section 3313.614 of the Revised Code 98  
for administration of an assessment to a person who has fulfilled 99  
the curriculum requirement for a high school diploma but has not 100  
passed one or more of the required assessments, the assessments 101  
prescribed under division (B)(1) of section 3301.0710 of the 102  
Revised Code ~~and the practice assessments prescribed under~~ 103  
~~division (D) of that section and required to be administered under~~ 104  
~~divisions (B)(8), (9), and (10) of this section~~ shall not be 105  
administered after ~~July 1, 2015~~ the date specified in the rules 106  
adopted by the state board of education under division (D)(1) of 107  
section 3301.0712 of the Revised Code. 108

(11) Administer the assessments prescribed by division (B)(2) 109  
of section 3301.0710 and section 3301.0712 of the Revised Code in 110  
accordance with the timeline and plan for implementation of those 111  
assessments prescribed by rule of the state board adopted under 112  
division (D)(1) of section 3301.0712 of the Revised Code. 113

(C)(1)(a) In the case of a student receiving special 114

education services under Chapter 3323. of the Revised Code, the 115  
individualized education program developed for the student under 116  
that chapter shall specify the manner in which the student will 117  
participate in the assessments administered under this section. 118  
The individualized education program may excuse the student from 119  
taking any particular assessment required to be administered under 120  
this section if it instead specifies an alternate assessment 121  
method approved by the department of education as conforming to 122  
requirements of federal law for receipt of federal funds for 123  
disadvantaged pupils. To the extent possible, the individualized 124  
education program shall not excuse the student from taking an 125  
assessment unless no reasonable accommodation can be made to 126  
enable the student to take the assessment. 127

(b) Any alternate assessment approved by the department for a 128  
student under this division shall produce measurable results 129  
comparable to those produced by the assessment it replaces in 130  
order to allow for the student's results to be included in the 131  
data compiled for a school district or building under section 132  
3302.03 of the Revised Code. 133

(c) Any student enrolled in a chartered nonpublic school who 134  
has been identified, based on an evaluation conducted in 135  
accordance with section 3323.03 of the Revised Code or section 504 136  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 137  
794, as amended, as a child with a disability shall be excused 138  
from taking any particular assessment required to be administered 139  
under this section if a plan developed for the student pursuant to 140  
rules adopted by the state board excuses the student from taking 141  
that assessment. In the case of any student so excused from taking 142  
an assessment, the chartered nonpublic school shall not prohibit 143  
the student from taking the assessment. 144

(2) A district board may, for medical reasons or other good 145  
cause, excuse a student from taking an assessment administered 146

under this section on the date scheduled, but that assessment 147  
shall be administered to the excused student not later than nine 148  
days following the scheduled date. The district board shall 149  
annually report the number of students who have not taken one or 150  
more of the assessments required by this section to the state 151  
board ~~of education~~ not later than the thirtieth day of June. 152

(3) As used in this division, "limited English proficient 153  
student" has the same meaning as in 20 U.S.C. 7801. 154

No school district board shall excuse any limited English 155  
proficient student from taking any particular assessment required 156  
to be administered under this section, except that any limited 157  
English proficient student who has been enrolled in United States 158  
schools for less than one full school year shall not be required 159  
to take any reading, writing, or English language arts assessment. 160  
However, no board shall prohibit a limited English proficient 161  
student who is not required to take an assessment under this 162  
division from taking the assessment. A board may permit any 163  
limited English proficient student to take an assessment required 164  
to be administered under this section with appropriate 165  
accommodations, as determined by the department. For each limited 166  
English proficient student, each school district shall annually 167  
assess that student's progress in learning English, in accordance 168  
with procedures approved by the department. 169

The governing authority of a chartered nonpublic school may 170  
excuse a limited English proficient student from taking any 171  
assessment administered under this section. However, no governing 172  
authority shall prohibit a limited English proficient student from 173  
taking the assessment. 174

(D)(1) In the school year next succeeding the school year in 175  
which the assessments prescribed by division (A)(1) or (B)(1) of 176  
section 3301.0710 of the Revised Code or former division (A)(1), 177  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 178

existed prior to September 11, 2001, are administered to any 179  
student, the board of education of any school district in which 180  
the student is enrolled in that year shall provide to the student 181  
intervention services commensurate with the student's performance, 182  
including any intensive intervention required under section 183  
3313.608 of the Revised Code, in any skill in which the student 184  
failed to demonstrate at least a score at the proficient level on 185  
the assessment. 186

(2) Following any administration of the assessments 187  
prescribed by division (D) of section 3301.0710 of the Revised 188  
Code to ninth grade students, each school district that has a 189  
three-year average graduation rate of not more than seventy-five 190  
per cent shall determine for each high school in the district 191  
whether the school shall be required to provide intervention 192  
services to any students who took the assessments. In determining 193  
which high schools shall provide intervention services based on 194  
the resources available, the district shall consider each school's 195  
graduation rate and scores on the practice assessments. The 196  
district also shall consider the scores received by ninth grade 197  
students on the English language arts and mathematics assessments 198  
prescribed under division (A)(1)(f) of section 3301.0710 of the 199  
Revised Code in the eighth grade in determining which high schools 200  
shall provide intervention services. 201

Each high school selected to provide intervention services 202  
under this division shall provide intervention services to any 203  
student whose results indicate that the student is failing to make 204  
satisfactory progress toward being able to attain scores at the 205  
proficient level on the Ohio graduation tests. Intervention 206  
services shall be provided in any skill in which a student 207  
demonstrates unsatisfactory progress and shall be commensurate 208  
with the student's performance. Schools shall provide the 209  
intervention services prior to the end of the school year, during 210

the summer following the ninth grade, in the next succeeding 211  
school year, or at any combination of those times. 212

(E) Except as provided in section 3313.608 of the Revised 213  
Code and division (M) of this section, no school district board of 214  
education shall utilize any student's failure to attain a 215  
specified score on an assessment administered under this section 216  
as a factor in any decision to deny the student promotion to a 217  
higher grade level. However, a district board may choose not to 218  
promote to the next grade level any student who does not take an 219  
assessment administered under this section or make up an 220  
assessment as provided by division (C)(2) of this section and who 221  
is not exempt from the requirement to take the assessment under 222  
division (C)(3) of this section. 223

(F) No person shall be charged a fee for taking any 224  
assessment administered under this section. 225

(G)(1) Each school district board shall designate one 226  
location for the collection of assessments administered in the 227  
spring under division (B)(1) of this section and those 228  
administered under divisions (B)(2) to (7) of this section. Each 229  
district board shall submit the assessments to the entity with 230  
which the department contracts for the scoring of the assessments 231  
as follows: 232

(a) If the district's total enrollment in grades kindergarten 233  
through twelve during the first full school week of October was 234  
less than two thousand five hundred, not later than the Friday 235  
after all of the assessments have been administered; 236

(b) If the district's total enrollment in grades kindergarten 237  
through twelve during the first full school week of October was 238  
two thousand five hundred or more, but less than seven thousand, 239  
not later than the Monday after all of the assessments have been 240  
administered; 241



(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

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

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

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

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The

state board ~~of education~~ shall adopt rules to ensure the 274  
protection of student confidentiality at all times. The rules may 275  
require the use of the data verification codes assigned to 276  
students pursuant to division (D)(2) of section 3301.0714 of the 277  
Revised Code to protect the confidentiality of student scores. 278

(J) Notwithstanding division (D) of section 3311.52 of the 279  
Revised Code, this section does not apply to the board of 280  
education of any cooperative education school district except as 281  
provided under rules adopted pursuant to this division. 282

(1) In accordance with rules that the state board ~~of~~ 283  
~~education~~ shall adopt, the board of education of any city, 284  
exempted village, or local school district with territory in a 285  
cooperative education school district established pursuant to 286  
divisions (A) to (C) of section 3311.52 of the Revised Code may 287  
enter into an agreement with the board of education of the 288  
cooperative education school district for administering any 289  
assessment prescribed under this section to students of the city, 290  
exempted village, or local school district who are attending 291  
school in the cooperative education school district. 292

(2) In accordance with rules that the state board ~~of~~ 293  
~~education~~ shall adopt, the board of education of any city, 294  
exempted village, or local school district with territory in a 295  
cooperative education school district established pursuant to 296  
section 3311.521 of the Revised Code shall enter into an agreement 297  
with the cooperative district that provides for the administration 298  
of any assessment prescribed under this section to both of the 299  
following: 300

(a) Students who are attending school in the cooperative 301  
district and who, if the cooperative district were not 302  
established, would be entitled to attend school in the city, 303  
local, or exempted village school district pursuant to section 304  
3313.64 or 3313.65 of the Revised Code; 305

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| (b) Persons described in division (B)(8)(b) of this section.       | 306 |
| Any assessment of students pursuant to such an agreement           | 307 |
| shall be in lieu of any assessment of such students or persons     | 308 |
| pursuant to this section.  | 309 |
| (K)(1)(a) Except as otherwise provided in division (K)(1)(a)       | 310 |
| or (K)(1)(c) of this section, each chartered nonpublic school for  | 311 |
| which at least sixty-five per cent of its total enrollment is made | 312 |
| up of students who are participating in state scholarship programs | 313 |
| shall administer the elementary assessments prescribed by section  | 314 |
| 3301.0710 of the Revised Code. In accordance with procedures and   | 315 |
| deadlines prescribed by the department, the parent or guardian of  | 316 |
| a student enrolled in the school who is not participating in a     | 317 |
| state scholarship program may submit notice to the chief           | 318 |
| administrative officer of the school that the parent or guardian   | 319 |
| does not wish to have the student take the elementary assessments  | 320 |
| prescribed for the student's grade level under division (A) of     | 321 |
| section 3301.0710 of the Revised Code. If a parent or guardian     | 322 |
| submits an opt-out notice, the school shall not administer the     | 323 |
| assessments to that student. This option does not apply to any     | 324 |
| assessment required for a high school diploma under section        | 325 |
| 3313.612 of the Revised Code.                                      | 326 |
| (b) If a chartered nonpublic school is educating students in       | 327 |
| grades nine through twelve, it shall administer the assessments    | 328 |
| prescribed by divisions (B)(1) and (2) of section 3301.0710 of the | 329 |
| Revised Code as a condition of compliance with section 3313.612 of | 330 |
| the Revised Code.  | 331 |
| (c) A chartered nonpublic school may submit to the                 | 332 |
| superintendent of public instruction a request for a waiver from   | 333 |
| administering the elementary assessments prescribed by division    | 334 |
| (A) of section 3301.0710 of the Revised Code. The state            | 335 |
| superintendent shall approve or disapprove a request for a waiver  | 336 |
| submitted under division (K)(1)(c) of this section. No waiver      | 337 |

shall be approved for any school year prior to the 2015-2016 338  
school year. 339

To be eligible to submit a request for a waiver, a chartered 340  
nonpublic school shall meet the following conditions: 341

(i) At least ninety-five per cent of the students enrolled in 342  
the school are children with disabilities, as defined under 343  
section 3323.01 of the Revised Code, or have received a diagnosis 344  
by a school district or from a physician, including a 345  
neuropsychiatrist or psychiatrist, or a psychologist who is 346  
authorized to practice in this or another state as having a 347  
condition that impairs academic performance, such as dyslexia, 348  
dyscalculia, attention deficit hyperactivity disorder, or 349  
Asperger's syndrome. 350

(ii) The school has solely served a student population 351  
described in division (K)(1)(c)(i) of this section for at least 352  
ten years. 353

(iii) The school provides to the department at least five 354  
years of records of internal testing conducted by the school that 355  
affords the department data required for accountability purposes, 356  
including diagnostic assessments and nationally standardized 357  
norm-referenced achievement assessments that measure reading and 358  
math skills. 359

(d) Any chartered nonpublic school that is not subject to 360  
division (K)(1)(a) of this section may participate in the 361  
assessment program by administering any of the assessments 362  
prescribed by division (A) of section 3301.0710 of the Revised 363  
Code. The chief administrator of the school shall specify which 364  
assessments the school will administer. Such specification shall 365  
be made in writing to the superintendent of public instruction 366  
prior to the first day of August of any school year in which 367  
assessments are administered and shall include a pledge that the 368

nonpublic school will administer the specified assessments in the 369  
same manner as public schools are required to do under this 370  
section and rules adopted by the department. 371

(2) The department of education shall furnish the assessments 372  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 373  
to each chartered nonpublic school that is subject to division 374  
(K)(1)(a) of this section or participates under division (K)(1)(b) 375  
of this section. 376

(L)(1) The superintendent of the state school for the blind 377  
and the superintendent of the state school for the deaf shall 378  
administer the assessments described by sections 3301.0710 and 379  
3301.0712 of the Revised Code. Each superintendent shall 380  
administer the assessments in the same manner as district boards 381  
are required to do under this section and rules adopted by the 382  
department of education and in conformity with division (C)(1)(a) 383  
of this section. 384

(2) The department of education shall furnish the assessments 385  
described by sections 3301.0710 and 3301.0712 of the Revised Code 386  
to each superintendent. 387

(M) Notwithstanding division (E) of this section, a school 388  
district may use a student's failure to attain a score in at least 389  
the proficient range on the mathematics assessment described by 390  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 391  
an assessment described by division (A)(1)(b), (c), (d), (e), or 392  
(f) of section 3301.0710 of the Revised Code as a factor in 393  
retaining that student in the current grade level. 394

(N)(1) In the manner specified in divisions (N)(3), (4), and 395  
(6) of this section, the assessments required by division (A)(1) 396  
of section 3301.0710 of the Revised Code shall become public 397  
records pursuant to section 149.43 of the Revised Code on the 398  
thirty-first day of July following the school year that the 399

assessments were administered. 400

(2) The department may field test proposed questions with 401  
samples of students to determine the validity, reliability, or 402  
appropriateness of questions for possible inclusion in a future 403  
year's assessment. The department also may use anchor questions on 404  
assessments to ensure that different versions of the same 405  
assessment are of comparable difficulty. 406

Field test questions and anchor questions shall not be 407  
considered in computing scores for individual students. Field test 408  
questions and anchor questions may be included as part of the 409  
administration of any assessment required by division (A)(1) or 410  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 411  
the Revised Code. 412

(3) Any field test question or anchor question administered 413  
under division (N)(2) of this section shall not be a public 414  
record. Such field test questions and anchor questions shall be 415  
redacted from any assessments which are released as a public 416  
record pursuant to division (N)(1) of this section. 417

(4) This division applies to the assessments prescribed by 418  
division (A) of section 3301.0710 of the Revised Code. 419

(a) The first administration of each assessment, as specified 420  
in former section 3301.0712 of the Revised Code, shall be a public 421  
record. 422

(b) For subsequent administrations of each assessment prior 423  
to the 2011-2012 school year, not less than forty per cent of the 424  
questions on the assessment that are used to compute a student's 425  
score shall be a public record. The department shall determine 426  
which questions will be needed for reuse on a future assessment 427  
and those questions shall not be public records and shall be 428  
redacted from the assessment prior to its release as a public 429  
record. However, for each redacted question, the department shall 430

inform each city, local, and exempted village school district of 431  
the statewide academic standard adopted by the state board of 432  
~~education~~ under section 3301.079 of the Revised Code and the 433  
corresponding benchmark to which the question relates. The 434  
preceding sentence does not apply to field test questions that are 435  
redacted under division (N)(3) of this section. 436

(c) The administrations of each assessment in the 2011-2012, 437  
2012-2013, and 2013-2014 school years shall not be a public 438  
record. 439

(5) Each assessment prescribed by division (B)(1) of section 440  
3301.0710 of the Revised Code shall not be a public record. 441

(6) Beginning with the spring administration for the 442  
2014-2015 school year, questions on the assessments prescribed 443  
under division (A) of section 3301.0710 and division (B)(2) of 444  
section 3301.0712 of the Revised Code and the corresponding 445  
preferred answers that are used to compute a student's score shall 446  
become a public record as follows: 447

(a) Forty per cent of the questions and preferred answers on 448  
the assessments on the thirty-first day of July following the 449  
administration of the assessment; 450

(b) Twenty per cent of the questions and preferred answers on 451  
the assessment on the thirty-first day of July one year after the 452  
administration of the assessment; 453

(c) The remaining forty per cent of the questions and 454  
preferred answers on the assessment on the thirty-first day of 455  
July two years after the administration of the assessment. 456

The entire content of an assessment shall become a public 457  
record within three years of its administration. 458

The department shall make the questions that become a public 459  
record under this division readily accessible to the public on the 460

department's web site. Questions on the spring administration of 461  
each assessment shall be released on an annual basis, in 462  
accordance with this division. 463

(0) As used in this section: 464

(1) "Three-year average" means the average of the most recent 465  
consecutive three school years of data. 466

(2) "Dropout" means a student who withdraws from school 467  
before completing course requirements for graduation and who is 468  
not enrolled in an education program approved by the state board 469  
of education or an education program outside the state. "Dropout" 470  
does not include a student who has departed the country. 471

(3) "Graduation rate" means the ratio of students receiving a 472  
diploma to the number of students who entered ninth grade four 473  
years earlier. Students who transfer into the district are added 474  
to the calculation. Students who transfer out of the district for 475  
reasons other than dropout are subtracted from the calculation. If 476  
a student who was a dropout in any previous year returns to the 477  
same school district, that student shall be entered into the 478  
calculation as if the student had entered ninth grade four years 479  
before the graduation year of the graduating class that the 480  
student joins. 481

(4) "State scholarship programs" means the educational choice 482  
scholarship pilot program established under sections 3310.01 to 483  
3310.17 of the Revised Code, the autism scholarship program 484  
established under section 3310.41 of the Revised Code, the Jon 485  
Peterson special needs scholarship program established under 486  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 487  
project scholarship program established under sections 3313.974 to 488  
3313.979 of the Revised Code. 489

**Sec. 3301.0712.** (A) The state board of education, the 490



superintendent of public instruction, and the chancellor of the 491  
Ohio board of regents shall develop a system of college and work 492  
ready assessments as described in division (B) of this section to 493  
assess whether each student upon graduating from high school is 494  
ready to enter college or the workforce. Beginning with students 495  
who enter the ninth grade for the first time on or after July 1, 496  
2014, the system shall replace the Ohio graduation tests 497  
prescribed in division (B)(1) of section 3301.0710 of the Revised 498  
Code as a measure of student academic performance and one 499  
determinant of eligibility for a high school diploma in the manner 500  
prescribed by rule of the state board adopted under division (D) 501  
of this section. 502

(B) The college and work ready assessment system shall 503  
consist of the following: 504

(1) A nationally standardized assessment that measures 505  
college and career readiness, and is used for college admission, 506  
~~and includes components in English, mathematics, science, and~~ 507  
~~social studies~~. The assessment shall be selected jointly by the 508  
state superintendent and the chancellor. The assessment prescribed 509  
under division (B)(1) of this section shall be administered to all 510  
eleventh-grade students. 511

(2) Seven end-of-course examinations, one in each of the 512  
areas of English language arts I, English language arts II, 513  
physical science or biology, Algebra I, geometry, American 514  
history, and American government. The end-of-course examinations 515  
shall be selected jointly by the state superintendent and the 516  
chancellor in consultation with faculty in the appropriate subject 517  
areas at institutions of higher education of the university system 518  
of Ohio. Advanced placement examinations, and international 519  
baccalaureate examinations, ~~and dual enrollment or advanced~~ 520  
~~standing program examinations~~, as prescribed under section 521

3313.6013 of the Revised Code, in the areas of physical science or 522  
biology, American history, and American government may be used as 523  
end-of-course examinations in accordance with division 524  
(B)(4)(a)(i) of this section. Final course grades for courses 525  
taken under any other advanced standing program, as prescribed 526  
under section 3313.6013 of the Revised Code, in the areas of 527  
physical science or biology, American history, and American 528  
government may be used in lieu of end-of-course examinations in 529  
accordance with division (B)(4)(a)(ii) of this section. 530

(3)(a) Not later than July 1, 2013, each school district 531  
board of education shall adopt interim end-of-course examinations 532  
that comply with the requirements of divisions (B)(3)(b)(i) and 533  
(ii) of this section to assess mastery of American history and 534  
American government standards adopted under division (A)(1)(b) of 535  
section 3301.079 of the Revised Code and the topics required under 536  
division (M) of section 3313.603 of the Revised Code. Each high 537  
school of the district shall use the interim examinations until 538  
the state superintendent and chancellor select end-of-course 539  
examinations in American history and American government under 540  
division (B)(2) of this section. 541

(b) Not later than July 1, 2014, the state superintendent and 542  
the chancellor shall select the end-of-course examinations in 543  
American history and American government. 544

(i) The end-of-course examinations in American history and 545  
American government shall require demonstration of mastery of the 546  
American history and American government content for social 547  
studies standards adopted under division (A)(1)(b) of section 548  
3301.079 of the Revised Code and the topics required under 549  
division (M) of section 3313.603 of the Revised Code. 550

(ii) At least twenty per cent of the end-of-course 551  
examination in American government shall address the topics on 552  
American history and American government described in division (M) 553

of section 3313.603 of the Revised Code. 554

(4)(a) Notwithstanding anything to the contrary in this 555  
section, beginning with the 2014-2015 school year, ~~if both of the~~ 556  
following shall apply: 557

