

As Reported by the Senate Education Committee

130th General Assembly

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Sub. H. B. No. 487

Representative Brenner

Cosponsors: Representatives Anielski, Grossman, Henne, Stebelton, Terhar

Speaker Batchelder

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A B I L L

To amend sections 133.06, 149.433, 921.06, 3301.079, 1
3301.0711, 3301.0712, 3301.0714, 3301.0715, 2
3302.03, 3302.10, 3310.03, 3310.031, 3310.13, 3
3310.14, 3310.522, 3311.24, 3311.25, 3311.38, 4
3311.86, 3313.372, 3313.537, 3313.539, 3313.603, 5
3313.6013, 3313.6014, 3313.6016, 3313.61, 6
3313.612, 3313.843, 3313.90, 3314.02, 3314.029, 7
3314.03, 3314.08, 3317.03, 3318.70, 3319.111, 8
3319.112, 3319.22, 3319.26, 3319.31, 3321.07, 9
3321.08, 3324.07, 3325.02, 3325.06, 3325.07, 10
3325.10, 3326.11, 3326.36, 3328.24, 3328.25, 11
3331.04, 3333.041, 3333.35, 3333.43, 3333.86, 12
3345.06, 3345.061, 3365.04, 3365.041, 3365.05, 13
3365.06, 3365.08, 3365.11, 3707.511, and 5705.10; 14
to amend, for the purpose of adopting new section 15
numbers as indicated in parentheses, sections 16
3365.04 (3365.06), 3365.041 (3365.032), 3365.05 17
(3365.12), 3365.06 (3365.031), and 3365.11 18
(3365.09); to enact new sections 3313.536, 19
3365.01, 3365.02, 3365.03, 3365.04, 3365.05, 20
3365.07, 3365.10, 3365.11, and 3365.15 and 21
sections 3301.078, 3301.163, 3301.947, 3302.036, 22

3302.15, 3311.241, 3311.251, 3313.21, 3313.212, 23
3313.6020, 3314.191, 3314.352, 3325.071, 3325.09, 24
3325.17, 3326.29, 3365.033, 3365.071, 3365.13, and 25
3707.521; and to repeal sections 3313.536, 26
3345.062, 3365.01, 3365.02, 3365.021, 3365.022, 27
3365.03, 3365.07, 3365.09, 3365.10, 3365.12, and 28
3365.15 of the Revised Code; and to amend the 29
versions of sections 3314.03 and 3326.11 of the 30
Revised Code that result from Section 1 of this 31
act and to repeal section 3313.6015 of the Revised 32
Code on July 1, 2015, with regard to education 33
provisions for students in grades kindergarten 34
through twelve. 35

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

Section 1. That sections 133.06, 149.433, 921.06, 3301.079, 36
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.10, 37
3310.03, 3310.031, 3310.13, 3310.14, 3310.522, 3311.24, 3311.25, 38
3311.38, 3311.86, 3313.372, 3313.537, 3313.539, 3313.603, 39
3313.6013, 3313.6014, 3313.6016, 3313.61, 3313.612, 3313.843, 40
3313.90, 3314.02, 3314.029, 3314.03, 3314.08, 3317.03, 3318.70, 41
3319.111, 3319.112, 3319.22, 3319.26, 3319.31, 3321.07, 3321.08, 42
3324.07, 3325.02, 3325.06, 3325.07, 3325.10, 3326.11, 3326.36, 43
3328.24, 3328.25, 3331.04, 3333.041, 3333.35, 3333.43, 3333.86, 44
3345.06, 3345.061, 3365.04, 3365.041, 3365.05, 3365.06, 3365.08, 45
3365.11, 3707.511 and 5705.10 be amended; sections 3365.04 46
(3365.06), 3365.041 (3365.032), 3365.05 (3365.12), 3365.06 47
(3365.031), and 3365.11 (3365.09) be amended for the purpose of 48
adopting new section numbers as indicated in parentheses; and new 49
sections 3313.536, 3365.01, 3365.02, 3365.03, 3365.04, 3365.05, 50
3365.07, 3365.10, 3365.11, and 3365.15 and sections 3301.078, 51
3301.163, 3301.947, 3302.036, 3302.15, 3311.241, 3311.251, 52

3313.21, 3313.212, 3313.6020, 3314.191, 3314.352, 3325.071, 53
3325.09, 3325.17, 3326.29, 3365.033, 3365.071, 3365.13, and 54
3707.521 of the Revised Code be enacted to read as follows: 55

Sec. 133.06. (A) A school district shall not incur, without a 56
vote of the electors, net indebtedness that exceeds an amount 57
equal to one-tenth of one per cent of its tax valuation, except as 58
provided in divisions (G) and (H) of this section and in division 59
(C) of section 3313.372 of the Revised Code, or as prescribed in 60
section 3318.052 or 3318.44 of the Revised Code, or as provided in 61
division (J) of this section. 62

(B) Except as provided in divisions (E), (F), and (I) of this 63
section, a school district shall not incur net indebtedness that 64
exceeds an amount equal to nine per cent of its tax valuation. 65

(C) A school district shall not submit to a vote of the 66
electors the question of the issuance of securities in an amount 67
that will make the district's net indebtedness after the issuance 68
of the securities exceed an amount equal to four per cent of its 69
tax valuation, unless the superintendent of public instruction, 70
acting under policies adopted by the state board of education, and 71
the tax commissioner, acting under written policies of the 72
commissioner, consent to the submission. A request for the 73
consents shall be made at least one hundred twenty days prior to 74
the election at which the question is to be submitted. 75