(i) If a student is enrolled in an appropriate advanced 558  
placement or international baccalaureate course ~~or is enrolled~~ 559  
~~under any other dual enrollment or advanced standing program,~~ that 560  
student shall take the advanced placement or international 561  
baccalaureate examination ~~or applicable examination under dual~~ 562  
~~enrollment or advanced standing~~ in lieu of the physical science or 563  
biology, American history, or American government end-of-course 564  
examinations prescribed under division (B)(2) of this section. The 565  
state board shall specify the score levels for each advanced 566  
placement examination, and international baccalaureate 567  
examination, ~~and examination required under other dual enrollment~~ 568  
~~or advanced standing programs~~ for purposes of calculating the 569  
minimum cumulative performance score that demonstrates the level 570  
of academic achievement necessary to earn a high school diploma. 571

(ii) If a student is enrolled in an appropriate course under 572  
any other advanced standing program, as described in section 573  
3313.6013 of the Revised Code, that student shall not be required 574  
to take the physical science or biology, American history, or 575  
American government end-of-course examination, whichever is 576  
applicable, prescribed under division (B)(2) of this section. 577  
Instead, that student's final course grade shall be used in lieu 578  
of the applicable end-of-course examination prescribed under that 579  
section. The state superintendent and the chancellor jointly shall 580  
adopt guidelines for purposes of calculating the minimum final 581  
course grade that demonstrates the level of academic achievement 582  
necessary to earn a high school diploma. 583

Division (B)(4)(a)(ii) of this section shall apply only to 584  
courses for which students receive transcribed credit, as defined 585

in division (U) of section 3365.01 of the Revised Code. It shall 586  
not apply to remedial or developmental courses. 587

(b) No student shall take a substitute examination or 588  
examination prescribed under division (B)(4)(a) of this section in 589  
place of the end-of-course examinations in English language arts 590  
I, English language arts II, Algebra I, or geometry prescribed 591  
under division (B)(2) of this section. 592

(c) The state board shall consider additional assessments 593  
that may be used, beginning with the 2016-2017 school year, as 594  
substitute examinations in lieu of the end-of-course examinations 595  
prescribed under division (B)(2) of this section. 596

(5)(a) The state board shall ~~determine~~ do all of the 597  
following: 598

(a) Determine and designate at least five ranges of scores on 599  
each of the end-of-course examinations prescribed under division 600  
(B)(2) of this section, and substitute examinations prescribed 601  
under division (B)(4) of this section. Each range of scores shall 602  
be considered to demonstrate a level of achievement so that any 603  
student attaining a score within such range has achieved one of 604  
the following: 605

(i) An advanced level of skill; 606

(ii) An accelerated level of skill; 607

(iii) A proficient level of skill; 608

(iv) A basic level of skill; 609

(v) A limited level of skill. 610

(b) Determine a method by which to calculate a cumulative 611  
performance score based on the results of a student's 612  
end-of-course examinations or substitute examinations; 613

(c) Determine the minimum cumulative performance score that 614  
demonstrates the level of academic achievement necessary to earn a 615

high school diploma; 616

(d) Develop a table of corresponding score equivalents for 617  
the end-of-course examinations and substitute examinations in 618  
order to calculate student performance consistently across the 619  
different examinations. A score of two on an advanced placement 620  
examination shall be considered equivalent to a proficient level 621  
of skill as specified under division (B)(5)(a)(iii) of this 622  
section. A score of three on an advanced placement examinations 623  
shall be considered equivalent to an accelerated level of skill as 624  
specified under division (B)(5)(a)(ii) of this section. 625

(6) Any student who received high school credit prior to July 626  
1, 2014, for a course for which an end-of-course examination is 627  
prescribed by division (B)(2) of this section shall not be 628  
required to take that end-of-course examination. Receipt of credit 629  
for that course shall satisfy the requirement to take the 630  
end-of-course examination. 631

(7)(a) Notwithstanding anything to the contrary in this 632  
section, the state board may replace the algebra I end-of-course 633  
examination prescribed under division (B)(2) of this section with 634  
an algebra II end-of-course examination, beginning with the 635  
2016-2017 school year for students who enter ninth grade on or 636  
after July 1, 2016. 637

(b) If the state board replaces the algebra I end-of-course 638  
examination with an algebra II end-of-course examination as 639  
authorized under division (B)(7)(a) of this section, a both of the 640  
following shall apply: 641

(i) A student who is enrolled in an advanced placement or 642  
international baccalaureate course in algebra II ~~or is enrolled 643  
under any other dual enrollment or advanced standing program in 644  
algebra II~~ shall take the advanced placement or international 645  
baccalaureate examination ~~or applicable examination under dual 646~~

~~enrollment or advanced standing~~ in lieu of the algebra II 647  
end-of-course examination. 648

(ii) A student who is enrolled in an algebra II course under 649  
any other advanced standing program, as described in section 650  
3313.6013 of the Revised Code, shall not be required to take the 651  
algebra II end-of-course examination, so long as the course is not 652  
remedial or developmental and the student receives transcribed 653  
credit, as defined in division (U) of section 3365.01 of the 654  
Revised Code, for the course. Instead, that student's final course 655  
grade shall be used in lieu of the examination. 656

(c) If a school district or school utilizes an integrated 657  
approach to mathematics instruction, the district or school may do 658  
either or both of the following: 659

(i) Administer an integrated mathematics I end-of-course 660  
examination in lieu of the prescribed algebra I end-of-course 661  
examination; 662

(ii) Administer an integrated mathematics II end-of-course 663  
examination in lieu of the prescribed geometry end-of-course 664  
examination. 665

(8)(a) Until July 1, 2016, the department of education shall 666  
make available end-of-course examinations in both physical science 667  
and biology. 668

(b) For any school year that begins on or after July 1, 2016, 669  
the state board may choose to provide one or both of the 670  
end-of-course examinations in physical science and biology. 671

(C) The state board shall convene a group of national 672  
experts, state experts, and local practitioners to provide advice, 673  
guidance, and recommendations for the alignment of standards and 674  
model curricula to the assessments and in the design of the 675  
end-of-course examinations prescribed by this section. 676

(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

(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;

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;

(4) 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 meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(5) 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.

(E) 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 (D) 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 708  
legislation. 709

(F)(1) Any person enrolled in a nonchartered nonpublic school 710  
or any person who has been excused from attendance at school for 711  
the purpose of home instruction under section 3321.04 of the 712  
Revised Code may choose to participate in the system of 713  
assessments administered under divisions (B)(1) and (2) of this 714  
section. However, no such person shall be required to participate 715  
in the system of assessments. 716

(2) The department shall adopt rules for the administration 717  
and scoring of any assessments under division (F)(1) of this 718  
section. 719

(G) Not later than December 31, 2014, the state board shall 720  
select at least one nationally recognized job skills assessment. 721  
Each school district shall administer that assessment to those 722  
students who opt to take it. The state shall reimburse a school 723  
district for the costs of administering that assessment. The state 724  
board shall establish the minimum score a student must attain on 725  
the job skills assessment in order to demonstrate a student's 726  
workforce readiness and employability. The administration of the 727  
job skills assessment to a student under this division shall not 728  
exempt a school district from administering the assessments 729  
prescribed in division (B) of this section to that student. 730

**Sec. 3302.02.** Not later than one year after the adoption of 731  
rules under division (D) of section 3301.0712 of the Revised Code 732  
and at least every sixth year thereafter, upon recommendations of 733  
the superintendent of public instruction, the state board of 734  
education shall establish a set of performance indicators that 735  
considered as a unit will be used as one of the performance 736  
categories for the report cards required by section 3302.03 of the 737  
Revised Code. In establishing these indicators, the superintendent 738



shall consider inclusion of student performance on assessments 739  
prescribed under section 3301.0710 or 3301.0712 of the Revised 740  
Code, rates of student improvement on such assessments, the 741  
breadth of coursework available within the district, and other 742  
indicators of student success. 743

Beginning with the report card for the 2014-2015 school year, 744  
the performance indicators shall include an indicator that 745  
reflects the level of services provided to, and the performance 746  
of, students identified as gifted under Chapter 3324. of the 747  
Revised Code. The indicator shall include the performance of 748  
students identified as gifted on state assessments and value-added 749  
growth measure disaggregated for students identified as gifted. 750

For the 2013-2014 school year, except as otherwise provided 751  
in this section, for any indicator based on the percentage of 752  
students attaining a proficient score on the assessments 753  
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 754  
Revised Code, a school district or building shall be considered to 755  
have met the indicator if at least eighty per cent of the tested 756  
students attain a score of proficient or higher on the assessment. 757  
A school district or building shall be considered to have met the 758  
indicator for the assessments prescribed by division (B)(1) of 759  
section 3301.0710 of the Revised Code and only as administered to 760  
eleventh grade students, if at least eighty-five per cent of the 761  
tested students attain a score of proficient or higher on the 762  
assessment. ~~Not later than July 1, 2014, the~~ 763

The state board may shall adopt rules, under Chapter 119. of 764  
the Revised Code, to establish ~~different~~ proficiency percentages 765  
to meet each indicator that is based on a state assessment, 766  
prescribed under section 3301.0710 or 3301.0712 of the Revised 767  
Code, for the 2014-2015 school year and thereafter by the 768  
following dates: 769

(A) Not later than December 1, 2015, for the 2014-2015 school 770

year; 771

(B) Not later than July 1, 2016, for the 2015-2016 school 772  
year; 773

(C) Not later than July 1, 2017, for the 2016-2017 school 774  
year, and for each school year thereafter. 775

The proficiency percentage shall not be less than sixty per 776  
cent for the 2014-2015, 2015-2016, and 2016-2017 school years. The 777  
proficiency percentage shall not be less than eighty per cent for 778  
the 2017-2018 school year and each school year thereafter. 779

The superintendent shall not establish any performance 780  
indicator for passage of the third or fourth grade English 781  
language arts assessment that is solely based on the assessment 782  
given in the fall for the purpose of determining whether students 783  
have met the reading guarantee provisions of section 3313.608 of 784  
the Revised Code. 785

**Sec. 3302.03.** Annually, not later than the fifteenth day of 786  
September or the preceding Friday when that day falls on a 787  
Saturday or Sunday, the department of education shall assign a 788  
letter grade for overall academic performance and for each 789  
separate performance measure for each school district, and each 790  
school building in a district, in accordance with this section. 791  
The state board shall adopt rules pursuant to Chapter 119. of the 792  
Revised Code to establish performance criteria for each letter 793  
grade and prescribe a method by which the department assigns each 794  
letter grade. For a school building to which any of the 795  
performance measures do not apply, due to grade levels served by 796  
the building, the state board shall designate the performance 797  
measures that are applicable to the building and that must be 798  
calculated separately and used to calculate the building's overall 799  
grade. The department shall issue annual report cards reflecting 800  
the performance of each school district, each building within each 801

district, and for the state as a whole using the performance 802  
measures and letter grade system described in this section. The 803  
department shall include on the report card for each district and 804  
each building within each district the most recent two-year trend 805  
data in student achievement for each subject and each grade. 806

(A)(1) For the 2012-2013 school year, the department shall 807  
issue grades as described in division (E) of this section for each 808  
of the following performance measures: 809

(a) Annual measurable objectives; 810

(b) Performance index score for a school district or 811  
building. Grades shall be awarded as a percentage of the total 812  
possible points on the performance index system as adopted by the 813  
state board. In adopting benchmarks for assigning letter grades 814  
under division (A)(1)(b) of this section, the state board of 815  
education shall designate ninety per cent or higher for an "A," at 816  
least seventy per cent but not more than eighty per cent for a 817  
"C," and less than fifty per cent for an "F." 818

(c) The extent to which the school district or building meets 819  
each of the applicable performance indicators established by the 820  
state board under section 3302.02 of the Revised Code and the 821  
percentage of applicable performance indicators that have been 822  
achieved. In adopting benchmarks for assigning letter grades under 823  
division (A)(1)(c) of this section, the state board shall 824  
designate ninety per cent or higher for an "A." 825

(d) The four- and five-year adjusted cohort graduation rates. 826

In adopting benchmarks for assigning letter grades under 827  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 828  
department shall designate a four-year adjusted cohort graduation 829  
rate of ninety-three per cent or higher for an "A" and a five-year 830  
cohort graduation rate of ninety-five per cent or higher for an 831  
"A." 832

(e) The overall score under the value-added progress 833  
dimension of a school district or building, for which the 834  
department shall use up to three years of value-added data as 835  
available. The letter grade assigned for this growth measure shall 836  
be as follows: 837

(i) A score that is at least two standard errors of measure 838  
above the mean score shall be designated as an "A." 839

(ii) A score that is at least one standard error of measure 840  
but less than two standard errors of measure above the mean score 841  
shall be designated as a "B." 842

(iii) A score that is less than one standard error of measure 843  
above the mean score but greater than or equal to one standard 844  
error of measure below the mean score shall be designated as a 845  
"C." 846

(iv) A score that is not greater than one standard error of 847  
measure below the mean score but is greater than or equal to two 848  
standard errors of measure below the mean score shall be 849  
designated as a "D." 850

(v) A score that is not greater than two standard errors of 851  
measure below the mean score shall be designated as an "F." 852

Whenever the value-added progress dimension is used as a 853  
graded performance measure, whether as an overall measure or as a 854  
measure of separate subgroups, the grades for the measure shall be 855  
calculated in the same manner as prescribed in division (A)(1)(e) 856  
of this section. 857

(f) The value-added progress dimension score for a school 858  
district or building disaggregated for each of the following 859  
subgroups: students identified as gifted, students with 860  
disabilities, and students whose performance places them in the 861  
lowest quintile for achievement on a statewide basis. Each 862  
subgroup shall be a separate graded measure. 863

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the

state board under section 3302.03 of the Revised Code and the 895  
percentage of applicable performance indicators that have been 896  
achieved. In adopting benchmarks for assigning letter grades under 897  
division (B)(1)(c) of this section, the state board shall 898  
designate ninety per cent or higher for an "A." 899

(d) The four- and five-year adjusted cohort graduation rates; 900

(e) The overall score under the value-added progress 901  
dimension of a school district or building, for which the 902  
department shall use up to three years of value-added data as 903  
available. 904

(f) The value-added progress dimension score for a school 905  
district or building disaggregated for each of the following 906  
subgroups: students identified as gifted in superior cognitive 907  
ability and specific academic ability fields under Chapter 3324. 908  
of the Revised Code, students with disabilities, and students 909  
whose performance places them in the lowest quintile for 910  
achievement on a statewide basis. Each subgroup shall be a 911  
separate graded measure. 912

(g) Whether a school district or building is making progress 913  
in improving literacy in grades kindergarten through three, as 914  
determined using a method prescribed by the state board. The state 915  
board shall adopt rules to prescribe benchmarks and standards for 916  
assigning grades to districts and buildings for purposes of 917  
division (B)(1)(g) of this section. In adopting benchmarks for 918  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 919  
this section, the state board shall determine progress made based 920  
on the reduction in the total percentage of students scoring below 921  
grade level, or below proficient, compared from year to year on 922  
the reading and writing diagnostic assessments administered under 923  
section 3301.0715 of the Revised Code and the third grade English 924  
language arts assessment under section 3301.0710 of the Revised 925  
Code, as applicable. The state board shall designate for a "C" 926

grade a value that is not lower than the statewide average value 927  
for this measure. No grade shall be issued under divisions 928  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 929  
in which less than five per cent of students have scored below 930  
grade level on the diagnostic assessment administered to students 931  
in kindergarten under division (B)(1) of section 3313.608 of the 932  
Revised Code. 933

(h) For a high mobility school district or building, an 934  
additional value-added progress dimension score. For this measure, 935  
the department shall use value-added data from the most recent 936  
school year available and shall use assessment scores for only 937  
those students to whom the district or building has administered 938  
the assessments prescribed by section 3301.0710 of the Revised 939  
Code for each of the two most recent consecutive school years. 940

As used in this division, "high mobility school district or 941  
building" means a school district or building where at least 942  
twenty-five per cent of its total enrollment is made up of 943  
students who have attended that school district or building for 944  
less than one year. 945

(2) In addition to the graded measures in division (B)(1) of 946  
this section, the department shall include on a school district's 947  
or building's report card all of the following without an assigned 948  
letter grade: 949

(a) The percentage of students enrolled in a district or 950  
building participating in advanced placement classes and the 951  
percentage of those students who received a score of three or 952  
better on advanced placement examinations; 953

(b) The number of a district's or building's students who 954  
have earned at least three college credits through dual enrollment 955  
or advanced standing programs, such as the post-secondary 956  
enrollment options program under Chapter 3365. of the Revised Code 957

and state-approved career-technical courses offered through dual 958  
enrollment or statewide articulation, that appear on a student's 959  
transcript or other official document, either of which is issued 960  
by the institution of higher education from which the student 961  
earned the college credit. The credits earned that are reported 962  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 963  
include any that are remedial or developmental and shall include 964  
those that count toward the curriculum requirements established 965  
for completion of a degree. 966

(c) The percentage of students enrolled in a district or 967  
building who have taken a national standardized test used for 968  
college admission determinations and the percentage of those 969  
students who are determined to be remediation-free in accordance 970  
with standards adopted under division (F) of section 3345.061 of 971  
the Revised Code; 972

(d) The percentage of the district's or the building's 973  
students who receive industry-recognized credentials. The state 974  
board shall adopt criteria for acceptable industry-recognized 975  
credentials. 976

(e) The percentage of students enrolled in a district or 977  
building who are participating in an international baccalaureate 978  
program and the percentage of those students who receive a score 979  
of four or better on the international baccalaureate examinations. 980

(f) The percentage of the district's or building's students 981  
who receive an honors diploma under division (B) of section 982  
3313.61 of the Revised Code. 983

(3) Not later than December 31, 2013, the state board shall 984  
adopt rules in accordance with Chapter 119. of the Revised Code 985  
that prescribe the methods by which the performance measures under 986  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 987  
and assigned a letter grade, including performance benchmarks for 988



each grade. 989

At least forty-five days prior to the state board's adoption 990  
of rules to prescribe the methods by which the performance 991  
measures under division (B)(1) of this section shall be assessed 992  
and assigned a letter grade, the department shall conduct a public 993  
presentation before the standing committees of the house of 994  
representatives and the senate that consider education legislation 995  
describing such methods, including performance benchmarks. 996

(4) There shall not be an overall letter grade for a school 997  
district or building for the 2013-2014 school year. 998

(C)(1) For the 2014-2015 school year and each school year 999  
thereafter, the department shall issue grades as described in 1000  
division (E) of this section for each of the performance measures 1001  
prescribed in division (C)(1) of this section and an overall 1002  
letter grade based on an aggregate of those measures, except for 1003  
the performance measure set forth in division (C)(1)(h) of this 1004  
section. The graded measures are as follows: 1005

(a) Annual measurable objectives; 1006

(b) Performance index score for a school district or 1007  
building. Grades shall be awarded as a percentage of the total 1008  
possible points on the performance index system as created by the 1009  
department. In adopting benchmarks for assigning letter grades 1010  
under division (C)(1)(b) of this section, the state board shall 1011  
designate ninety per cent or higher for an "A," at least seventy 1012  
per cent but not more than eighty per cent for a "C," and less 1013  
than fifty per cent for an "F." 1014

(c) The extent to which the school district or building meets 1015  
each of the applicable performance indicators established by the 1016  
state board under section 3302.03 of the Revised Code and the 1017  
percentage of applicable performance indicators that have been 1018  
achieved. In adopting benchmarks for assigning letter grades under 1019

division (C)(1)(c) of this section, the state board shall 1020  
designate ninety per cent or higher for an "A." 1021

(d) The four- and five-year adjusted cohort graduation rates; 1022

(e) The overall score under the value-added progress 1023  
dimension, or another measure of student academic progress if 1024  
adopted by the state board, of a school district or building, for 1025  
which the department shall use up to three years of value-added 1026  
data as available. 1027

In adopting benchmarks for assigning letter grades for 1028  
overall score on value-added progress dimension under division 1029  
(C)(1)(e) of this section, the state board shall prohibit the 1030  
assigning of a grade of "A" for that measure unless the district's 1031  
or building's grade assigned for value-added progress dimension 1032  
for all subgroups under division (C)(1)(f) of this section is a 1033  
"B" or higher. 1034

For the metric prescribed by division (C)(1)(e) of this 1035  
section, the state board may adopt a student academic progress 1036  
measure to be used instead of the value-added progress dimension. 1037  
If the state board adopts such a measure, it also shall prescribe 1038  
a method for assigning letter grades for the new measure that is 1039  
comparable to the method prescribed in division (A)(1)(e) of this 1040  
section. 1041

(f) The value-added progress dimension score of a school 1042  
district or building disaggregated for each of the following 1043  
subgroups: students identified as gifted in superior cognitive 1044  
ability and specific academic ability fields under Chapter 3324. 1045  
of the Revised Code, students with disabilities, and students 1046  
whose performance places them in the lowest quintile for 1047  
achievement on a statewide basis, as determined by a method 1048  
prescribed by the state board. Each subgroup shall be a separate 1049  
graded measure. 1050

The state board may adopt student academic progress measures 1051  
to be used instead of the value-added progress dimension. If the 1052  
state board adopts such measures, it also shall prescribe a method 1053  
for assigning letter grades for the new measures that is 1054  
comparable to the method prescribed in division (A)(1)(e) of this 1055  
section. 1056

(g) Whether a school district or building is making progress 1057  
in improving literacy in grades kindergarten through three, as 1058  
determined using a method prescribed by the state board. The state 1059  
board shall adopt rules to prescribe benchmarks and standards for 1060  
assigning grades to a district or building for purposes of 1061  
division (C)(1)(g) of this section. The state board shall 1062  
designate for a "C" grade a value that is not lower than the 1063  
previous year's statewide average value for this measure. No grade 1064  
shall be issued under division (C)(1)(g) of this section for a 1065  
district or building in which less than five per cent of students 1066  
have scored below grade level on the kindergarten diagnostic 1067  
assessment under division (B)(1) of section 3313.608 of the 1068  
Revised Code, unless five per cent or more of students fail to 1069  
score proficient or above on the English language arts assessment 1070  
prescribed under division (A)(1)(a) of section 3301.0710 of the 1071  
Revised Code. 1072

(h) For a high mobility school district or building, an 1073  
additional value-added progress dimension score. For this measure, 1074  
the department shall use value-added data from the most recent 1075  
school year available and shall use assessment scores for only 1076  
those students to whom the district or building has administered 1077  
the assessments prescribed by section 3301.0710 of the Revised 1078  
Code for each of the two most recent consecutive school years. 1079

As used in this division, "high mobility school district or 1080  
building" means a school district or building where at least 1081  
twenty-five per cent of its total enrollment is made up of 1082

students who have attended that school district or building for 1083  
less than one year. 1084

(2) In addition to the graded measures in division (C)(1) of 1085  
this section, the department shall include on a school district's 1086  
or building's report card all of the following without an assigned 1087  
letter grade: 1088

(a) The percentage of students enrolled in a district or 1089  
building who have taken a national standardized test used for 1090  
college admission determinations and the percentage of those 1091  
students who are determined to be remediation-free in accordance 1092  
with the standards adopted under division (F) of section 3345.061 1093  
of the Revised Code; 1094

(b) The percentage of students enrolled in a district or 1095  
building participating in advanced placement classes and the 1096  
percentage of those students who received a score of three or 1097  
better on advanced placement examinations; 1098

(c) The percentage of a district's or building's students who 1099  
have earned at least three college credits through advanced 1100  
standing programs, such as the college credit plus program under 1101  
Chapter 3365. of the Revised Code and state-approved 1102  
career-technical courses offered through dual enrollment or 1103  
statewide articulation, that appear on a student's college 1104  
transcript issued by the institution of higher education from 1105  
which the student earned the college credit. The credits earned 1106  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 1107  
section shall not include any that are remedial or developmental 1108  
and shall include those that count toward the curriculum 1109  
requirements established for completion of a degree. 1110

(d) The percentage of the district's or building's students 1111  
who receive an honor's diploma under division (B) of section 1112  
3313.61 of the Revised Code; 1113

|   |  |
|---|--|
| (e) The percentage of the district's or building's students who receive industry-recognized credentials;  | 1114<br>1115                                 |
| (f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;   | 1116<br>1117<br>1118<br>1119                 |
| (g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.  | 1120<br>1121<br>1122                         |
| (3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components: | 1123<br>1124<br>1125<br>1126<br>1127<br>1128 |
| (a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;   | 1129<br>1130                                 |
| (b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;   | 1131<br>1132                                 |
| (c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;  | 1133<br>1134                                 |
| (d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;  | 1135<br>1136                                 |
| (e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;   | 1137<br>1138<br>1139                         |
| (f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section   | 1140<br>1141<br>1142<br>1143                 |

using the performance measures in divisions (C)(2)(a), (b), (c), 1144  
(d), (e), and (f) of this section. When available, the state board 1145  
may incorporate the performance measure under division (C)(2)(g) 1146  
of this section into the component under division (C)(3)(f) of 1147  
this section. When determining the overall grade for the prepared 1148  
for success component prescribed by division (C)(3)(f) of this 1149  
section, no individual student shall be counted in more than one 1150  
performance measure. However, if a student qualifies for more than 1151  
one performance measure in the component, the state board may, in 1152  
its method to determine a grade for the component, specify an 1153  
additional weight for such a student that is not greater than or 1154  
equal to 1.0. In determining the overall score under division 1155  
(C)(3)(f) of this section, the state board shall ensure that the 1156  
pool of students included in the performance measures aggregated 1157  
under that division are all of the students included in the four- 1158  
and five-year adjusted graduation cohort. 1159

In the rules adopted under division (C)(3) of this section, 1160  
the state board shall adopt a method for determining a grade for 1161  
each component in divisions (C)(3)(a) to (f) of this section. The 1162  
state board also shall establish a method to assign an overall 1163  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 1164  
each component. The method the state board adopts for assigning an 1165  
overall grade shall give equal weight to the components in 1166  
divisions (C)(3)(b) and (c) of this section. 1167

At least forty-five days prior to the state board's adoption 1168  
of rules to prescribe the methods for calculating the overall 1169  
grade for the report card, as required by this division, the 1170  
department shall conduct a public presentation before the standing 1171  
committees of the house of representatives and the senate that 1172  
consider education legislation describing the format for the 1173  
report card, weights that will be assigned to the components of 1174  
the overall grade, and the method for calculating the overall 1175

grade. 1176

(D) Not later than July 1, 2015, the state board shall 1177  
develop a measure of student academic progress for high school 1178  
students using only data from assessments in English language arts 1179  
and mathematics. For the 2014-2015 school year, the department 1180  
shall include this measure on a school district or building's 1181  
report card, as applicable, without an assigned letter grade. 1182  
Beginning with the report card for the 2015-2016 school year, each 1183  
school district and applicable school building shall be assigned a 1184  
separate letter grade for this measure and the district's or 1185  
building's grade for that measure shall be included in determining 1186  
the district's or building's overall letter grade. This measure 1187  
shall be included within the measure prescribed in division 1188  
(C)(3)(c) of this section in the calculation for the overall 1189  
letter grade. 1190

(E) The letter grades assigned to a school district or 1191  
building under this section shall be as follows: 1192

(1) "A" for a district or school making excellent progress; 1193

(2) "B" for a district or school making above average 1194  
progress; 1195

(3) "C" for a district or school making average progress; 1196

(4) "D" for a district or school making below average 1197  
progress; 1198

(5) "F" for a district or school failing to meet minimum 1199  
progress. 1200

(F) When reporting data on student achievement and progress, 1201  
the department shall disaggregate that data according to the 1202  
following categories: 1203

(1) Performance of students by grade-level; 1204

(2) Performance of students by race and ethnic group; 1205

|  |  |
|--|--|
| (3) Performance of students by gender;   | 1206   |
| (4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;   | 1207<br>1208   |
| (5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;  | 1209<br>1210<br>1211   |
| (6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;  | 1212<br>1213   |
| (7) Performance of students grouped by those who are economically disadvantaged;   | 1214<br>1215   |
| (8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;  | 1216<br>1217<br>1218   |
| (9) Performance of students grouped by those who are classified as limited English proficient;   | 1219<br>1220   |
| (10) Performance of students grouped by those who have disabilities;   | 1221<br>1222   |
| (11) Performance of students grouped by those who are classified as migrants;  | 1223<br>1224   |
| (12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well. | 1225<br>1226<br>1227<br>1228<br>1229<br>1230<br>1231<br>1232<br>1233 |
| (13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as  | 1234<br>1235   |



determined by a method prescribed by the state board. 1236

The department may disaggregate data on student performance 1237  
according to other categories that the department determines are 1238  
appropriate. To the extent possible, the department shall 1239  
disaggregate data on student performance according to any 1240  
combinations of two or more of the categories listed in divisions 1241  
(F)(1) to (13) of this section that it deems relevant. 1242

In reporting data pursuant to division (F) of this section, 1243  
the department shall not include in the report cards any data 1244  
statistical in nature that is statistically unreliable or that 1245  
could result in the identification of individual students. For 1246  
this purpose, the department shall not report student performance 1247  
data for any group identified in division (F) of this section that 1248  
contains less than ten students. If the department does not report 1249  
student performance data for a group because it contains less than 1250  
ten students, the department shall indicate on the report card 1251  
that is why data was not reported. 1252

(G) The department may include with the report cards any 1253  
additional education and fiscal performance data it deems 1254  
valuable. 1255

(H) The department shall include on each report card a list 1256  
of additional information collected by the department that is 1257  
available regarding the district or building for which the report 1258  
card is issued. When available, such additional information shall 1259  
include student mobility data disaggregated by race and 1260  
socioeconomic status, college enrollment data, and the reports 1261  
prepared under section 3302.031 of the Revised Code. 1262

The department shall maintain a site on the world wide web. 1263  
The report card shall include the address of the site and shall 1264  
specify that such additional information is available to the 1265  
public at that site. The department shall also provide a copy of 1266

each item on the list to the superintendent of each school 1267  
district. The district superintendent shall provide a copy of any 1268  
item on the list to anyone who requests it. 1269

(I) Division (I) of this section does not apply to conversion 1270  
community schools that primarily enroll students between sixteen 1271  
and twenty-two years of age who dropped out of high school or are 1272  
at risk of dropping out of high school due to poor attendance, 1273  
disciplinary problems, or suspensions. 1274

(1) For any district that sponsors a conversion community 1275  
school under Chapter 3314. of the Revised Code, the department 1276  
shall combine data regarding the academic performance of students 1277  
enrolled in the community school with comparable data from the 1278  
schools of the district for the purpose of determining the 1279  
performance of the district as a whole on the report card issued 1280  
for the district under this section or section 3302.033 of the 1281  
Revised Code. 1282

(2) Any district that leases a building to a community school 1283  
located in the district or that enters into an agreement with a 1284  
community school located in the district whereby the district and 1285  
the school endorse each other's programs may elect to have data 1286  
regarding the academic performance of students enrolled in the 1287  
community school combined with comparable data from the schools of 1288  
the district for the purpose of determining the performance of the 1289  
district as a whole on the district report card. Any district that 1290  
so elects shall annually file a copy of the lease or agreement 1291  
with the department. 1292

(3) Any municipal school district, as defined in section 1293  
3311.71 of the Revised Code, that sponsors a community school 1294  
located within the district's territory, or that enters into an 1295  
agreement with a community school located within the district's 1296  
territory whereby the district and the community school endorse 1297  
each other's programs, may exercise either or both of the 1298

following elections: 1299

(a) To have data regarding the academic performance of 1300  
students enrolled in that community school combined with 1301  
comparable data from the schools of the district for the purpose 1302  
of determining the performance of the district as a whole on the 1303  
district's report card; 1304

(b) To have the number of students attending that community 1305  
school noted separately on the district's report card. 1306

The election authorized under division (I)(3)(a) of this 1307  
section is subject to approval by the governing authority of the 1308  
community school. 1309

Any municipal school district that exercises an election to 1310  
combine or include data under division (I)(3) of this section, by 1311  
the first day of October of each year, shall file with the 1312  
department documentation indicating eligibility for that election, 1313  
as required by the department. 1314

(J) The department shall include on each report card the 1315  
percentage of teachers in the district or building who are highly 1316  
qualified, as defined by the No Child Left Behind Act of 2001, and 1317  
a comparison of that percentage with the percentages of such 1318  
teachers in similar districts and buildings. 1319

(K)(1) In calculating English language arts, mathematics, 1320  
social studies, or science assessment passage rates used to 1321  
determine school district or building performance under this 1322  
section, the department shall include all students taking an 1323  
assessment with accommodation or to whom an alternate assessment 1324  
is administered pursuant to division (C)(1) or (3) of section 1325  
3301.0711 of the Revised Code. 1326

(2) In calculating performance index scores, rates of 1327  
achievement on the performance indicators established by the state 1328  
board under section 3302.02 of the Revised Code, and annual 1329

measurable objectives for determining adequate yearly progress for 1330  
school districts and buildings under this section, the department 1331  
shall do all of the following: 1332

(a) Include for each district or building only those students 1333  
who are included in the ADM certified for the first full school 1334  
week of October and are continuously enrolled in the district or 1335  
building through the time of the spring administration of any 1336  
assessment prescribed by division (A)(1) or (B)(1) of section 1337  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 1338  
that is administered to the student's grade level; 1339

(b) Include cumulative totals from both the fall and spring 1340  
administrations of the third grade English language arts 1341  
achievement assessment; 1342

(c) Except as required by the No Child Left Behind Act of 1343  
2001, exclude for each district or building any limited English 1344  
proficient student who has been enrolled in United States schools 1345  
for less than one full school year. 1346

(L) Beginning with the 2015-2016 school year and at least 1347  
once every three years thereafter, the state board of education 1348  
shall review and may adjust the benchmarks for assigning letter 1349  
grades to the performance measures and components prescribed under 1350  
divisions (C)(3) and (D) of this section. 1351

**Sec. 3302.035.** (A) Not later than October 1, 2015, and not 1352  
later than the first day of October each year thereafter, the 1353  
department of education shall report for each school district, 1354  
each community school established under Chapter 3314., each STEM 1355  
school established under Chapter 3326., and each 1356  
college-preparatory boarding school established under Chapter 1357  
3328. of the Revised Code, the following measures for students 1358  
with disabilities enrolled in that school district or community, 1359  
STEM, or college-preparatory boarding school: 1360

(1) The value-added progress dimension score, as 1361  
disaggregated for that subgroup under division (C)(1)(f) of 1362  
section 3302.03 of the Revised Code; 1363

(2) The performance index score for that subgroup, as defined 1364  
under division (A) of section 3302.01 of the Revised Code; 1365

(3) ~~The four- and five-year, five-, six-, seven-, and~~ 1366  
~~eight-year~~ adjusted cohort graduation rates, ~~as defined under~~ 1367  
~~divisions (C)(1) and (2) of section 3302.01 of the Revised Code,~~ 1368  
for that subgroup; 1369

(4) Annual measurable objectives for that subgroup; 1370

(5) Data regarding disciplinary actions taken by the district 1371  
or school against students with disabilities compared with such 1372  
actions taken against students without disabilities. 1373

(B) The department shall also calculate and report all of the 1374  
following: 1375

(1) The state average for each of the measures specified in 1376  
division (A) of this section; 1377

(2) The state average for the value-added progress dimension 1378  
score for students with disabilities, disaggregated by grade level 1379  
and subject area; 1380

(3) The state average for the performance index score for 1381  
students with disabilities, disaggregated for each category of 1382  
disability described in divisions (A) to (F) of section 3317.013 1383  
of the Revised Code. 1384

(C) The department shall make each report completed pursuant 1385  
to ~~division~~ divisions (A) and (B) of this section available on its 1386  
web site for comparison purposes. 1387

(D) As used in this section: 1388

(1) "Four-year adjusted cohort graduation rate" and 1389  
"five-year adjusted cohort graduation rate" have the same meanings 1390

as in divisions (G)(1) and (2) of section 3302.01 of the Revised Code. 1391  
1392

(2) "Six-year adjusted cohort graduation rate" means the number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate. 1393  
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(3) "Seven-year adjusted cohort graduation rate" means the number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate. 1397  
1398  
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1400

(4) "Eight-year adjusted cohort graduation rate" means the number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate. 1401  
1402  
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**Sec. 3311.78.** Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of sections ~~3317.13~~, 3317.14, and 3317.141 of the Revised Code. 1405  
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1407  
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(A) As used in this section, "principal" includes an assistant principal. 1409  
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(B) The board of education of each municipal school district annually shall adopt a differentiated salary schedule for teachers based upon performance as described in division (D) of this section. The board also annually shall adopt a differentiated salary schedule for principals based upon performance as described in division (D) of this section. 1411  
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For each teacher or principal hired on or after October 1, 2012, the board shall determine the teacher's or principal's initial placement on the applicable salary schedule based on years of experience and area of licensure and any other factors the 1417  
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board considers appropriate. For each teacher hired prior to 1421  
October 1, 2012, the board shall initially place the teacher on 1422  
the applicable salary schedule so that the teacher's annual salary 1423  
on the schedule is comparable to the teacher's annual salary for 1424  
the school year immediately prior to the school year covered by 1425  
the schedule. For each principal hired prior to October 1, 2012, 1426  
the board shall initially place the principal on the applicable 1427  
salary schedule consistent with the principal's employment 1428  
contract. 1429

(C) The salary of a teacher shall not be reduced unless such 1430  
reduction is accomplished as part of a negotiated collective 1431  
bargaining agreement. The salary of a principal shall not be 1432  
reduced during the term of the principal's employment contract 1433  
unless such reduction is by mutual agreement of the board and the 1434  
principal or is part of a uniform plan affecting the entire 1435  
district. 1436

(D) For purposes of the schedules, the board shall measure a 1437  
teacher's or principal's performance by considering all of the 1438  
following: 1439

(1) The level of license issued under section 3319.22 of the 1440  
Revised Code that the teacher or principal holds; 1441

(2) Whether the teacher or principal is a highly qualified 1442  
teacher, as defined in section 3319.074 of the Revised Code; 1443

(3) Ratings received by the teacher or principal on 1444  
performance evaluations conducted under section 3311.80 or 3311.84 1445  
of the Revised Code; 1446

(4) Any specialized training and experience in the assigned 1447  
position. 1448

(E) The salary schedules adopted under this section may 1449  
provide for additional compensation for teachers or principals who 1450  
perform duties, not contracted for under a supplemental contract, 1451

that the board determines warrant additional compensation. Those 1452  
duties may include, but are not limited to, assignment to a school 1453  
building eligible for funding under Title I of the "Elementary and 1454  
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; 1455  
assignment to a building in "school improvement" status under the 1456  
"No Child Left Behind Act of 2001," as defined in section 3302.01 1457  
of the Revised Code; teaching in a grade level or subject area in 1458  
which the board has determined there is a shortage within the 1459  
district; assignment to a hard-to-staff school, as determined by 1460  
the board; or teaching in a school with an extended school day or 1461  
school year. 1462

(F) The chief executive officer of the district, or the chief 1463  
executive officer's designee, annually shall review the salary of 1464  
each teacher and principal and make a recommendation to the board. 1465  
Based on the recommendation, the board may increase a teacher's or 1466  
principal's salary based on the teacher's or principal's 1467  
performance and duties as provided for in divisions (D) and (E) of 1468  
this section. The performance-based increase for a teacher or 1469  
principal rated as accomplished shall be greater than the 1470  
performance-based increase for a teacher or principal rated as 1471  
skilled. Notwithstanding division (C) of this section, division 1472  
(C) of section 3319.02, and section 3319.12 of the Revised Code, 1473  
the board may decrease the teacher's or principal's salary if the 1474  
teacher or principal will perform fewer or different duties 1475  
described in division (E) of this section in the school year for 1476  
which the salary is decreased. 1477

(G) Notwithstanding any provision to the contrary in Chapter 1478  
4117. of the Revised Code, the requirements of this section 1479  
prevail over any conflicting provisions of a collective bargaining 1480  
agreement entered into on or after October 1, 2012. However, the 1481  
board and the teachers' labor organization shall negotiate the 1482  
implementation of the differentiated salary schedule for teachers 1483



and may negotiate additional factors regarding teacher salaries, 1484  
provided those factors are consistent with this section. 1485

**Sec. 3313.42.** (A) When in the judgment of a board of 1486  
education of any school district in this state, lying adjacent to 1487  
a school district of another state, the best interests of the 1488  
public schools can be promoted by purchasing school grounds, 1489  
repairing or erecting a schoolhouse, and maintaining them jointly 1490  
between the two adjacent school districts, the board of education 1491  
of the school district of this state so situated may enter into an 1492  
agreement with the school authorities of said adjacent school 1493  
district for the purpose of purchasing school grounds, repairing 1494  
or constructing a school building, purchasing school furniture, 1495  
equipment, appliances, fuel, employing teachers, and maintaining a 1496  
school. The board of education of this state may levy taxes and 1497  
perform such other duties in maintaining such joint school as are 1498  
otherwise provided by law for maintaining the public schools in 1499  
this state. 1500

In carrying out this section the school district shall pay 1501  
such proportion of the cost of purchasing school grounds, 1502  
repairing or erecting a building, and in maintaining the joint 1503  
school as is equitable and just in the judgment of the board of 1504  
education and trustees of the two adjacent school districts. 1505

~~(B) In any school district that has entered into an agreement 1506  
under division (A) of this section, the state minimum teacher 1507  
salary requirements prescribed by section 3317.13 of the Revised 1508  
Code do not apply if the total expenditures by the school district 1509  
for teacher salaries in any school year equals or exceeds the 1510  
total minimum expenditures that would have been required in that 1511  
year if such minimum teacher salary requirements did apply. 1512~~

~~(C)~~ Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 1513  
the Revised Code, the board of education of a local school 1514

district that has entered into an agreement with an adjacent 1515  
school district in another state under division (A) of this 1516  
section may contract with the educational service center within 1517  
which the local school district is located for the service center 1518  
to provide any administrative services specified in the agreement 1519  
to the local school district and the adjacent district. If such an 1520  
agreement provides for the duties of a district treasurer, 1521  
superintendent, or principals to be performed by the service 1522  
center, the local school district is not required to employ 1523  
persons to perform such duties. 1524

**Sec. 3313.534.** ~~Not~~ (A) Not later than July 1, 1998, the board 1525  
of education of each city, exempted village, and local school 1526  
district shall adopt a policy of zero tolerance for violent, 1527  
disruptive, or inappropriate behavior, including excessive 1528  
truancy, and establish strategies to address such behavior that 1529  
range from prevention to intervention. 1530

~~Not~~ (B) Not later than July 1, 1999, each of the big eight 1531  
school districts, as defined in section 3314.02 of the Revised 1532  
Code, shall establish under section 3313.533 of the Revised Code 1533  
at least one alternative school to meet the educational needs of 1534  
students with severe discipline problems, including, but not 1535  
limited to, excessive truancy, excessive disruption in the 1536  
classroom, and multiple suspensions or expulsions. Any other 1537  
school district that attains after that date a significantly 1538  
substandard graduation rate, as defined by the department of 1539  
education, shall also establish such an alternative school under 1540  
that section. 1541

(C)(1) Not later than June 30, 2015, the state board of 1542  
education shall develop a model disciplinary policy for violent, 1543  
disruptive, or inappropriate behavior, including excessive 1544  
truancy, that stresses preventive strategies and alternatives to 1545

suspension and expulsion. 1546

(2) Not later than December 31, 2015, the department of  
education shall do both of the following: 1547  
1548

(a) Provide to each school district a copy of the policy  
adopted by the state board pursuant to division (C)(1) of this  
section; 1549  
1550  
1551

(b) Develop materials to assist school districts in providing  
teacher and staff training on the implementation of the strategies  
included in that policy. 1552  
1553  
1554

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 1555  
board of education shall grant a high school diploma to any person 1556  
unless, subject to section 3313.614 of the Revised Code, the 1557  
person has met the assessment requirements of division (A)(1) or 1558  
(2) of this section, as applicable. 1559

(1) If the person entered the ninth grade prior to July 1, 1560  
2014, the person has attained at least the applicable scores 1561  
designated under division (B)(1) of section 3301.0710 of the 1562  
Revised Code on all the assessments required by that division, or 1563  
has satisfied the alternative conditions prescribed in section 1564  
3313.615 of the Revised Code. 1565

(2) If the person entered the ninth grade on or after July 1, 1566  
2014, the person has met the requirement prescribed by section 1567  
3313.618 of the Revised Code. 1568

(B) This section does not apply to any of the following: 1569

(1) Any person with regard to any assessment from which the 1570  
person was excused pursuant to division (C)(1)(c) of section 1571  
3301.0711 of the Revised Code; 1572

(2) Any person that attends a nonpublic school acting in 1573  
accordance with division (D) of this section with regard to any 1574  
end-of-course examination ~~required under~~ prescribed by divisions 1575

(B)(2) and (3) of section 3301.0712 of the Revised Code; 1576

(3) Any person with regard to the social studies assessment 1577  
under division (B)(1) of section 3301.0710 of the Revised Code, 1578  
any American history end-of-course examination and any American 1579  
government end-of-course examination required under division (B) 1580  
of section 3301.0712 of the Revised Code if such an exemption is 1581  
prescribed by rule of the state board of education under division 1582  
(D)(3) of section 3301.0712 of the Revised Code, or the 1583  
citizenship test under former division (B) of section 3301.0710 of 1584  
the Revised Code as it existed prior to September 11, 2001, if all 1585  
of the following apply: 1586

(a) The person is not a citizen of the United States; 1587

(b) The person is not a permanent resident of the United 1588  
States; 1589

(c) The person indicates no intention to reside in the United 1590  
States after completion of high school. 1591

(C) As used in this division, "limited English proficient 1592  
student" has the same meaning as in division (C)(3) of section 1593  
3301.0711 of the Revised Code. 1594

Notwithstanding division (C)(3) of section 3301.0711 of the 1595  
Revised Code, no limited English proficient student who has not 1596  
either attained the applicable scores designated under division 1597  
(B)(1) of section 3301.0710 of the Revised Code on all the 1598  
assessments required by that division, or met the requirement 1599  
prescribed by section 3313.618 of the Revised Code, shall be 1600  
awarded a diploma under this section. 1601

(D) A nonpublic school chartered by the state board may forgo 1602  
the end-of-course examinations ~~required~~ prescribed by divisions 1603  
(B)(2) and (3) of section 3301.0712 of the Revised Code, if that 1604  
school publishes the results of the standardized assessment 1605  
prescribed under division (B)(1) of section 3301.0712 of the 1606

Revised Code for each graduating class. The published results 1607  
shall include the overall composite scores, mean scores, 1608  
twenty-fifth percentile scores, and seventy-fifth percentile 1609  
scores for each subject area of the assessment. 1610

(E) The state board shall not impose additional requirements 1611  
or assessments for the granting of a high school diploma under 1612  
this section that are not prescribed by this section. 1613

(F) The department of education shall furnish the assessment 1614  
administered by a nonpublic school pursuant to division (B)(1) of 1615  
section 3301.0712 of the Revised Code. 1616

~~(G) The exemption provided for in divisions (B)(2) and (D) of 1617  
this section shall be effective on and after October 1, 2015, but 1618  
only if the general assembly does not enact different requirements 1619  
regarding end of course examinations for chartered nonpublic 1620  
schools that are effective by that date. 1621~~

**Sec. 3313.672.** (A)(1) At the time of initial entry to a 1622  
public or nonpublic school, a pupil shall present to the person in 1623  
charge of admission any records given the pupil by the public or 1624  
nonpublic elementary or secondary school the pupil most recently 1625  
attended; a certified copy of an order or decree, or modification 1626  
of such an order or decree allocating parental rights and 1627  
responsibilities for the care of a child and designating a 1628  
residential parent and legal custodian of the child, as provided 1629  
in division (B) of this section, if that type of order or decree 1630  
has been issued; a copy of a power of attorney or caretaker 1631  
authorization affidavit, if either has been executed with respect 1632  
to the child pursuant to sections 3109.51 to 3109.80 of the 1633  
Revised Code; and a certification of birth issued pursuant to 1634  
Chapter 3705. of the Revised Code, a comparable certificate or 1635  
certification issued pursuant to the statutes of another state, 1636  
territory, possession, or nation, or a document in lieu of a 1637

certificate or certification as described in divisions (A)(1)(a) 1638  
to (e) of this section. Any of the following shall be accepted in 1639  
lieu of a certificate or certification of birth by the person in 1640  
charge of admission: 1641

(a) A passport or attested transcript of a passport filed 1642  
with a registrar of passports at a point of entry of the United 1643  
States showing the date and place of birth of the child; 1644

(b) An attested transcript of the certificate of birth; 1645

(c) An attested transcript of the certificate of baptism or 1646  
other religious record showing the date and place of birth of the 1647  
child; 1648

(d) An attested transcript of a hospital record showing the 1649  
date and place of birth of the child; 1650

(e) A birth affidavit. 1651

(2) If a pupil requesting admission to a school of the school 1652  
district in which the pupil is entitled to attend school under 1653  
section 3313.64 or 3313.65 of the Revised Code has been discharged 1654  
or released from the custody of the department of youth services 1655  
under section 5139.51 of the Revised Code just prior to requesting 1656  
admission to the school, no school official shall admit that pupil 1657  
until the records described in divisions (D)(4)(a) to (d) of 1658  
section 2152.18 of the Revised Code have been received by the 1659  
superintendent of the school district. 1660

(3) No public or nonpublic school official shall deny a 1661  
protected child admission to the school solely because the child 1662  
does not present a birth certificate described in division (A)(1) 1663  
of this section, a comparable certificate or certification from 1664  
another state, territory, possession, or nation, or another 1665  
document specified in divisions (A)(1)(a) to (e) of this section 1666  
upon registration for entry into the school. However, the 1667  
protected child, or the parent, custodian, or guardian of that 1668

child, shall present a birth certificate or other document 1669  
specified in divisions (A)(1)(a) to (e) of this section to the 1670  
person in charge of admission of the school within ninety days 1671  
after the child's initial entry into the school. 1672

(4) Except as otherwise provided in division (A)(2) or (3) of 1673  
this section, within twenty-four hours of the entry into the 1674  
school of a pupil described in division (A)(1) of this section, a 1675  
school official shall request the pupil's official records from 1676  
the public or nonpublic elementary or secondary school the pupil 1677  
most recently attended. If the public or nonpublic school the 1678  
pupil claims to have most recently attended indicates that it has 1679  
no record of the pupil's attendance or the records are not 1680  
received within fourteen days of the date of request, or if the 1681  
pupil does not present a certification of birth described in 1682  
division (A)(1) of this section, a comparable certificate or 1683  
certification from another state, territory, possession, or 1684  
nation, or another document specified in divisions (A)(1)(a) to 1685  
(e) of this section, the principal or chief administrative officer 1686  
of the school shall notify the law enforcement agency having 1687  
jurisdiction in the area where the pupil resides of this fact and 1688  
of the possibility that the pupil may be a missing child, as 1689  
defined in section 2901.30 of the Revised Code. 1690

(B)(1) Whenever an order or decree allocating parental rights 1691  
and responsibilities for the care of a child and designating a 1692  
residential parent and legal custodian of the child, including a 1693  
temporary order, is issued resulting from an action of divorce, 1694  
alimony, annulment, or dissolution of marriage, and the order or 1695  
decree pertains to a child who is a pupil in a public or nonpublic 1696  
school, the residential parent of the child shall notify the 1697  
school of those allocations and designations by providing the 1698  
person in charge of admission at the pupil's school with a 1699  
certified copy of the order or decree that made the allocation and 1700

designation. Whenever there is a modification of any order or 1701  
decree allocating parental rights and responsibilities for the 1702  
care of a child and designating a residential parent and legal 1703  
custodian of the child that has been submitted to a school, the 1704  
residential parent shall provide the person in charge of admission 1705  
at the pupil's school with a certified copy of the order or decree 1706  
that makes the modification. 1707

(2) Whenever a power of attorney is executed under sections 1708  
3109.51 to 3109.62 of the Revised Code that pertains to a child 1709  
who is a pupil in a public or nonpublic school, the attorney in 1710  
fact shall notify the school of the power of attorney by providing 1711  
the person in charge of admission with a copy of the power of 1712  
attorney. Whenever a caretaker authorization affidavit is executed 1713  
under sections 3109.64 to 3109.73 of the Revised Code that 1714  
pertains to a child who is in a public or nonpublic school, the 1715  
grandparent who executed the affidavit shall notify the school of 1716  
the affidavit by providing the person in charge of admission with 1717  
a copy of the affidavit. 1718

(C) If, at the time of a pupil's initial entry to a public or 1719  
nonpublic school, the pupil is under the care of a shelter for 1720  
victims of domestic violence, as defined in section 3113.33 of the 1721  
Revised Code, the pupil or the pupil's parent shall notify the 1722  
school of that fact. Upon being so informed, the school shall 1723  
inform the elementary or secondary school from which it requests 1724  
the pupil's records of that fact. 1725

(D) Whenever a public or nonpublic school is notified by a 1726  
law enforcement agency pursuant to division (D) of section 2901.30 1727  
of the Revised Code that a missing child report has been filed 1728  
regarding a pupil who is currently or was previously enrolled in 1729  
the school, the person in charge of admission at the school shall 1730  
mark that pupil's records in such a manner that whenever a copy of 1731  
or information regarding the records is requested, any school 1732



official responding to the request is alerted to the fact that the 1733  
records are those of a missing child. Upon any request for a copy 1734  
of or information regarding a pupil's records that have been so 1735  
marked, the person in charge of admission immediately shall report 1736  
the request to the law enforcement agency that notified the school 1737  
that the pupil is a missing child. When forwarding a copy of or 1738  
information from the pupil's records in response to a request, the 1739  
person in charge of admission shall do so in such a way that the 1740  
receiving district or school would be unable to discern that the 1741  
pupil's records are marked pursuant to this division but shall 1742  
retain the mark in the pupil's records until notified that the 1743  
pupil is no longer a missing child. Upon notification by a law 1744  
enforcement agency that a pupil is no longer a missing child, the 1745  
person in charge of admission shall remove the mark from the 1746  
pupil's records in such a way that if the records were forwarded 1747  
to another district or school, the receiving district or school 1748  
would be unable to discern that the records were ever marked. 1749

(E) As used in this section: 1750

(1) "Protected child" means a child placed in a foster home, 1751  
as that term is defined in section 5103.02 of the Revised Code, or 1752  
in a residential facility. 1753

(2) "Residential facility" means a group home for children, 1754  
children's crisis care facility, children's residential center, 1755  
residential parenting facility that provides twenty-four-hour 1756  
child care, county children's home, or district children's home. 1757

**Sec. 3313.814.** (A) As used in this section and sections 1758  
3313.816 and 3313.817 of the Revised Code: 1759

(1) "A la carte item" means an individually priced food or 1760  
beverage item that is available for sale to students through any 1761  
of the following: 1762

|  |  |
|--|--|
| (a) A school food service program;   | 1763   |
| (b) A vending machine located on school property;  | 1764   |
| (c) A store operated by the school, a student association, or other school-sponsored organization.   | 1765<br>1766   |
| "A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day. | 1767<br>1768<br>1769<br>1770<br>1771<br>1772<br>1773<br>1774<br>1775<br>1776 |
| (2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.   | 1777<br>1778<br>1779<br>1780   |
| (3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.   | 1781<br>1782<br>1783<br>1784<br>1785   |
| (4) "Regular school day" means the period each school day between the designated arrival time for students and the end of the final instructional period.  | 1786<br>1787<br>1788   |
| (5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria   | 1789<br>1790<br>1791<br>1792<br>1793   |

for reimbursement established by the United States department of 1794  
agriculture. 1795

(6) "School food service program" means a school food service 1796  
program operated under section 3313.81 or 3313.813 of the Revised 1797  
Code. 1798

(B) Each school district board of education and each 1799  
chartered nonpublic school governing authority shall adopt and 1800  
enforce nutrition standards governing the types of food and 1801  
beverages that may be sold on the premises of its schools, and 1802  
specifying the time and place each type of food or beverage may be 1803  
sold. 1804

(1) In adopting the standards, the board or governing 1805  
authority shall do all of the following: 1806

(a) Consider the nutritional value of each food or beverage; 1807

(b) Consult with a dietitian licensed under Chapter 4759. of 1808  
the Revised Code, a dietetic technician registered by the 1809  
commission on dietetic registration, or a school nutrition 1810  
specialist certified or credentialed by the school nutrition 1811  
association. The person with whom the board or governing authority 1812  
consults may be an employee of the board or governing authority, a 1813  
person contracted by the board or governing authority, or a 1814  
volunteer, provided the person meets the requirements of this 1815  
division. 1816

(c) Consult the dietary guidelines for Americans jointly 1817  
developed by the United States department of agriculture and the 1818  
United States department of health and human services and, to the 1819  
maximum extent possible, incorporate the guidelines into the 1820  
standards. 1821

(2) No food or beverage may be sold on any school premises 1822  
except in accordance with the standards adopted by the board or 1823  
governing authority. 1824

(3) The standards shall comply with sections 3313.816 and 1825  
3313.817 of the Revised Code, but nothing in this section shall 1826  
prohibit the standards from being more restrictive than otherwise 1827  
required by those sections. 1828

(C) The nutrition standards adopted under this section shall 1829  
prohibit the placement of vending machines in any classroom where 1830  
students are provided instruction, unless the classroom also is 1831  
used to serve students meals. This division does not apply to 1832  
vending machines that sell only milk, reimbursable meals, or food 1833  
and beverage items that are part of a reimbursable meal and are 1834  
available for sale as individually priced items in serving 1835  
portions of the same size as in the reimbursable meal. 1836

(D) Each board or governing authority shall designate staff 1837  
to be responsible for ensuring that the school district or school 1838  
meets the nutrition standards adopted under this section. The 1839  
staff shall prepare an annual report regarding the district's or 1840  
school's compliance with the standards and submit it to the 1841  
department of education. The board or governing authority annually 1842  
shall schedule a presentation on the report at one of its regular 1843  
meetings. Each district or school shall make copies of the report 1844  
available to the public upon request. 1845

(E) The state board of education shall ~~formulate~~ do both of 1846  
the following: 1847

(1) Formulate and adopt guidelines, which boards of education 1848  
and chartered nonpublic schools may follow in enforcing and 1849  
implementing this section. 1850

(2) Not later than ninety days after the effective date of 1851  
this amendment, adopt rules pursuant to Chapter 119. of the 1852  
Revised Code regarding the sale of beverages and food during the 1853  
regular school day in connection with a school-sponsored 1854  
fundraiser. The rules shall specify that, if a fundraiser takes 1855

place during the regular school day for not more than the 1856  
equivalent of thirty school days during a school year, the sale of 1857  
beverages and food in connection with that fundraiser, shall be 1858  
exempt from sections 3313.816 and 3313.817 of the Revised Code, so 1859  
long as no beverages or food are sold in connection with the 1860  
fundraiser during the time of a meal service in the food service 1861  
area. Each school district board of education or chartered 1862  
nonpublic school governing authority may incorporate the rules 1863  
adopted by the state board pursuant to this division into the 1864  
guidelines adopted by the district board or school governing 1865  
authority under division (B) of this section. 1866

**Sec. 3314.06.** The governing authority of each community 1867  
school established under this chapter shall adopt admission 1868  
procedures that specify the following: 1869

(A) That, except as otherwise provided in this section, 1870  
admission to the school shall be open to any individual age five 1871  
to twenty-two entitled to attend school pursuant to section 1872  
3313.64 or 3313.65 of the Revised Code in a school district in the 1873  
state. 1874

Additionally, except as otherwise provided in this section, 1875  
admission to the school may be open on a tuition basis to any 1876  
individual age five to twenty-two who is not a resident of this 1877  
state. The school shall not receive state funds under section 1878  
3314.08 of the Revised Code for any student who is not a resident 1879  
of this state. 1880

An individual younger than five years of age may be admitted 1881  
to the school in accordance with division (A)(2) of section 1882  
3321.01 of the Revised Code. The school shall receive funds for an 1883  
individual admitted under that division in the manner provided 1884  
under section 3314.08 of the Revised Code. 1885

If the school operates a program that uses the Montessori 1886

method endorsed by the American Montessori society, the Montessori 1887  
accreditation council for teacher education, or the association 1888  
Montessori internationale as its primary method of instruction, 1889  
admission to the school may be open to individuals younger than 1890  
five years of age, but the school shall not receive funds under 1891  
this chapter for those individuals. Notwithstanding anything to 1892  
the contrary in this chapter, individuals younger than five years 1893  
of age who are enrolled in a Montessori program shall be offered 1894  
at least four hundred fifty-five hours of learning opportunities 1895  
per school year. 1896

(B)(1) That admission to the school may be limited to 1897  
students who have attained a specific grade level or are within a 1898  
specific age group; to students that meet a definition of 1899  
"at-risk," as defined in the contract; to residents of a specific 1900  
geographic area within the district, as defined in the contract; 1901  
or to separate groups of autistic students and nondisabled 1902  
students, as authorized in section 3314.061 of the Revised Code 1903  
and as defined in the contract. 1904

(2) For purposes of division (B)(1) of this section, 1905  
"at-risk" students may include those students identified as gifted 1906  
students under section 3324.03 of the Revised Code. 1907

(C) Whether enrollment is limited to students who reside in 1908  
the district in which the school is located or is open to 1909  
residents of other districts, as provided in the policy adopted 1910  
pursuant to the contract. 1911

(D)(1) That there will be no discrimination in the admission 1912  
of students to the school on the basis of race, creed, color, 1913  
disability, or sex except that: 1914

(a) The governing authority may do either of the following 1915  
for the purpose described in division (G) of this section: 1916

(i) Establish a single-gender school for either sex; 1917

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division

(F) of this section, students shall be admitted by lot from all 1949  
those submitting applications, except preference shall be given to 1950  
students attending the school the previous year and to students 1951  
who reside in the district in which the school is located. 1952  
Preference may be given to siblings of students attending the 1953  
school the previous year. 1954

Notwithstanding divisions (A) to (H) of this section, in the 1955  
event the racial composition of the enrollment of the community 1956  
school is violative of a federal desegregation order, the 1957  
community school shall take any and all corrective measures to 1958  
comply with the desegregation order. 1959

**Sec. 3314.38.** (A) An individual who is at least twenty-two 1960  
years of age and who is an eligible individual as defined in 1961  
section 3317.23 of the Revised Code may enroll for up to two 1962  
cumulative school years in a dropout prevention and recovery 1963  
program operated by a community school that is designed to allow 1964  
enrollees to earn a high school diploma. An individual enrolled 1965  
under this division may elect to satisfy the requirements to earn 1966  
a high school diploma by successfully completing a 1967  
competency-based instructional program that complies with the 1968  
standards adopted by the state board of education under section 1969  
3317.231 of the Revised Code. The community school shall report 1970  
that individual's enrollment on a full-time equivalency basis to 1971  
the department of education. This report shall be in addition to 1972  
the report required under division (B) of section 3314.08 of the 1973  
Revised Code. An individual enrolled under this division shall not 1974  
be assigned to classes or settings with students who are younger 1975  
than eighteen years of age. 1976

(B)(1) For each community school that enrolls individuals 1977  
under division (A) of this section, the department of education 1978  
annually shall certify the enrollment and attendance, on a 1979



full-time equivalency basis, of each individual reported by the school under that division.

(2) For each individual enrolled in a community school under division (A) of this section, the department annually shall pay to the community school an amount equal to the following:

\$5,000 X the individual's enrollment on a full-time equivalency basis as certified under division (B)(1) of this section X the portion of the school year in which the individual is enrolled in the school expressed as a percentage

(C) A community school that enrolls individuals under division (A) of this section shall be subject to the program administration standards adopted by the state board under section 3317.231 of the Revised Code, as applicable.

(D) For each individual enrolled in a community school under division (A) of this section, the school shall annually report to the department all of the following information in accordance with the standards adopted by the state board under section 3317.231 of the Revised Code:

(1) Demographic information, including age at enrollment, gender, and race or ethnicity;

(2) The number of courses needed to graduate at the time of enrollment;

(3) The number of courses in which the individual participated during the previous school year and the subject of each of those courses;

(4) The number of courses the individual completed during the previous school year and the subject of each of those courses;

(5) The subject area graduation tests prescribed by statutory law that the individual, at the time of enrollment, was required

to pass in order to be eligible to graduate; 2009

(6) The number of subject area graduation tests prescribed by 2010  
statutory law that the individual passed during the previous 2011  
school year and the subject area of each of those tests; 2012

(7) The date that the school awarded a diploma to the 2013  
individual, if applicable. 2014

**Sec. 3317.034.** For purposes of section 3317.03 of the Revised 2015  
Code: 2016

(A) A student shall be considered to be enrolled in the 2017  
district for any portion of the school year the student is 2018  
participating at a college under Chapter 3365. of the Revised 2019  
Code. 2020

(B) A student shall be considered to be enrolled in the 2021  
district for the period of time beginning on the date on which the 2022  
school has both received the documentation of the student's 2023  
enrollment from a parent and the student has commenced 2024  
participation in learning opportunities offered by the district. 2025  
For purposes of applying divisions (B) and (C) of this section, 2026  
"learning opportunities" means both classroom-based and 2027  
nonclassroom-based learning opportunities overseen by licensed 2028  
educational employees of the district that is in compliance with 2029  
criteria and documentation requirements for student participation, 2030  
which shall be established by the department. Any student's 2031  
instruction time in nonclassroom-based learning opportunities 2032  
shall be certified by an employee of the district. 2033

(C) A student's enrollment shall be considered to cease on 2034  
the date on which any of the following occur: 2035

(1) The district receives documentation from a parent 2036  
terminating enrollment of the student. 2037

(2) The district is provided documentation of a student's enrollment in another public or nonpublic school. 2038  
2039

~~(3) The student fails to participate in learning opportunities and has not received an excused absence for one hundred and five continuous hours. If a student is withdrawn from the district for failure to participate in learning opportunities under division (C)(1)(a)(v) of this section and the district board determines that the student is truant, the district shall take the appropriate action required under sections 3321.19 and 3321.191 of the Revised Code.~~ 2040  
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~~(4) The student ceases to participate in learning opportunities provided by the school.~~ 2048  
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(D) No public school may enroll or withdraw a student from the education management information system established under section 3310.0714 of the Revised Code later than thirty days after the student's actual enrollment or withdrawal from the school. 2050  
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(E) A student in any of grades nine through twelve shall be considered a full-time equivalent student if the student is enrolled in at least five units of instruction, as defined in section 3313.603 of the Revised Code, per school year. 2054  
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**Sec. 3317.12.** Any board of education participating in funds distributed under Chapter 3317. of the Revised Code shall annually adopt a salary ~~schedule~~ schedules for teachers and nonteaching school employees ~~based upon training, experience, and qualifications with initial salaries no less than the salaries in effect on October 13, 1967. Each board of education shall prepare and may amend from time to time, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the classifications of employees required to perform the duties specified in the salary schedule. All nonteaching school employees are to be notified of the position~~ 2058  
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~~classification to which they are assigned and the salary for the 2069  
classification. The compensation of all employees working for a 2070  
particular school board shall be uniform for like positions except 2071  
as compensation would be affected by salary increments based upon 2072  
length of service. 2073~~

~~On the fifteenth day of October each year the salary schedule 2074  
and the list of job classifications and salaries in effect on that 2075  
date shall be filed by each board of education with the 2076  
superintendent of public instruction. If such salary schedule and 2077  
classification plan is not filed the superintendent of public 2078  
instruction shall order the board to file such schedules 2079  
forthwith. If this condition is not corrected within ten days 2080  
after receipt of the order from the superintendent of public 2081  
instruction, no money shall be distributed to the district under 2082  
Chapter 3317. of the Revised Code until the superintendent has 2083  
satisfactory evidence of the board of education's full compliance 2084  
with such order. 2085~~

**Sec. 3317.14.** Any school district board of education or 2086  
educational service center governing board participating in funds 2087  
distributed under Chapter 3317. of the Revised Code shall annually 2088  
adopt a teachers' salary schedule with provision for increments 2089  
based upon training and years of service. ~~Notwithstanding sections 2090  
3317.13 and 3319.088 of the Revised Code, the~~ The board may 2091  
establish its own service requirements and may grant service 2092  
credit for such activities as teaching in public or nonpublic 2093  
schools in this state or in another state, for service as an 2094  
educational assistant other than as a classroom aide employed in 2095  
accordance with section 5107.541 of the Revised Code, and for 2096  
service in the military or in an appropriate state or federal 2097  
governmental agency, ~~provided no teacher receives less than the 2098  
amount required to be paid pursuant to section 3317.13 of the 2099  
Revised Code and~~ provided full credit for a minimum of five years 2100

of actual teaching and military experience ~~as defined in division~~ 2101  
~~(A) of section 3317.13 of the Revised Code~~ is given to each 2102  
teacher. 2103

~~Each teacher who has completed training which would qualify~~ 2104  
~~such teacher for a higher salary bracket pursuant to this section~~ 2105  
~~shall file by the fifteenth day of September with the treasurer of~~ 2106  
~~the board of education or educational service center satisfactory~~ 2107  
~~evidence of the completion of such additional training. The~~ 2108  
~~treasurer shall then immediately place the teacher, pursuant to~~ 2109  
~~this section and section 3317.13 of the Revised Code, in the~~ 2110  
~~proper salary bracket in accordance with training and years of~~ 2111  
~~service before certifying such salary, training, and years of~~ 2112  
~~service to the superintendent of public instruction. No teacher~~ 2113  
~~shall be paid less than the salary to which such teacher is~~ 2114  
~~entitled pursuant to section 3317.13 of the Revised Code.~~ 2115

As used in this section: 2116

(A) "Years of service" includes the following: 2117

(1) All years of teaching service in the same school district 2118  
or educational service center, regardless of training level, with 2119  
each year consisting of at least one hundred twenty days under a 2120  
teacher's contract; 2121

(2) All years of teaching service in a chartered, nonpublic 2122  
school located in Ohio as a teacher licensed pursuant to section 2123  
3319.22 of the Revised Code or in another public school, 2124  
regardless of training level, with each year consisting of at 2125  
least one hundred twenty days under a teacher's contract; 2126

(3) All years of teaching service in a chartered school or 2127  
institution or a school or institution that subsequently became 2128  
chartered or a chartered special education program or a special 2129  
education program that subsequently became chartered operated by 2130  
the state or by a subdivision or other local governmental unit of 2131

this state as a teacher licensed pursuant to section 3319.22 of 2132  
the Revised Code, regardless of training level, with each year 2133  
consisting of at least one hundred twenty days; 2134

(4) All years of active military service in the armed forces 2135  
of the United States, as defined in section 3307.75 of the Revised 2136  
Code, to a maximum of five years. For purposes of this 2137  
calculation, a partial year of active military service of eight 2138  
continuous months or more in the armed forces shall be counted as 2139  
a full year. 2140

(B) "Teacher" means all teachers employed by the board of 2141  
education of any school district, including any cooperative 2142  
education or joint vocational school district and all teachers 2143  
employed by any educational service center governing board. 2144

**Sec. 3317.141.** The board of education of any city, exempted 2145  
village, local, or joint vocational school district that is the 2146  
recipient of moneys from a grant awarded under the federal race to 2147  
the top program, Division (A), Title XIV, Sections 14005 and 14006 2148  
of the "American Recovery and Reinvestment Act of 2009," Pub. L. 2149  
No. 111-5, 123 Stat. 115, shall comply with this section in 2150  
accordance with the timeline contained in the board's scope of 2151  
work, as approved by the superintendent of public instruction, and 2152  
shall not be subject to ~~sections 3317.13 and section~~ section 3317.14 of 2153  
the Revised Code. The board of education of any other school 2154  
district, and the governing board of each educational service 2155  
center, shall comply with either this section or ~~sections 3317.13~~ 2156  
~~and section~~ section 3317.14 of the Revised Code. 2157

(A) The board annually shall adopt a salary schedule for 2158  
teachers based upon performance as described in division (B) of 2159  
this section. 2160

(B) For purposes of the schedule, a board shall measure a 2161  
teacher's performance by considering all of the following: 2162

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds; 2163  
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(2) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code; 2165  
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(3) Ratings received by the teacher on performance evaluations conducted under section 3319.111 of the Revised Code. 2167  
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(C) The schedule shall provide for annual adjustments based on performance on the evaluations conducted under section 3319.111 of the Revised Code. The annual performance-based adjustment for a teacher rated as accomplished shall be greater than the annual performance-based adjustment for a teacher rated as skilled. 2169  
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(D) The salary schedule adopted under this section may provide for additional compensation for teachers who agree to perform duties, not contracted for under a supplemental contract, that the employing board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district or service center; or assignment to a hard-to-staff school, as determined by the board. 2174  
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**Sec. 3317.23.** (A) For purposes of this section, an "eligible individual" is an individual who satisfies both of the following criteria: 2187  
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(1) The individual is at least twenty-two years of age. 2190

(2) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 2191  
2192

4109.06 of the Revised Code. 2193

(B) An eligible individual may enroll in a city, local, or 2194  
exempted village school district that operates a dropout 2195  
prevention and recovery program for up to two cumulative school 2196  
years for the purpose of earning a high school diploma. An 2197  
individual enrolled under this division may elect to satisfy the 2198  
requirements to earn a high school diploma by successfully 2199  
completing a competency-based instructional program that complies 2200  
with the standards adopted by the state board of education under 2201  
section 3317.231 of the Revised Code. The district shall report 2202  
that individual's enrollment on a full-time equivalency basis 2203  
under division (A) of section 3317.036 of the Revised Code and 2204  
shall not report that individual's enrollment under section 2205  
3317.03 of the Revised Code. An individual enrolled under this 2206  
division shall not be assigned to classes or settings with 2207  
students who are younger than eighteen years of age. 2208

(C)(1) For each district that enrolls individuals under 2209  
division (B) of this section, the department of education annually 2210  
shall certify the enrollment and attendance, on a full-time 2211  
equivalency basis, of each individual reported by the district 2212  
under division (A) of section 3317.036 of the Revised Code. 2213

(2) For each individual enrolled in a district under division 2214  
(B) of this section, the department annually shall pay to the 2215  
district an amount equal to the following: 2216

\$5,000 X the individual's enrollment on a full-time equivalency 2217  
basis as certified under division (C)(1) of this section X the 2218  
portion of the school year in which the individual is enrolled in 2219  
the district expressed as a percentage 2220

(D) A district that enrolls individuals under division (B) of 2221  
this section shall be subject to the program administration 2222  
standards adopted by the state board under section 3317.231 of the 2223  
Revised Code, as applicable. 2224



(E) For each individual enrolled in a district under division 2225  
(B) of this section, the district shall annually report to the 2226  
department all of the following information in accordance with the 2227  
standards adopted by the state board under section 3317.231 of the 2228  
Revised Code: 2229

(1) Demographic information, including age at enrollment, 2230  
gender, and race or ethnicity; 2231

(2) The number of courses needed to graduate at the time of 2232  
enrollment; 2233

(3) The number of courses in which the individual 2234  
participated during the previous school year and the subject of 2235  
each of those courses; 2236

(4) The number of courses the individual completed during the 2237  
previous school year and the subject of each of those courses; 2238

(5) The subject area graduation tests prescribed by statutory 2239  
law that the individual, at the time of enrollment, was required 2240  
to pass in order to be eligible to graduate; 2241

(6) The number of subject area graduation tests prescribed by 2242  
statutory law that the individual passed during the previous 2243  
school year and the subject area of each of those tests; 2244

(7) The date that the district awarded a diploma to the 2245  
individual, if applicable. 2246

**Sec. 3317.24.** (A) For purposes of this section, an "eligible 2247  
individual" has the same meaning as in section 3317.23 of the 2248  
Revised Code. 2249

(B) An eligible individual may enroll in a joint vocational 2250  
school district that operates an adult education program for up to 2251  
two cumulative school years for the purpose of completing the 2252  
requirements to earn a high school diploma. An individual enrolled 2253  
under this division may elect to satisfy these requirements by 2254

successfully completing a competency-based instructional program 2255  
that complies with the standards adopted by the state board of 2256  
education under section 3317.231 of the Revised Code. The district 2257  
shall report an individual's enrollment under this division on a 2258  
full-time equivalency basis under division (B) of section 3317.036 2259  
of the Revised Code and shall not report that individual's 2260  
enrollment under section 3317.03 of the Revised Code. An 2261  
individual enrolled under this division shall not be assigned to 2262  
classes or settings with students who are younger than eighteen 2263  
years of age. 2264

(C)(1) For each joint vocational school district that enrolls 2265  
individuals under division (B) of this section, the department of 2266  
education annually shall certify the enrollment and attendance, on 2267  
a full-time equivalency basis, of each individual reported by the 2268  
district under division (B) of section 3317.036 of the Revised 2269  
Code. 2270

(2) For each individual enrolled in a joint vocational school 2271  
district under division (B) of this section, the department 2272  
annually shall pay to the district an amount equal to the 2273  
following: 2274

\$5,000 X the individual's enrollment on a full-time equivalency 2275  
basis as certified under division (C)(1) of this section X the 2276  
portion of the school year in which the individual is enrolled in 2277  
the district expressed as a percentage 2278

(D) If an individual enrolled in a joint vocational school 2279  
district under division (B) of this section completes the 2280  
requirements to earn a high school diploma, the joint vocational 2281  
school district shall certify the completion of those requirements 2282  
to the city, local, or exempted village school district in which 2283  
the individual resides. Upon receiving certification under this 2284  
division, the city, local, or exempted village school district in 2285  
which the individual resides shall issue a high school diploma to 2286

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| the individual.   | 2287 |
| (E) A joint vocational school district that enrolls                       | 2288 |
| individuals under division (B) of this section shall be subject to        | 2289 |
| the program administration standards adopted by the state board           | 2290 |
| under section 3317.231 of the Revised Code, as applicable.                | 2291 |
| <u>(F) For each individual enrolled in a joint vocational school</u>      | 2292 |
| <u>district under division (B) of this section, the district shall</u>    | 2293 |
| <u>annually report to the department all of the following information</u> | 2294 |
| <u>in accordance with the standards adopted by the state board under</u>  | 2295 |
| <u>section 3317.231 of the Revised Code:</u>                              | 2296 |
| <u>(1) Demographic information, including age at enrollment,</u>          | 2297 |
| <u>gender, and race or ethnicity;</u>                                     | 2298 |
| <u>(2) The number of courses needed to graduate at the time of</u>        | 2299 |
| <u>enrollment;</u>  | 2300 |
| <u>(3) The number of courses in which the individual</u>                  | 2301 |
| <u>participated during the previous school year and the subject of</u>    | 2302 |
| <u>each of those courses;</u>   | 2303 |
| <u>(4) The number of courses the individual completed during the</u>      | 2304 |
| <u>previous school year and the subject of each of those courses;</u>     | 2305 |
| <u>(5) The subject area graduation tests prescribed by statutory</u>      | 2306 |
| <u>law that the individual, at the time of enrollment, was required</u>   | 2307 |
| <u>to pass in order to be eligible to graduate;</u>                       | 2308 |
| <u>(6) The number of subject area graduation tests prescribed by</u>      | 2309 |
| <u>statutory law that the individual passed during the previous</u>       | 2310 |
| <u>school year and the subject area of each of those tests;</u>           | 2311 |
| <u>(7) The date that the district certified the individual's</u>          | 2312 |
| <u>completion of the requirements to earn a high school diploma to</u>    | 2313 |
| <u>the city, local, or exempted village school district in which the</u>  | 2314 |
| <u>individual resides under division (D) of this section, if</u>          | 2315 |
| <u>applicable.</u>  | 2316 |

Sec. 3319.227. (A) Notwithstanding any other provision of the 2317  
Revised Code or any rule adopted by the state board of education 2318  
to the contrary, the state board shall issue a resident educator 2319  
license under section 3319.22 of the Revised Code to each person 2320  
who is assigned to teach in this state as a participant in the 2321  
teach for America program and who meets the following conditions: 2322

(1) Holds a bachelor's degree from an accredited institution 2324  
of higher education; 2325

(2) Maintained a cumulative undergraduate grade point average 2326  
of at least 2.5 out of 4.0, or its equivalent; 2327

(3) Has passed an examination prescribed by the state board 2328  
in the subject area to be taught; 2329

(4) Has successfully completed the summer training institute 2330  
operated by teach for America. 2331

(B) The state board shall issue a resident educator license 2332  
under this section for teaching in any grade level or subject area 2333  
for which a person may obtain a resident educator license under 2334  
section 3319.22 of the Revised Code. The state board shall not 2335  
adopt rules establishing any additional qualifications for the 2336  
license beyond those specified in this section. 2337

(C) Notwithstanding any other provision of the Revised Code 2338  
or any rule adopted by the state board to the contrary, the state 2339  
board shall issue a resident educator license under section 2340  
3319.22 of the Revised Code to any applicant who has completed at 2341  
least two years of teaching in another state as a participant in 2342  
the teach for America program and meets all of the conditions of 2343  
divisions (A)(1) to (4) of this section. The state board shall 2344  
credit an applicant under this division as having completed two 2345  
years of the teacher residency program under section 3319.223 of 2346

the Revised Code. 2347

(D) In order to place teachers in this state, the teach for 2348  
America program shall enter into an agreement with one or more 2349  
accredited four-year public or private institutions of higher 2350  
education in the state to provide optional training of teach for 2351  
America participants for the purpose of enabling those 2352  
participants to complete an optional master's degree or an 2353  
equivalent amount of coursework. Nothing in this division shall 2354  
require any teach for America participant to complete a master's 2355  
degree as a condition of holding a license issued under this 2356  
section. 2357

(E)(1) Each participant in the teach for America program 2358  
shall successfully complete that program as a condition of 2359  
continuing to hold a license issued pursuant to divisions (A) and 2360  
(B) of this section. 2361

(2) If a participant in the teach for America program 2362  
assigned to teach in a school district in this state resigns or is 2363  
otherwise removed from the program prior to the program's 2364  
completion, the board of education of that school district shall 2365  
provide written notice of the participant's resignation to the 2366  
department of education. 2367

**Sec. 3319.261.** (A) Notwithstanding any other provision of the 2368  
Revised Code or any rule adopted by the state board of education 2369  
to the contrary, the state board shall issue an alternative 2370  
resident educator license under division (C) of section 3319.26 of 2371  
the Revised Code to each applicant who meets the following 2372  
conditions: 2373

(1) Holds a bachelor's degree from an accredited institution 2374  
of higher education; 2375

(2) Has successfully completed a teacher education program 2376

|   |      |
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| <u>offered by one of the following entities:</u>                          | 2377 |
| (a) <del>Graduation from an</del> <u>The</u> American Montessori          | 2378 |
| <del>society affiliated teacher education program</del> <u>society;</u>   | 2379 |
| (b) <del>Receipt of a certificate from the</del> <u>The</u> association   | 2380 |
| Montessori internationale;  | 2381 |
| (c) <u>An institution accredited by the Montessori accreditation</u>      | 2382 |
| <u>council for teacher education.</u>                                     | 2383 |
| (3) Is employed in a school that operates a program that uses             | 2384 |
| the Montessori method endorsed by the American Montessori society,        | 2385 |
| <u>the Montessori accreditation council for teacher education,</u> or the | 2386 |
| association Montessori internationale as its primary method of            | 2387 |
| instruction.  | 2388 |
| (B) The holder of an alternative resident educator license                | 2389 |
| issued under this section shall be subject to divisions (A), (B),         | 2390 |
| (D), and (E) of section 3319.26 of the Revised Code and shall be          | 2391 |
| granted a professional educator license upon successful completion        | 2392 |
| of the requirements described in division (F) of section 3319.26          | 2393 |
| of the Revised Code.  | 2394 |
| <b>Sec. 3321.13.</b> (A) Whenever any child of compulsory school age      | 2395 |
| withdraws from school the teacher of that child shall ascertain           | 2396 |
| the reason for withdrawal. The fact of the withdrawal and the             | 2397 |
| reason for it shall be immediately transmitted by the teacher to          | 2398 |
| the superintendent of the city, local, or exempted village school         | 2399 |
| district. If the child who has withdrawn from school has done so          | 2400 |
| because of change of residence, the next residence shall be               | 2401 |
| ascertained and shall be included in the notice thus transmitted.         | 2402 |
| The superintendent shall thereupon forward a card showing the             | 2403 |
| essential facts regarding the child and stating the place of the          | 2404 |
| child's new residence to the superintendent of schools of the             | 2405 |
| district to which the child has moved.                                    | 2406 |

The superintendent of public instruction may prescribe the forms to be used in the operation of this division.

(B)(1) Upon receipt of information that a child of compulsory school age has withdrawn from school for a reason other than because of change of residence and is not enrolled in and attending in accordance with school policy an approved program to obtain a diploma or its equivalent, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located of the withdrawal and failure to enroll in and attend an approved program to obtain a diploma or its equivalent. ~~A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a~~ notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the withdrawal and failure to enroll in and attend an approved program or its equivalent.

(2) The board of education of a school district may adopt a resolution providing that the provisions of division (B)(2) of this section apply within the district. The provisions of division (B)(2) of this section do not apply within any school district, and no superintendent of a school district shall send a notification of the type described in division (B)(2) of this section to the registrar of motor vehicles or the juvenile judge of the county in which the district is located, unless the board of education of the district has adopted such a resolution. If the board of education of a school district adopts a resolution providing that the provisions of division (B)(2) of this section apply within the district, and if the superintendent of schools of that district receives information that, during any semester or term, a child of compulsory school age has been absent without legitimate excuse from the school the child is supposed to attend

for more than ten consecutive school days or for at least fifteen 2439  
total school days, the superintendent shall notify the child and 2440  
the child's parent, guardian, or custodian, in writing, that the 2441  
information has been provided to the superintendent, that as a 2442  
result of that information the child's temporary instruction 2443  
permit or driver's license will be suspended or the opportunity to 2444  
obtain such a permit or license will be denied, and that the child 2445  
and the child's parent, guardian, or custodian may appear in 2446  
person at a scheduled date, time, and place before the 2447  
superintendent or a designee to challenge the information provided 2448  
to the superintendent. 2449

The notification to the child and the child's parent, 2450  
guardian, or custodian required by division (B)(2) of this section 2451  
shall set forth the information received by the superintendent and 2452  
shall inform the child and the child's parent, guardian, or 2453  
custodian of the scheduled date, time, and place of the appearance 2454  
that they may have before the superintendent or a designee. The 2455  
date scheduled for the appearance shall be no earlier than three 2456  
and no later than five days after the notification is given, 2457  
provided that an extension may be granted upon request of the 2458  
child or the child's parent, guardian, or custodian. If an 2459  
extension is granted, the superintendent shall schedule a new 2460  
date, time, and place for the appearance and shall inform the 2461  
child and the child's parent, guardian, or custodian of the new 2462  
date, time, and place. 2463

If the child and the child's parent, guardian, or custodian 2464  
do not appear before the superintendent or a designee on the 2465  
scheduled date and at the scheduled time and place, or if the 2466  
child and the child's parent, guardian, or custodian appear before 2467  
the superintendent or a designee on the scheduled date and at the 2468  
scheduled time and place but the superintendent or a designee 2469  
determines that the information the superintendent received 2470



indicating that, during the semester or term, the child had been 2471  
absent without legitimate excuse from the school the child was 2472  
supposed to attend for more than ten consecutive school days or 2473  
for at least fifteen total school days, the superintendent shall 2474  
notify the registrar of motor vehicles and the juvenile judge of 2475  
the county in which the district is located that the child has 2476  
been absent for that period of time and that the child does not 2477  
have any legitimate excuse for the habitual absence. A 2478  
~~notification to the registrar required by this division shall be~~ 2479  
~~given in the manner the registrar by rule requires and a~~ 2480  
notification to the juvenile judge required by this division shall 2481  
be given in writing. Each notification shall be given within two 2482  
weeks after the receipt of the information of the habitual absence 2483  
from school without legitimate excuse, or, if the child and the 2484  
child's parent, guardian, or custodian appear before the 2485  
superintendent or a designee to challenge the information, within 2486  
two weeks after the appearance. 2487

For purposes of division (B)(2) of this section, a legitimate 2488  
excuse for absence from school includes, but is not limited to, 2489  
the fact that the child in question has enrolled in another school 2490  
or school district in this or another state, the fact that the 2491  
child in question was excused from attendance for any of the 2492  
reasons specified in section 3321.04 of the Revised Code, or the 2493  
fact that the child in question has received an age and schooling 2494  
certificate in accordance with section 3331.01 of the Revised 2495  
Code. 2496

(3) Whenever a pupil is suspended or expelled from school 2497  
pursuant to section 3313.66 of the Revised Code and the reason for 2498  
the suspension or expulsion is the use or possession of alcohol, a 2499  
drug of abuse, or alcohol and a drug of abuse, the superintendent 2500  
of schools of that district may notify the registrar and the 2501  
juvenile judge of the county in which the district is located of 2502

such suspension or expulsion. Any such notification of suspension 2503  
or expulsion shall be given to the registrar, ~~in the manner the~~ 2504  
~~registrar by rule requires~~ and shall be given to the juvenile 2505  
judge in writing. The notifications shall be given within two 2506  
weeks after the suspension or expulsion. 2507

(4) Whenever a pupil is suspended, expelled, removed, or 2508  
permanently excluded from a school for misconduct included in a 2509  
policy that the board of education of a city, exempted village, or 2510  
local school district has adopted under division (A) of section 2511  
3313.661 of the Revised Code, and the misconduct involves a 2512  
firearm or a knife or other weapon as defined in that policy, the 2513  
superintendent of schools of that district shall notify the 2514  
registrar and the juvenile judge of the county in which the 2515  
district is located of the suspension, expulsion, removal, or 2516  
permanent exclusion. The notification shall be given to the 2517  
registrar ~~in the manner the registrar, by rule, requires~~ and shall 2518  
be given to the juvenile judge in writing. The notifications shall 2519  
be given within two weeks after the suspension, expulsion, 2520  
removal, or permanent exclusion. 2521

(5)(a) If a student has at least sixty cumulative hours of 2522  
unexcused absences, the student's school district shall notify the 2523  
student's parent, guardian, or custodian in writing that the 2524  
student may be a chronic truant as defined under section 2152.02 2525  
of the Revised Code. The notification shall specify that, if the 2526  
student has at least one hundred five cumulative hours of 2527  
unexcused absences, a complaint must be filed in the juvenile 2528  
court of the county in which the child has a residence or legal 2529  
settlement or in which the child is supposed to attend school 2530  
jointly against the child and the parent, guardian, or custodian. 2531

(b) If a student has at least one hundred five cumulative 2532  
hours of unexcused absences, the school district board of 2533  
education shall take the appropriate action required under 2534

sections 3321.19 and 3321.191 of the Revised Code not later than 2535  
ten days after the student accumulates one hundred five hours of 2536  
unexcused absences. 2537

(c) If a student has at least two hundred sixty-five 2538  
continuous hours of unexcused absences, the superintendent of the 2539  
school district shall withdraw the student from the school. 2540

(d) The department of education shall track and record the 2541  
number of students who meet any of the conditions prescribed in 2542  
division (B)(5)(a), (b), or (c) of this section. If a district 2543  
fails to comply with the provisions of division (B)(5)(a), (b), or 2544  
(c) of this section, the superintendent of public instruction 2545  
shall consider a reduction in the district's state operating 2546  
payments under Chapter 3317. of the Revised Code on a case-by-case 2547  
basis. 2548

(C) A notification of withdrawal, habitual absence without 2549  
legitimate excuse, suspension, or expulsion given to the registrar 2550  
or a juvenile judge under division (B)(1), (2), (3), ~~or~~ (4), or 2551  
(5) of this section shall contain the name, address, date of 2552  
birth, grade level, number of unexcused absences, school, and 2553  
school district of the child. The notification also shall include 2554  
the name of the child's parent, guardian, or custodian. If the 2555  
superintendent finds, after giving a notification of withdrawal, 2556  
habitual absence without legitimate excuse, suspension, or 2557  
expulsion to the registrar and the juvenile judge under division 2558  
(B)(1), (2), (3), ~~or~~ (4), or (5) of this section, that the 2559  
notification was given in error, the superintendent immediately 2560  
shall notify the registrar and the juvenile judge of that fact. 2561

**Sec. 3345.86.** (A) As used in this section, an "eligible 2562  
institution" means a community college established under Chapter 2563  
3354. of the Revised Code, a university branch established under 2564  
Chapter 3355. of the Revised Code, a technical college established 2565

under Chapter 3357. of the Revised Code, or a state community 2566  
college established under Chapter 3358. of the Revised Code. 2567

(B) An individual who is at least twenty-two years of age and 2568  
who is an eligible individual as defined in section 3317.23 of the 2569  
Revised Code may enroll in an eligible institution for up to two 2570  
cumulative school years for the purpose of completing the 2571  
requirements to earn a high school diploma. An individual enrolled 2572  
under this division may elect to satisfy these requirements by 2573  
successfully completing a competency-based instructional program 2574  
that complies with the standards adopted by the state board of 2575  
education under section 3317.231 of the Revised Code. 2576

The eligible institution in which the individual enrolls 2577  
shall report that individual's enrollment on a full-time 2578  
equivalency basis to the department of education. 2579

(C)(1) For each eligible institution that enrolls individuals 2580  
under division (B) of this section, the department annually shall 2581  
certify the enrollment and attendance, on a full-time equivalency 2582  
basis, of each individual reported by the institution under that 2583  
division. 2584

(2) For each individual enrolled in an eligible institution 2585  
under division (B) of this section, the department annually shall 2586  
pay to the institution an amount equal to the following: 2587

\$5,000 X the individual's enrollment on a full-time 2588  
equivalency basis as certified under division (C)(1) of this 2589  
section X the portion of the school year in which the individual 2590  
is enrolled in the institution expressed as a percentage 2591

(D) If an individual enrolled in an eligible institution 2592  
under division (B) of this section completes the requirements to 2593  
earn a high school diploma, the institution shall certify the 2594  
completion of those requirements to the city, local, or exempted 2595

village school district in which the individual resides. Upon 2596  
receiving certification under this division, the city, local, or 2597  
exempted village school district in which the individual resides 2598  
shall issue a high school diploma to the individual. 2599

(E) An eligible institution that enrolls individuals under 2600  
division (B) of this section shall be subject to the program 2601  
administration standards adopted by the state board under section 2602  
3317.231 of the Revised Code, as applicable. 2603

(F) For each individual enrolled in an eligible institution 2604  
under division (B) of this section, the institution shall annually 2605  
report to the department all of the following information in 2606  
accordance with the standards adopted by the state board under 2607  
section 3317.231 of the Revised Code: 2608

(1) Demographic information, including age at enrollment, 2609  
gender, and race or ethnicity; 2610

(2) The number of courses needed to graduate at the time of 2611  
enrollment; 2612

(3) The number of courses in which the individual 2613  
participated during the previous school year and the subject of 2614  
each of those courses; 2615

(4) The number of courses the individual completed during the 2616  
previous school year and the subject of each of those courses; 2617

(5) The subject area graduation tests prescribed by statutory 2618  
law that the individual, at the time of enrollment, was required 2619  
to pass in order to be eligible to graduate; 2620

(6) The number of subject area graduation tests prescribed by 2621  
statutory law that the individual passed during the previous 2622  
school year and the subject area of each of those tests; 2623

(7) The date that the institution certified the individual's 2624  
completion of the requirements to earn a high school diploma to 2625

the city, local, or exempted village school district in which the 2626  
individual resides under division (D) of this section, if 2627  
applicable. 2628

**Sec. 3365.04.** Each public and participating nonpublic 2629  
secondary school shall do all of the following with respect to the 2630  
college credit plus program: 2631

(A) Provide information about the program prior to the first 2632  
day of March of each year to all students enrolled in grades six 2633  
through eleven; 2634

(B) Provide counseling services to students in grades six 2635  
through eleven and to their parents before the students 2636  
participate in the program under this chapter to ensure that 2637  
students and parents are fully aware of the possible consequences 2638  
and benefits of participation. Counseling information shall 2639  
include: 2640

(1) Program eligibility; 2641

(2) The process for granting academic credits; 2642

(3) Any necessary financial arrangements for tuition, 2643  
textbooks, and fees; 2644

(4) Criteria for any transportation aid; 2645

(5) Available support services; 2646

(6) Scheduling; 2647

(7) Communicating the possible consequences and benefits of 2648  
participation, including all of the following: 2649

(a) The consequences of failing or not completing a course 2650  
under the program, including the effect on the student's ability 2651  
to complete the secondary school's graduation requirements; 2652

(b) The effect of the grade attained in a course under the 2653  
program being included in the student's grade point average, as 2654

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| applicable;  | 2655   |
| (c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.  | 2656<br>2657<br>2658<br>2659   |
| (8) The academic and social responsibilities of students and parents under the program;  | 2660<br>2661   |
| (9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;  | 2662<br>2663   |
| (10) The standard packet of information for the program developed by the chancellor of the Ohio board of regents pursuant to section 3365.15 of the Revised Code;  | 2664<br>2665<br>2666   |
| For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.   | 2667<br>2668<br>2669<br>2670   |
| (C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges;   | 2671<br>2672<br>2673   |
| (D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering colleges located within thirty miles of the school, the school shall coordinate with the closest partnering college to offer an informational session. | 2674<br>2675<br>2676<br>2677<br>2678<br>2679<br>2680<br>2681<br>2682 |
| (E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division   | 2683<br>2684   |

(A)(2) or (B) of section 3365.06 of the Revised Code. The policy 2685  
adopted under this division shall be equivalent to the school's 2686  
policy for courses taken under the advanced standing programs 2687  
described in divisions (A)(2) and (3) of section 3313.6013 of the 2688  
Revised Code or for other courses designated as honors courses by 2689  
the school. If the policy includes awarding a weighted grade or 2690  
enhancing a student's class standing for these courses, the policy 2691  
adopted under this section shall ~~also provide for these~~ require 2692  
the same procedures to be applied to all courses taken under the 2693  
college credit plus program, regardless of whether a similar 2694  
course is offered at the school. 2695

(F) Develop model course pathways, pursuant to section 2696  
3365.13 of the Revised Code, and publish the course pathways among 2697  
the school's official list of course offerings for the program. 2698

(G) Annually collect, report, and track specified data 2699  
related to the program according to data reporting guidelines 2700  
adopted by the chancellor and the superintendent of public 2701  
instruction pursuant to section 3365.15 of the Revised Code. 2702

**Sec. 3365.05.** Each public and participating private college 2703  
shall do all of the following with respect to the college credit 2704  
plus program: 2705

(A) Apply established standards and procedures for admission 2706  
to the college and for course placement for participants. When 2707  
determining admission and course placement, the college shall do 2708  
all of the following: 2709

(1) Consider all available student data that may be an 2710  
indicator of college readiness, including grade point average and 2711  
end-of-course examination scores, if applicable; 2712

(2) Give priority to its current students regarding 2713  
enrollment in courses. However, once a participant has been 2714



accepted into a course, the college shall not displace the 2715  
participant for another student. 2716

(3) Adhere to any capacity limitations that the college has 2717  
established for specified courses. 2718

If a participant meets the applicable eligibility criteria 2719  
required for participation under the college credit plus program, 2720  
no public or participating private college shall prohibit the 2721  
admission of that participant based solely on the grade in which 2722  
the participant is currently enrolled. 2723

(B) Send written notice to a participant, the participant's 2724  
parent, the participant's secondary school, and the superintendent 2725  
of public instruction, not later than fourteen calendar days prior 2726  
to the first day of classes for that term, of the participant's 2727  
admission to the college and to specified courses under the 2728  
program. 2729

(C) Provide both of the following, not later than twenty-one 2730  
calendar days after the first day of classes for that term, to 2731  
each participant, participant's secondary school, and the 2732  
superintendent of public instruction: 2733

(1) The courses and hours of enrollment of the participant; 2734

(2) The option elected by the participant under division (A) 2735  
or (B) of section 3365.06 of the Revised Code for each course. 2736

The college shall also provide to each partnering school a 2737  
roster of participants from that school that are enrolled in the 2738  
college and a list of course assignments for each participant. 2739

(D) Promote the program on the college's web site, including 2740  
the details of the college's current agreements with partnering 2741  
secondary schools. 2742

(E) Coordinate with each partnering secondary school that is 2743  
located within thirty miles of the college to present at least one 2744

informational session per school year for interested students and 2745  
parents. The session shall include the benefits and consequences 2746  
of participation and shall outline any changes or additions to the 2747  
requirements of the program. If there are no partnering schools 2748  
located within thirty miles of the college, the college shall 2749  
coordinate with the closest partnering school to offer an 2750  
informational session. 2751

(F) Assign an academic advisor that is employed by the 2752  
college to each participant enrolled in that college. Prior to the 2753  
date on which a withdrawal from a course would negatively affect a 2754  
participant's transcribed grade, as prescribed by the college's 2755  
established withdrawal policy, the college shall ensure that the 2756  
academic advisor and the participant meet at least once to discuss 2757  
the program and the courses in which the participant is enrolled. 2758

(G) Do both of the following with regard to high school 2759  
teachers that are teaching courses for the college at a secondary 2760  
school under the program: 2761

(1) Provide at least one professional development session per 2762  
school year; 2763

(2) Conduct at least one classroom observation per school 2764  
year for each course that is authorized by the college and taught 2765  
by a high school teacher to ensure that the course meets the 2766  
quality of a college-level course. 2767

(H) Annually collect, report, and track specified data 2768  
related to the program according to data reporting guidelines 2769  
adopted by the chancellor and the superintendent of public 2770  
instruction pursuant to section 3365.15 of the Revised Code. 2771

(I) With the exception of divisions (D) and (E) of this 2772  
section, any eligible out-of-state college participating in the 2773  
college credit plus program shall be subject to the same 2774  
requirements as a participating private college under this 2775

section. 2776

**Sec. 3365.07.** The department of education shall calculate and 2777  
pay state funds to colleges for participants in the college credit 2778  
plus program under division (B) of section 3365.06 of the Revised 2779  
Code pursuant to this section. For a nonpublic secondary school 2780  
participant, a nonchartered nonpublic secondary school 2781  
participant, or a home-instructed participant, the department 2782  
shall pay state funds pursuant to this section only if that 2783  
participant is awarded funding according to rules adopted by the 2784  
chancellor of the Ohio board of regents, in consultation with the 2785  
superintendent of public instruction, pursuant to section 3365.071 2786  
of the Revised Code. The program shall be the sole mechanism by 2787  
which state funds are paid to colleges for students to earn 2788  
college-level credit while enrolled in a secondary school, with 2789  
the exception of the programs listed in division (A) of section 2790  
3365.02 of the Revised Code. 2791

(A) For each public or nonpublic secondary school participant 2792  
enrolled in a public college: 2793

(1) If no agreement has been entered into under division 2794  
(A)(2) of this section, both of the following shall apply: 2795

(a) The department shall pay to the college the applicable 2796  
amount as follows: 2797

(i) For a participant enrolled in a college course delivered 2798  
on the college campus, at another location operated by the 2799  
college, or online, the default ceiling amount; 2800

(ii) For a participant enrolled in a college course delivered 2801  
at the participant's secondary school but taught by college 2802  
faculty, fifty per cent of the default ceiling amount; 2803

(iii) For a participant enrolled in a college course 2804  
delivered at the participant's secondary school and taught by a 2805

high school teacher who has met the credential requirements 2806  
established for purposes of the program in rules adopted by the 2807  
chancellor of the Ohio board of regents, the default floor amount. 2808

(b) The participant's secondary school shall pay for 2809  
textbooks, and the college shall waive payment of all other fees 2810  
related to participation in the program. 2811

(2) The governing entity of a participant's secondary school 2812  
and the college may enter into an agreement to establish an 2813  
alternative payment structure for tuition, textbooks, and fees. 2814  
Under such an agreement, payments for each participant made by the 2815  
department shall be not less than the default floor amount, unless 2816  
approved by the chancellor, and not more than the default ceiling 2817  
amount. The chancellor shall approve an agreement that includes a 2818  
payment below the default floor amount, as long as the provisions 2819  
of the agreement comply with all other requirements of this 2820  
chapter to ensure program quality. If no agreement is entered into 2821  
under division (A)(2) of this section, both of the following shall 2822  
apply: 2823

(a) The department shall pay to the college the applicable 2824  
default amounts prescribed by division (A)(1)(a) of this section, 2825  
depending upon the method of delivery and instruction. 2826

(b) In accordance with division (A)(1)(b) of this section, 2827  
the participant's secondary school shall pay for textbooks, and 2828  
the college shall waive payment of all other fees related to 2829  
participation in the program. 2830

(3) No participant that is enrolled in a public college shall 2831  
be charged for any tuition, textbooks, or other fees related to 2832  
participation in the program. 2833

(B) For each public secondary school participant enrolled in 2834  
a private college: 2835

(1) If no agreement has been entered into under division 2836

(B)(2) of this section, the department shall pay to the college 2837  
the applicable amount calculated in the same manner as in division 2838  
(A)(1)(a) of this section. 2839

(2) The governing entity of a participant's secondary school 2840  
and the college may enter into an agreement to establish an 2841  
alternative payment structure for tuition, textbooks, and fees. 2842  
Under such an agreement, payments shall be not less than the 2843  
default floor amount, unless approved by the chancellor, and not 2844  
more than the default ceiling amount. 2845

If an agreement is entered into under division (B)(2) of this 2846  
section, both of the following shall apply: 2847

(a) The department shall make a payment to the college for 2848  
each participant that is equal to the default floor amount, unless 2849  
approved by the chancellor to pay an amount below the default 2850  
floor amount. The chancellor shall approve an agreement that 2851  
includes a payment below the default floor amount, as long as the 2852  
provisions of the agreement comply with all other requirements of 2853  
this chapter to ensure program quality. 2854

(b) Payment for costs for the participant that exceed the 2855  
amount paid by the department pursuant to division (B)(2)(a) of 2856  
this section shall be negotiated by the school and the college. 2857  
The agreement may include a stipulation permitting the charging of 2858  
a participant, so long as the school provides information to all 2859  
participants on the no-cost options available under this chapter. 2860

However, under no circumstances shall: 2861

(i) Payments for a participant made by the department under 2862  
~~this~~ division (B)(2) of this section exceed the default ceiling 2863  
amount; 2864

(ii) The amount charged to a participant under division 2865  
(B)(2) of this section exceed the difference between the maximum 2866  
per participant charge amount and the default floor amount; 2867

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor of the Ohio board of regents, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the default ceiling amount.

(2) Any nonpublic secondary school participant, who is

enrolled in that secondary school with a scholarship awarded under 2898  
either the educational choice scholarship pilot program, as 2899  
prescribed by sections 3310.01 to 3310.17, or the pilot project 2900  
scholarship program, as prescribed by sections 3313.974 to 2901  
3313.979 of the Revised Code, and who qualifies as a low-income 2902  
student under either of those programs, be charged for any 2903  
tuition, textbooks, or other fees related to participation in the 2904  
college credit plus program. 2905

(D) For each nonchartered nonpublic secondary school 2906  
participant and each home-instructed participant enrolled in a 2907  
public, private, or eligible out-of-state college, the department 2908  
shall pay to the college the default ceiling amount, if that 2909  
participant is enrolled in a college course delivered on the 2910  
college campus, at another location operated by the college, or 2911  
online. 2912

(E) Not later than thirty days after the end of each term, 2913  
each college expecting to receive payment for the costs of a 2914  
participant under this section shall notify the department of the 2915  
number of enrolled credit hours for each participant. 2916

(F) Each January and July, or as soon as possible thereafter, 2917  
the department shall make the applicable payments under this 2918  
section to each college, which provided proper notification to the 2919  
department under division (E) of this section, for the number of 2920  
enrolled credit hours for participants enrolled in the college 2921  
under division (B) of section 3365.06 of the Revised Code. The 2922  
department shall not make any payments to a college under this 2923  
section if a participant withdrew from a course prior to the date 2924  
on which a withdrawal from the course would have negatively 2925  
affected the participant's transcribed grade, as prescribed by 2926  
the college's established withdrawal policy. 2927

(1) Payments made for public secondary school participants 2928  
under this section shall be deducted from the school foundation 2929

payments made to the participant's school district or, if the 2930  
participant is enrolled in a community school, a STEM school, or a 2931  
college-preparatory boarding school, from the payments made to 2932  
that school under section 3314.08, 3326.33, or 3328.34 of the 2933  
Revised Code. If the participant is enrolled in a joint vocational 2934  
school district, a portion of the amount shall be deducted from 2935  
the payments to the joint vocational school district and a portion 2936  
shall be deducted from the payments to the participant's city, 2937  
local, or exempted village school district in accordance with the 2938  
full-time equivalency of the student's enrollment in each 2939  
district. Amounts deducted under division (F)(1) of this section 2940  
shall be calculated in accordance with rules adopted by the 2941  
chancellor, in consultation with the state superintendent, 2942  
pursuant to division (B) of section 3365.071 of the Revised Code. 2943

(2) Payments made for nonpublic secondary school 2944  
participants, nonchartered nonpublic secondary school 2945  
participants, and home-instructed participants under this section 2946  
shall be deducted from moneys appropriated by the general assembly 2947  
for such purpose. Payments shall be allocated and distributed in 2948  
accordance with rules adopted by the chancellor, in consultation 2949  
with the state superintendent, pursuant to division (A) of section 2950  
3365.071 of the Revised Code. 2951

(G) Any public college that enrolls a student under division 2952  
(B) of section 3365.06 of the Revised Code may include that 2953  
student in the calculation used to determine its state share of 2954  
instruction funds appropriated to the Ohio board of regents by the 2955  
general assembly. 2956

**Sec. 5126.24.** (A) As used in this section: 2957

(1) "License" means an educator license issued by the state 2958  
board of education under section 3319.22 of the Revised Code or a 2959  
certificate issued by the department of developmental 2960



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| disabilities.  | 2961   |
| (2) "Teacher" means a person employed by a county board of developmental disabilities in a position that requires a license.   | 2962<br>2963   |
| (3) "Nonteaching employee" means a person employed by a county board of developmental disabilities in a position that does not require a license.  | 2964<br>2965<br>2966   |
| (4) "Years of service" includes all service described in division (A) of section <del>3317.13</del> <u>3317.14</u> of the Revised Code.  | 2967<br>2968   |
| (B) Subject to rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code, each county board of developmental disabilities shall annually adopt separate salary schedules for teachers and nonteaching employees.  | 2969<br>2970<br>2971<br>2972<br>2973                                 |
| (C) The teachers' salary schedule shall provide for increments based on training and years of service. The board may establish its own service requirements <del>provided no teacher receives less than the salary the teacher would be paid under section 3317.13 of the Revised Code if the teacher were employed by a school district board of education and</del> provided full credit for a minimum of five years of actual teaching and military experience <del>as defined in division (A) of such section</del> is given to each teacher.  | 2974<br>2975<br>2976<br>2977<br>2978<br>2979<br>2980<br>2981<br>2982 |
| Each teacher who has completed training that would qualify the teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the fiscal officer of the board, satisfactory evidence of the completion of such additional training. The fiscal officer shall then immediately place the teacher, pursuant to this section, in the proper salary bracket in accordance with training and years of service. <del>No teacher shall be paid less than the salary to which the teacher would be entitled under section 3317.13 of the Revised</del> | 2983<br>2984<br>2985<br>2986<br>2987<br>2988<br>2989<br>2990<br>2991 |

~~Code if the teacher were employed by a school district board of education.~~ 2992  
2993

The superintendent of each county board, on or before the 2994  
fifteenth day of October of each year, shall certify to the state 2995  
board of education the name of each teacher employed, on an annual 2996  
salary, in each special education program operated pursuant to 2997  
section 3323.09 of the Revised Code during the first full school 2998  
week of October. The superintendent further shall certify, for 2999  
each teacher, the number of years of training completed at a 3000  
recognized college, the degrees earned from a college recognized 3001  
by the state board, the type of license held, the number of months 3002  
employed by the board, the annual salary, and other information 3003  
that the state board may request. 3004

(D) The nonteaching employees' salary schedule established by 3005  
the board shall ~~be based on training, experience, and~~ 3006  
~~qualifications with initial salaries no less than salaries in~~ 3007  
~~effect on July 1, 1985. Each board shall prepare and may amend~~ 3008  
~~from time to time, include~~ specifications descriptive of duties, 3009  
responsibilities, requirements, and desirable qualifications of 3010  
the classifications of employees required to perform the duties 3011  
specified in the salary schedule. ~~All nonteaching employees shall~~ 3012  
~~be notified of the position classification to which they are~~ 3013  
~~assigned and the salary for the classification. The compensation~~ 3014  
~~of all nonteaching employees working for a particular board shall~~ 3015  
~~be uniform for like positions except as compensation would be~~ 3016  
~~affected by salary increments based upon length of service.~~ 3017

On the fifteenth day of October of each year the nonteaching 3018  
employees' salary schedule and list of job classifications ~~and~~ 3019  
~~salaries in effect on that date~~ shall be filed by each board with 3020  
the superintendent of public instruction. If such salary schedule 3021  
and classification plan is not filed, the superintendent of public 3022  
instruction shall order the board to file such schedule and list 3023

forthwith. If this condition is not corrected within ten days 3024  
after receipt of the order from the superintendent, no money shall 3025  
be distributed to the board under Chapter 3317. of the Revised 3026  
Code until the superintendent has satisfactory evidence of the 3027  
board's full compliance with such order. 3028

**Sec. 5705.412.** (A) As used in this section, "qualifying 3029  
contract" means any agreement for the expenditure of money under 3030  
which aggregate payments from the funds included in the school 3031  
district's five-year forecast under section 5705.391 of the 3032  
Revised Code will exceed the lesser of the following amounts: 3033

(1) Five hundred thousand dollars; 3034

(2) One per cent of the total revenue to be credited in the 3035  
current fiscal year to the district's general fund, as specified 3036  
in the district's most recent certificate of estimated resources 3037  
certified under section 5705.36 of the Revised Code. 3038

(B)(1) Notwithstanding section 5705.41 of the Revised Code, 3039  
no school district shall adopt any appropriation measure, make any 3040  
qualifying contract, or increase during any school year any wage 3041  
or salary schedule unless there is attached thereto a certificate, 3042  
signed as required by this section, that the school district has 3043  
in effect the authorization to levy taxes including the renewal or 3044  
replacement of existing levies which, when combined with the 3045  
estimated revenue from all other sources available to the district 3046  
at the time of certification, are sufficient to provide the 3047  
operating revenues necessary to enable the district to maintain 3048  
all personnel and programs for all the days set forth in its 3049  
adopted school calendars for the current fiscal year and for a 3050  
number of days in succeeding fiscal years equal to the number of 3051  
days instruction was held or is scheduled for the current fiscal 3052  
year, as follows: 3053

(a) A certificate attached to an appropriation measure under 3054

this section shall cover only the fiscal year in which the 3055  
appropriation measure is effective and shall not consider the 3056  
renewal or replacement of an existing levy as the authority to 3057  
levy taxes that are subject to appropriation in the current fiscal 3058  
year unless the renewal or replacement levy has been approved by 3059  
the electors and is subject to appropriation in the current fiscal 3060  
year. 3061

(b) A certificate attached, in accordance with this section, 3062  
to any qualifying contract shall cover the term of the contract. 3063

(c) A certificate attached under this section to a wage or 3064  
salary schedule shall cover the term of the schedule. 3065

If the board of education has not adopted a school calendar 3066  
for the school year beginning on the first day of the fiscal year 3067  
in which a certificate is required, the certificate attached to an 3068  
appropriation measure shall include the number of days on which 3069  
instruction was held in the preceding fiscal year and other 3070  
certificates required under this section shall include that number 3071  
of days for the fiscal year in which the certificate is required 3072  
and any succeeding fiscal years that the certificate must cover. 3073

The certificate shall be signed by the treasurer and 3074  
president of the board of education and the superintendent of the 3075  
school district, unless the district is in a state of fiscal 3076  
emergency declared under Chapter 3316. of the Revised Code. In 3077  
that case, the certificate shall be signed by a member of the 3078  
district's financial planning and supervision commission who is 3079  
designated by the commission for this purpose. 3080

(2) In lieu of the certificate required under division (B) of 3081  
this section, an alternative certificate stating the following may 3082  
be attached: 3083

(a) The contract is a multi-year contract for materials, 3084  
equipment, or nonpayroll services essential to the education 3085

program of the district; 3086

(b) The multi-year contract demonstrates savings over the 3087  
duration of the contract as compared to costs that otherwise would 3088  
have been demonstrated in a single year contract, and the terms 3089  
will allow the district to reduce the deficit it is currently 3090  
facing in future years as demonstrated in its five-year forecast 3091  
adopted in accordance with section 5705.391 of the Revised Code. 3092

The certificate shall be signed by the treasurer and 3093  
president of the board of education and the superintendent of the 3094  
school district, unless the district is in a state of fiscal 3095  
emergency declared under Chapter 3316. of the Revised Code. In 3096  
that case, the certificate shall be signed by a member of the 3097  
district's financial planning and supervision commission who is 3098  
designated by the commission for this purpose. 3099

(C) Every qualifying contract made or wage or salary schedule 3100  
adopted or put into effect without such a certificate shall be 3101  
void, and no payment of any amount due thereon shall be made. 3102

(D) The department of education and the auditor of state 3103  
jointly shall adopt rules governing the methods by which 3104  
treasurers, presidents of boards of education, superintendents, 3105  
and members of financial planning and supervision commissions 3106  
shall estimate revenue and determine whether such revenue is 3107  
sufficient to provide necessary operating revenue for the purpose 3108  
of making certifications required by this section. 3109

(E) The auditor of state shall be responsible for determining 3110  
whether school districts are in compliance with this section. At 3111  
the time a school district is audited pursuant to section 117.11 3112  
of the Revised Code, the auditor of state shall review each 3113  
certificate issued under this section since the district's last 3114  
audit, and the appropriation measure, contract, or wage and salary 3115  
schedule to which such certificate was attached. If the auditor of 3116

state determines that a school district has not complied with this 3117  
section with respect to any qualifying contract or wage or salary 3118  
schedule, the auditor of state shall notify the prosecuting 3119  
attorney for the county, the city director of law, or other chief 3120  
law officer of the school district. That officer may file a civil 3121  
action in any court of appropriate jurisdiction to seek a 3122  
declaration that the contract or wage or salary schedule is void, 3123  
to recover for the school district from the payee the amount of 3124  
payments already made under it, or both, except that the officer 3125  
shall not seek to recover payments made under any collective 3126  
bargaining agreement entered into under Chapter 4117. of the 3127  
Revised Code. If the officer does not file such an action within 3128  
one hundred twenty days after receiving notice of noncompliance 3129  
from the auditor of state, any taxpayer may institute the action 3130  
in the taxpayer's own name on behalf of the school district. 3131

~~(F) This section does not apply to any contract or increase 3132  
in any wage or salary schedule that is necessary in order to 3133  
enable a board of education to comply with division (B) of section 3134  
3317.13 of the Revised Code, provided the contract or increase 3135  
does not exceed the amount required to be paid to be in compliancee 3136  
with such division. 3137~~

~~(G)~~ Any officer, employee, or other person who expends or 3138  
authorizes the expenditure of any public funds or authorizes or 3139  
executes any contract or schedule contrary to this section, 3140  
expends or authorizes the expenditure of any public funds on the 3141  
void contract or schedule, or issues a certificate under this 3142  
section which contains any false statements is liable to the 3143  
school district for the full amount paid from the district's funds 3144  
on the contract or schedule. The officer, employee, or other 3145  
person is jointly and severally liable in person and upon any 3146  
official bond that the officer, employee, or other person has 3147  
given to the school district to the extent of any payments on the 3148

void claim, not to exceed ten thousand dollars. However, no 3149  
officer, employee, or other person shall be liable for a mistaken 3150  
estimate of available resources made in good faith and based upon 3151  
reasonable grounds. If an officer, employee, or other person is 3152  
found to have complied with rules jointly adopted by the 3153  
department of education and the auditor of state under this 3154  
section governing methods by which revenue shall be estimated and 3155  
determined sufficient to provide necessary operating revenue for 3156  
the purpose of making certifications required by this section, the 3157  
officer, employee, or other person shall not be liable under this 3158  
section if the estimates and determinations made according to 3159  
those rules do not, in fact, conform with actual revenue. The 3160  
prosecuting attorney of the county, the city director of law, or 3161  
other chief law officer of the district shall enforce this 3162  
liability by civil action brought in any court of appropriate 3163  
jurisdiction in the name of and on behalf of the school district. 3164  
If the prosecuting attorney, city director of law, or other chief 3165  
law officer of the district fails, upon the written request of any 3166  
taxpayer, to institute action for the enforcement of the 3167  
liability, the attorney general, or the taxpayer in the taxpayer's 3168  
own name, may institute the action on behalf of the subdivision. 3169

~~(H)~~(G) This section does not require the attachment of an 3170  
additional certificate beyond that required by section 5705.41 of 3171  
the Revised Code for current payrolls of, or contracts of 3172  
employment with, any employees or officers of the school district. 3173

This section does not require the attachment of a certificate 3174  
to a temporary appropriation measure if all of the following 3175  
apply: 3176

(1) The amount appropriated does not exceed twenty-five per 3177  
cent of the total amount from all sources available for 3178  
expenditure from any fund during the preceding fiscal year; 3179

(2) The measure will not be in effect on or after the 3180

thirtieth day following the earliest date on which the district 3181  
may pass an annual appropriation measure; 3182

(3) An amended official certificate of estimated resources 3183  
for the current year, if required, has not been certified to the 3184  
board of education under division (B) of section 5705.36 of the 3185  
Revised Code. 3186

**Section 2.** That existing sections 3301.0711, 3301.0712, 3187  
3302.02, 3302.03, 3302.035, 3311.78, 3313.42, 3313.534, 3313.612, 3188  
3313.672, 3313.814, 3314.06, 3314.38, 3317.034, 3317.12, 3317.14, 3189  
3317.141, 3317.23, 3317.24, 3319.227, 3319.261, 3321.13, 3345.86, 3190  
3365.04, 3365.05, 3365.07, 5126.24, and 5705.412 and section 3191  
3317.13 of the Revised Code are hereby repealed. 3192

**Section 3.** That Section 263.20 of Am. Sub. H.B. 59 of the 3193  
130th General Assembly, as amended by Am. Sub. H.B. 487 of the 3194  
130th General Assembly, be amended to read as follows: 3195

**Sec. 263.20. OPERATING EXPENSES** 3196

A portion of the foregoing appropriation item 200321, 3197  
Operating Expenses, shall be used by the Department of Education 3198  
to provide matching funds under 20 U.S.C. 2321. 3199

**EARLY CHILDHOOD EDUCATION** 3200

Of the foregoing appropriation item 200408, Early Childhood 3201  
Education, up to \$50,000 in each fiscal year shall be used to 3202  
support the operations of the "Ready, Set, Go...to Kindergarten" 3203  
Program at the Horizon Education Center in Lorain County. The 3204  
effectiveness of the program shall be evaluated and reported to 3205  
the Department of Education in a study that includes statistics on 3206  
program participants' scores for the "Get It, Got It, Go!" 3207  
assessment and the kindergarten readiness assessment. 3208

The Department of Education shall distribute the remainder of 3209



the foregoing appropriation item 200408, Early Childhood 3210  
Education, to pay the costs of early childhood education programs. 3211  
The Department shall distribute such funds directly to qualifying 3212  
providers. 3213

(A) As used in this section: 3214

(1) "Provider" means a city, local, exempted village, or 3215  
joint vocational school district; an educational service center; a 3216  
community school; a chartered nonpublic school; an early childhood 3217  
education child care provider licensed under Chapter 5104. of the 3218  
Revised Code that participates in and meets at least the third 3219  
highest tier of the tiered quality rating and improvement system 3220  
described in section 5104.30 of the Revised Code; or a combination 3221  
of entities described in this paragraph. 3222

(2)(a) In the case of a city, local, or exempted village 3223  
school district or early childhood education child care provider 3224  
licensed under Chapter 5104. of the Revised Code, "new eligible 3225  
provider" means a provider that did not receive state funding for 3226  
Early Childhood Education in the previous fiscal year or 3227  
demonstrates a need for early childhood programs as defined in 3228  
division (D) of this section. 3229

(b) In the case of a community school, "new eligible 3230  
provider" means a community school that operates a program that 3231  
uses the Montessori method endorsed by the American Montessori 3232  
society, the Montessori accreditation council for teacher 3233  
education, or the association Montessori internationale as its 3234  
primary method of instruction, as authorized by division (A) of 3235  
section 3314.06 of the Revised Code, that did not receive state 3236  
funding for Early Childhood Education in the previous fiscal year 3237  
or demonstrates a need for early childhood programs as defined in 3238  
division (D) of this section. 3239

(3) "Eligible child" means a child who is at least three 3240

years of age as of the district entry date for kindergarten, is 3241  
not of the age to be eligible for kindergarten, and whose family 3242  
earns not more than two hundred per cent of the federal poverty 3243  
guidelines as defined in division (A)(3) of section 5101.46 of the 3244  
Revised Code. Children with an Individualized Education Program 3245  
and where the Early Childhood Education program is the least 3246  
restrictive environment may be enrolled on their third birthday. 3247

(4) "Early learning program standards" means early learning 3248  
program standards for school readiness developed by the Department 3249  
to assess the operation of early learning programs. 3250

(B) In each fiscal year, up to two per cent of the total 3251  
appropriation may be used by the Department for program support 3252  
and technical assistance. The Department shall distribute the 3253  
remainder of the appropriation in each fiscal year to serve 3254  
eligible children. 3255

(C) The Department shall provide an annual report to the 3256  
Governor, the Speaker of the House of Representatives, and the 3257  
President of the Senate and post the report to the Department's 3258  
web site, regarding early childhood education programs operated 3259  
under this section and the early learning program standards. 3260

(D) After setting aside the amounts to make payments due from 3261  
the previous fiscal year, in fiscal year 2014, the Department 3262  
shall distribute funds first to recipients of funds for early 3263  
childhood education programs under Section 267.10.10 of Am. Sub. 3264  
H.B. 153 of the 129th General Assembly, as amended by Am. Sub. 3265  
H.B. 487 of the 129th General Assembly, in the previous fiscal 3266  
year and the balance to new eligible providers of early childhood 3267  
education programs under this section or to existing providers to 3268  
serve more eligible children or for purposes of program expansion, 3269  
improvement, or special projects to promote quality and 3270  
innovation. 3271

After setting aside the amounts to make payments due from the 3272  
previous fiscal year, in fiscal year 2015, the Department shall 3273  
distribute funds first to providers of early childhood education 3274  
programs under this section in the previous fiscal year and the 3275  
balance to new eligible providers or to existing providers to 3276  
serve more eligible children as outlined under division (E) of 3277  
this section or for purposes of program expansion, improvement, or 3278  
special projects to promote quality and innovation. 3279

(E) The Department shall distribute any new or remaining 3280  
funding to existing providers of early childhood education 3281  
programs or any new eligible providers in an effort to invest in 3282  
high quality early childhood programs where there is a need as 3283  
determined by the Department. The Department shall distribute the 3284  
new or remaining funds to existing providers of early childhood 3285  
education programs or any new eligible providers to serve 3286  
additional eligible children based on community economic 3287  
disadvantage, limited access to high quality preschool or 3288  
childcare services, and demonstration of high quality preschool 3289  
services as determined by the Department using new metrics 3290  
developed pursuant to Ohio's Race to the Top—Early Learning 3291  
Challenge Grant, awarded to the Department in December 2011. 3292

Awards under divisions (D) and (E) of this section shall be 3293  
distributed on a per-pupil basis, and in accordance with division 3294  
(I) of this section. The Department may adjust the per-pupil 3295  
amount so that the per-pupil amount multiplied by the number of 3296  
eligible children enrolled and receiving services on the first day 3297  
of December or the business day closest to that date equals the 3298  
amount allocated under this section. 3299

(F) Costs for developing and administering an early childhood 3300  
education program may not exceed fifteen per cent of the total 3301  
approved costs of the program. 3302

All providers shall maintain such fiscal control and 3303

accounting procedures as may be necessary to ensure the 3304  
disbursement of, and accounting for, these funds. The control of 3305  
funds provided in this program, and title to property obtained, 3306  
shall be under the authority of the approved provider for purposes 3307  
provided in the program unless, as described in division (K) of 3308  
this section, the program waives its right for funding or a 3309  
program's funding is eliminated or reduced due to its inability to 3310  
meet financial or early learning program standards. The approved 3311  
provider shall administer and use such property and funds for the 3312  
purposes specified. 3313

(G) The Department may examine a provider's financial and 3314  
program records. If the financial practices of the program are not 3315  
in accordance with standard accounting principles or do not meet 3316  
financial standards outlined under division (F) of this section, 3317  
or if the program fails to substantially meet the early learning 3318  
program standards, meet a quality rating level in the tiered 3319  
quality rating and improvement system developed under section 3320  
5104.30 of the Revised Code as prescribed by the Department, or 3321  
exhibits below average performance as measured against the 3322  
standards, the early childhood education program shall propose and 3323  
implement a corrective action plan that has been approved by the 3324  
Department. The approved corrective action plan shall be signed by 3325  
the chief executive officer and the executive of the official 3326  
governing body of the provider. The corrective action plan shall 3327  
include a schedule for monitoring by the Department. Such 3328  
monitoring may include monthly reports, inspections, a timeline 3329  
for correction of deficiencies, and technical assistance to be 3330  
provided by the Department or obtained by the early childhood 3331  
education program. The Department may withhold funding pending 3332  
corrective action. If an early childhood education program fails 3333  
to satisfactorily complete a corrective action plan, the 3334  
Department may deny expansion funding to the program or withdraw 3335  
all or part of the funding to the program and establish a new 3336

eligible provider through a selection process established by the Department. 3337  
3338

(H)(1) If the early childhood education program is licensed by the Department of Education and is not highly rated, as determined by the Director of Job and Family Services, under the tiered quality rating and improvement system described in section 5104.30 of the Revised Code, the program shall do all of the following: 3339  
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3341  
3342  
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(a) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code; 3345  
3346

(b) Align curriculum to the early learning content standards developed by the Department; 3347  
3348

(c) Meet any child or program assessment requirements prescribed by the Department; 3349  
3350

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department; 3351  
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3353  
3354

(e) Document and report child progress as prescribed by the Department; 3355  
3356

(f) Meet and report compliance with the early learning program standards as prescribed by the Department; 3357  
3358

(g) Participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code. Effective July 1, 2016, all programs shall be rated through the system. 3359  
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3361  
3362

(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code, the program shall comply with the requirements 3363  
3364  
3365  
3366

of that system. 3367

(I) Per-pupil funding for programs subject to this section 3368  
shall be sufficient to provide eligible children with services for 3369  
a standard early childhood schedule which shall be defined in this 3370  
section as a minimum of twelve and one-half hours per school week 3371  
as defined in section 3313.62 of the Revised Code for the minimum 3372  
school year as defined in sections 3313.48, 3313.481, and 3313.482 3373  
of the Revised Code. Nothing in this section shall be construed to 3374  
prohibit program providers from utilizing other funds to serve 3375  
eligible children in programs that exceed the twelve and one-half 3376  
hours per week or that exceed the minimum school year. For any 3377  
provider for which a standard early childhood education schedule 3378  
creates a hardship or for which the provider shows evidence that 3379  
the provider is working in collaboration with a preschool special 3380  
education program, the provider may submit a waiver to the 3381  
Department requesting an alternate schedule. If the Department 3382  
approves a waiver for an alternate schedule that provides services 3383  
for less time than the standard early childhood education 3384  
schedule, the Department may reduce the provider's annual 3385  
allocation proportionately. Under no circumstances shall an annual 3386  
allocation be increased because of the approval of an alternate 3387  
schedule. 3388

(J) Each provider shall develop a sliding fee scale based on 3389  
family incomes and shall charge families who earn more than two 3390  
hundred per cent of the federal poverty guidelines, as defined in 3391  
division (A)(3) of section 5101.46 of the Revised Code, for the 3392  
early childhood education program. 3393

The Department shall conduct an annual survey of each 3394  
provider to determine whether the provider charges families 3395  
tuition or fees, the amount families are charged relative to 3396  
family income levels, and the number of families and students 3397  
charged tuition and fees for the early childhood program. 3398

(K) If an early childhood education program voluntarily 3399  
waives its right for funding, or has its funding eliminated for 3400  
not meeting financial standards or the early learning program 3401  
standards, the provider shall transfer control of title to 3402  
property, equipment, and remaining supplies obtained through the 3403  
program to providers designated by the Department and return any 3404  
unexpended funds to the Department along with any reports 3405  
prescribed by the Department. The funding made available from a 3406  
program that waives its right for funding or has its funding 3407  
eliminated or reduced may be used by the Department for new grant 3408  
awards or expansion grants. The Department may award new grants or 3409  
expansion grants to eligible providers who apply. The eligible 3410  
providers who apply must do so in accordance with the selection 3411  
process established by the Department. 3412

(L) Eligible expenditures for the Early Childhood Education 3413  
Program shall be claimed each fiscal year to help meet the state's 3414  
TANF maintenance of effort requirement. The Superintendent of 3415  
Public Instruction and the Director of Job and Family Services 3416  
shall enter into an interagency agreement to carry out the 3417  
requirements under this division, which shall include developing 3418  
reporting guidelines for these expenditures. 3419

(M) The Early Childhood Advisory Council established under 3420  
section 3301.90 of the Revised Code shall provide, by October 1, 3421  
2013, recommendations including, but not limited to, the 3422  
administration, implementation, and distribution of funding for an 3423  
early childhood voucher program, to the Superintendent of Public 3424  
Instruction, the Governor's Office of 21st Century Education, the 3425  
Speaker of the House of Representatives, the President of the 3426  
Senate, and the chairpersons of the standing committees of the 3427  
House of Representatives and the Senate that deal primarily with 3428  
issues of education. Decisions on the implementation of the 3429  
voucher program shall be made by the Governor's Office of 21st 3430

Century Education with recommendations from the State 3431  
Superintendent of Public Instruction and the Early Childhood 3432  
Advisory Council. 3433

**Section 4.** That existing Section 263.20 of Am. Sub. H.B. 59 3434  
of the 130th General Assembly, as amended by Am. Sub. H.B. 487 of 3435  
the 130th General Assembly, is hereby repealed. 3436

**Section 5.** That Section 263.320 of Am. Sub. H.B. 59 of the 3437  
130th General Assembly, as amended by Am. Sub. H.B. 483 of the 3438  
130th General Assembly, be amended to read as follows: 3439

**Sec. 263.320.** LOTTERY PROFITS EDUCATION FUND 3440

Appropriation item 200612, Foundation Funding (Fund 7017), 3441  
shall be used in conjunction with appropriation item 200550, 3442  
Foundation Funding (GRF), to provide state foundation payments to 3443  
school districts. 3444

The Department of Education, with the approval of the 3445  
Director of Budget and Management, shall determine the monthly 3446  
distribution schedules of appropriation item 200550, Foundation 3447  
Funding (GRF), and appropriation item 200612, Foundation Funding 3448  
(Fund 7017). If adjustments to the monthly distribution schedule 3449  
are necessary, the Department of Education shall make such 3450  
adjustments with the approval of the Director of Budget and 3451  
Management. 3452

CAREER ADVISING AND MENTORING PROGRAM 3453

The foregoing appropriation item 200629, Career Advising and 3454  
Mentoring, shall be used by the State Superintendent of Public 3455  
Instruction to create the Career Advising and Mentoring Grant 3456  
Program. The Superintendent shall develop guidelines for the 3457  
grants. The program shall award competitive matching grants to 3458  
provide funding for local networks of volunteers and organizations 3459



to sponsor career advising and mentoring for students in eligible 3460  
school districts. Each grant award shall match up to three times 3461  
the funds allocated to the project by the local network. Eligible 3462  
school districts are those with a high percentage of students in 3463  
poverty, a high number of students not graduating on time, and 3464  
other criteria as determined by the State Superintendent. Eligible 3465  
school districts shall partner with members of the business 3466  
community, civic organizations, or the faith-based community to 3467  
provide sustainable career advising and mentoring services. 3468

An amount equal to the unexpended, unencumbered portion of 3469  
the foregoing appropriation item 200629, Career Advising and 3470  
Mentoring Program, at the end of fiscal year 2015 is hereby 3471  
reappropriated to the Department of Education for the same purpose 3472  
for fiscal year 2016. 3473

STRAIGHT A FUND 3474

Of the foregoing appropriation item 200648, Straight A Fund, 3475  
up to \$70,000 in each fiscal year shall be used by Kids Unlimited 3476  
of Toledo for quality after-school tutoring and mentoring programs 3477  
in two elementary school buildings in Lucas County. The school 3478  
buildings may include any community school, chartered nonpublic 3479  
school, or building that is part of a city, local, or exempted 3480  
village school district. Kids Unlimited of Toledo shall provide 3481  
local matching funds equal to the set-aside. 3482

Of the foregoing appropriation item 200648, Straight A Fund, 3483  
up to \$250,000 in each fiscal year may be used to make competitive 3484  
grants in accordance with Section 263.324 of this act. 3485

Of the foregoing appropriation item 200648, Straight A Fund, 3486  
up to \$6,000,000 in fiscal year 2014 shall be distributed to the 3487  
Cleveland Municipal School District to be used, as determined by 3488  
the Department of Education, to implement provisions of Am. Sub. 3489  
H.B. 525 of the 129th General Assembly. 3490

Of the foregoing appropriation item 200648, Straight A Fund, 3491  
up to \$5,000,000 in each fiscal year shall be provided to school 3492  
districts that meet the conditions prescribed in division (G)(3) 3493  
of section 3317.0212 of the Revised Code to support innovations 3494  
that improve the efficiency of pupil transportation. This may 3495  
include, but is not limited to, the purchase of buses and other 3496  
equipment. The Department of Education shall distribute these 3497  
funds to districts based on each district's qualifying ridership 3498  
as reported under division (B) of section 3317.0212 of the Revised 3499  
Code. 3500

The remainder of appropriation item 200648, Straight A Fund, 3501  
shall be used to make competitive grants in accordance with 3502  
Section 263.325 of this act. 3503

EDCHOICE EXPANSION 3504

The foregoing appropriation item 200666, EdChoice Expansion, 3505  
shall be used as follows: 3506

(A) In fiscal year 2014, notwithstanding section 3310.032 of 3507  
the Revised Code, the Department of Education shall administer an 3508  
expansion of the Educational Choice Scholarship program as 3509  
follows: 3510

(1) A student is an "eligible student" for purposes of the 3511  
expansion of the Educational Choice Scholarship Pilot Program 3512  
under division (A) of this section if the student's resident 3513  
district is not a school district in which the pilot project 3514  
scholarship program is operating under sections 3313.974 to 3515  
3313.979 of the Revised Code and the student's family income is at 3516  
or below two hundred per cent of the federal poverty guidelines, 3517  
as defined in section 5101.46 of the Revised Code. 3518

(2) The Department shall pay scholarships to attend chartered 3519  
nonpublic schools in accordance with section 3310.08 of the 3520  
Revised Code. The number of scholarships awarded under division 3521

(A) of this section shall not exceed the number that can be funded 3522  
with appropriations made by the general assembly for this purpose. 3523

(3) Scholarships under division (A) of this section shall be 3524  
awarded for the 2013-2014 school year, to eligible students who 3525  
are entering kindergarten in that school year for the first time. 3526

(4) If the number of eligible students who apply for a 3527  
scholarship exceeds the scholarships available based on the 3528  
appropriation for division (A) of this section, the department 3529  
shall award scholarships in the following order of priority: 3530

(a) First, to eligible students with family incomes at or 3531  
below one hundred per cent of the federal poverty guidelines. 3532

(b) Second, to other eligible students who qualify under 3533  
division (A) of this section. If the number of students described 3534  
in division (A)(4)(b) of this section exceeds the number of 3535  
available scholarships after awards are made under division 3536  
(A)(4)(a) of this section, the department shall select students 3537  
described in division (A)(4)(b) of this section by lot to receive 3538  
any remaining scholarships. 3539

(5) A student who receives a scholarship under division (A) 3540  
of this section remains an eligible student and may continue to 3541  
receive scholarships under section 3310.032 of the Revised Code in 3542  
subsequent school years until the student completes grade twelve, 3543  
so long as the student satisfies the conditions specified in 3544  
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 3545

Once a scholarship is awarded under this section, the student 3546  
shall remain eligible for that scholarship for the current and 3547  
subsequent school years, even if the student's family income rises 3548  
above the amount specified in division (A) of section 3310.032 of 3549  
the Revised Code, provided the student remains enrolled in a 3550  
chartered nonpublic school. 3551

(B) In fiscal year 2015, to provide for the scholarships 3552

awarded under the expansion of the educational choice program 3553  
established under section 3310.032 of the Revised Code. The number 3554  
of scholarships awarded under the expansion of the educational 3555  
choice program shall not exceed the number that can be funded with 3556  
the appropriations made by the General Assembly for this purpose. 3557

COMMUNITY SCHOOL FACILITIES 3558

The foregoing appropriation item 200684, Community School 3559  
Facilities, shall be used to pay each community school established 3560  
under Chapter 3314. of the Revised Code that is not an internet- 3561  
or computer-based community school and each STEM school 3562  
established under Chapter 3326. of the Revised Code an amount 3563  
equal to \$100 for each full-time equivalent pupil for assistance 3564  
with the cost associated with facilities. If the amount 3565  
appropriated is not sufficient, the Department of Education shall 3566  
prorate the amounts so that the aggregate amount appropriated is 3567  
not exceeded. 3568

**Section 6.** That existing Section 263.320 of Am. Sub. H.B. 59 3569  
of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of 3570  
the 130th General Assembly, is hereby repealed. 3571

**Section 7.** That Section 9 of Am. Sub. H.B. 487 of the 130th 3572  
General Assembly be amended to read as follows: 3573

**Sec. 9.** (A) For the 2014-2015 school year, each school 3574  
district, community school established under Chapter 3314., or 3575  
STEM school established under Chapter 3326. of the Revised Code 3576  
shall administer to third grade students, for purposes of section 3577  
3313.608 of the Revised Code, the English language arts assessment 3578  
required under division (A)(1)(a) of section 3301.0710 of the 3579  
Revised Code ~~to third grade students for purposes of section~~ 3580  
~~3313.608 of the Revised Code as follows:~~ 3581

~~(1) For the fall administration of the assessment, each district or school shall administer the English language arts assessment for third graders that the school administered for the previous year under that section 3301.0710 of the Revised Code.~~

~~(2) For the spring administration of the assessment to any student who fails to attain at least the score range prescribed by division (A)(3) of section 3301.0710 of the Revised Code, each district or school shall administer the English language arts assessment for third graders that the school administered for the previous year under section 3301.0710 of the Revised Code.~~

~~(3) For the spring administration of the assessment to any student who has attained at least the score range prescribed by division (A)(3) of section 3301.0710 of the Revised Code, each district or school shall administer the English language arts assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC).~~

(B) The For the 2014-2015 school year, the Department shall use the assessments described in ~~divisions~~ division (A)(1) and (2) of this section to calculate a district's or school's grades on the state report card prescribed by section 3302.03 of the Revised Code. However, notwithstanding anything to the contrary in the Revised Code, the Department shall not use the results of the third-grade English language arts assessments described in division (A) of this section in determining the performance index score of a school district or building.

A school district or building shall be considered to have met the performance indicator for the third-grade English language arts assessment described in division (A) of this section, if at least eighty per cent of the tested students attain a score of proficient or higher on the assessment.

**Section 8.** That existing Section 9 of Am. Sub. H.B. 487 of

the 130th General Assembly is hereby repealed. 3613

**Section 9.** Notwithstanding division (G)(2) of section 3614  
3301.0711 of the Revised Code, for the 2014-2015 school year only, 3615  
the Department of Education or an entity with which the Department 3616  
contracts for the scoring of the assessments prescribed by 3617  
divisions (A)(1) and (B)(1) and (2) of section 3301.0710 of the 3618  
Revised Code shall send to each school district board a list of 3619  
the individual scores of all persons taking such an assessment for 3620  
that school year not later than December 31, 2015. 3621

**Section 10.** For the 2014-2015 school year, for the state 3622  
report card prescribed by section 3302.03 of the Revised Code, 3623  
notwithstanding anything to the contrary in the Revised Code, the 3624  
Department of Education shall calculate the performance index 3625  
score and the performance indicators met report card measures 3626  
based on the following assessments as follows: 3627

(A) For students enrolled in any of grades nine through 3628  
twelve, the scores from the assessments administered under 3629  
division (B)(1) of section 3301.0710 of the Revised Code. 3630

Any scores from assessments under division (B)(2) of section 3631  
3301.0712 of the Revised Code taken by students in any of grades 3632  
nine through twelve shall be reported only and shall not be 3633  
included in the calculation of a letter grade for a school 3634  
district or building's performance index or performance indicator 3635  
score. 3636

(B) For students enrolled in grade eight or below, the scores 3637  
from the assessments administered under division (B)(2) of section 3638  
3301.0712 of the Revised Code. 3639

**Section 11.** (A)(1) For the 2014-2015 school year, if a 3640  
student is enrolled in an appropriate course under either of the 3641

dual enrollment programs described in former divisions (A)(1) or 3642  
(4) of section 3313.6013 of the Revised Code, as it existed prior 3643  
to September 17, 2014, in the area of physical science or biology, 3644  
American history, or American government, that student shall not 3645  
be required to take the physical science or biology, American 3646  
history, or American government end-of-course examination, 3647  
whichever is applicable, prescribed under division (B)(2) of 3648  
section 3301.0712 of the Revised Code. Instead, that student's 3649  
final course grade shall be used in lieu of the applicable 3650  
end-of-course examination prescribed under that section. 3651

(2) For the 2014-2015 school year, if a student is enrolled 3652  
in an appropriate course under the dual enrollment program 3653  
described in former division (A)(3) of section 3313.6013 of the 3654  
Revised Code, as it existed prior to September 17, 2014, in the 3655  
area of physical science or biology, American history, or American 3656  
government, that student shall either: 3657

(a) Take the applicable examination under that dual 3658  
enrollment program in lieu of the physical science or biology, 3659  
American history, or American government end-of-course 3660  
examination, whichever is applicable, prescribed under division 3661  
(B)(2) of section 3301.0712 of the Revised Code; 3662

(b) Not be required to take the physical science or biology, 3663  
American history, or American government end-of-course 3664  
examination, whichever is applicable, prescribed under division 3665  
(B)(2) of section 3301.0712 of the Revised Code. Instead, that 3666  
student's final course grade shall be used in lieu of the 3667  
applicable end-of-course examination prescribed under that 3668  
section. 3669

Divisions (A)(1) and (A)(2)(b) of this section shall apply 3670  
only to courses for which students receive transcribed credit, as 3671  
defined in division (U) of section 3365.01 of the Revised Code. 3672

Neither division shall apply to remedial or developmental courses. 3673

(B) For purposes of this section: 3674

(1) The State Board of Education shall specify the score 3675  
levels for each examination required under this section for 3676  
purposes of calculating the minimum cumulative performance score 3677  
that demonstrates the level of academic achievement necessary to 3678  
earn a high school diploma. 3679

(2) The Superintendent of Public Instruction and the 3680  
Chancellor of the Ohio Board of Regents jointly shall adopt 3681  
guidelines for purposes of calculating the minimum final course 3682  
grade that demonstrates the level of academic achievement 3683  
necessary to earn a high school diploma. 3684

**Section 12.** Notwithstanding section 3302.03 of the Revised 3685  
Code, the Department of Education shall issue grades as described 3686  
in division (E) of section 3302.03 of the Revised Code for each of 3687  
the performance measures prescribed in division (C)(1) of that 3688  
section for the 2014-2015 school year not later than January 15, 3689  
2016. 3690

**Section 13.** Notwithstanding anything to the contrary in 3691  
section 3302.035 of the Revised Code, the Department of Education 3692  
shall issue the reports required under that section on the 3693  
performance measures for a school district's or school's students 3694  
with disabilities subgroup, using data from the 2014-2015 school 3695  
year, not later than January 15, 2016. 3696

For each school year thereafter, the Department shall issue 3697  
those reports on the first day of October as required under that 3698  
section. 3699

**Section 14.** Not later than November 1, 2015, the State Board 3700  
of Education shall make a recommendation on whether or not to 3701



extend by one year the safe harbor provisions prescribed by 3702  
section 3302.036 of the Revised Code and Section 13 of Am. Sub. 3703  
H.B. 487 of the 130th General Assembly. 3704

**Section 15.** Notwithstanding section 3302.21 of the Revised 3705  
Code, for the 2014-2015 school year only, the Department of 3706  
Education shall not rank school districts, community schools, and 3707  
STEM schools according to the performance measures prescribed in 3708  
divisions (A)(1), (2), and (5) of that section. However, the 3709  
Department shall rank districts and schools according to the 3710  
measures prescribed in divisions (A)(3) and (4) of that section 3711  
for the 2014-2015 school year not later than January 15, 2016. 3712

**Section 16.** Notwithstanding section 3302.22 of the Revised 3713  
Code, the State Board of Education may adopt a resolution excusing 3714  
the Department of Education from determining the top ten per cent 3715  
of schools for the Governor's Effective and Efficient Schools 3716  
Recognition Program under section 3302.22 of the Revised Code for 3717  
the 2014-2015 school year. 3718