The superintendent of public instruction shall certify to the 76
district the superintendent's and the tax commissioner's decisions 77
within thirty days after receipt of the request for consents. 78

If the electors do not approve the issuance of securities at 79
the election for which the superintendent of public instruction 80
and tax commissioner consented to the submission of the question, 81
the school district may submit the same question to the electors 82

on the date that the next special election may be held under 83
section 3501.01 of the Revised Code without submitting a new 84
request for consent. If the school district seeks to submit the 85
same question at any other subsequent election, the district shall 86
first submit a new request for consent in accordance with this 87
division. 88

(D) In calculating the net indebtedness of a school district, 89
none of the following shall be considered: 90

(1) Securities issued to acquire school buses and other 91
equipment used in transporting pupils or issued pursuant to 92
division (D) of section 133.10 of the Revised Code; 93

(2) Securities issued under division (F) of this section, 94
under section 133.301 of the Revised Code, and, to the extent in 95
excess of the limitation stated in division (B) of this section, 96
under division (E) of this section; 97

(3) Indebtedness resulting from the dissolution of a joint 98
vocational school district under section 3311.217 of the Revised 99
Code, evidenced by outstanding securities of that joint vocational 100
school district; 101

(4) Loans, evidenced by any securities, received under 102
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 103

(5) Debt incurred under section 3313.374 of the Revised Code; 104

(6) Debt incurred pursuant to division (B)(5) of section 105
3313.37 of the Revised Code to acquire computers and related 106
hardware; 107

(7) Debt incurred under section 3318.042 of the Revised Code. 108

(E) A school district may become a special needs district as 109
to certain securities as provided in division (E) of this section. 110

(1) A board of education, by resolution, may declare its 111
school district to be a special needs district by determining both 112

of the following:	113
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	114 115
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	116 117 118 119
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	120 121 122
(a) The history of and a projection of the growth of the tax valuation;	123 124
(b) The projected needs;	125
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	126 127
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	128 129 130
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	131 132 133
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	134 135 136 137 138 139 140 141
(4) An approved special needs district may incur net	142

indebtedness by the issuance of securities in accordance with the 143
provisions of this chapter in an amount that does not exceed an 144
amount equal to the greater of the following: 145

(a) Twelve per cent of the sum of its tax valuation plus an 146
amount that is the product of multiplying that tax valuation by 147
the percentage by which the tax valuation has increased over the 148
tax valuation on the first day of the sixtieth month preceding the 149
month in which its board determines to submit to the electors the 150
question of issuing the proposed securities; 151

(b) Twelve per cent of the sum of its tax valuation plus an 152
amount that is the product of multiplying that tax valuation by 153
the percentage, determined by the superintendent of public 154
instruction, by which that tax valuation is projected to increase 155
during the next ten years. 156

(F) A school district may issue securities for emergency 157
purposes, in a principal amount that does not exceed an amount 158
equal to three per cent of its tax valuation, as provided in this 159
division. 160

(1) A board of education, by resolution, may declare an 161
emergency if it determines both of the following: 162

(a) School buildings or other necessary school facilities in 163
the district have been wholly or partially destroyed, or condemned 164
by a constituted public authority, or that such buildings or 165
facilities are partially constructed, or so constructed or planned 166
as to require additions and improvements to them before the 167
buildings or facilities are usable for their intended purpose, or 168
that corrections to permanent improvements are necessary to remove 169
or prevent health or safety hazards. 170

(b) Existing fiscal and net indebtedness limitations make 171
adequate replacement, additions, or improvements impossible. 172

(2) Upon the declaration of an emergency, the board of 173

education may, by resolution, submit to the electors of the 174
district pursuant to section 133.18 of the Revised Code the 175
question of issuing securities for the purpose of paying the cost, 176
in excess of any insurance or condemnation proceeds received by 177
the district, of permanent improvements to respond to the 178
emergency need. 179

(3) The procedures for the election shall be as provided in 180
section 133.18 of the Revised Code, except that: 181

(a) The form of the ballot shall describe the emergency 182
existing, refer to this division as the authority under which the 183
emergency is declared, and state that the amount of the proposed 184
securities exceeds the limitations prescribed by division (B) of 185
this section; 186

(b) The resolution required by division (B) of section 133.18 187
of the Revised Code shall be certified to the county auditor and 188
the board of elections at least one hundred days prior to the 189
election; 190

(c) The county auditor shall advise and, not later than 191
ninety-five days before the election, confirm that advice by 192
certification to, the board of education of the information 193
required by division (C) of section 133.18 of the Revised Code; 194

(d) The board of education shall then certify its resolution 195
and the information required by division (D) of section 133.18 of 196
the Revised Code to the board of elections not less than ninety 197
days prior to the election. 198

(4) Notwithstanding division (B) of section 133.21 of the 199
Revised Code, the first principal payment of securities issued 200
under this division may be set at any date not later than sixty 201
months after the earliest possible principal payment otherwise 202
provided for in that division. 203

(G)(1) The board of education may contract with an architect, 204

professional engineer, or other person experienced in the design 205
and implementation of energy conservation measures for an analysis 206
and recommendations pertaining to installations, modifications of 207
installations, or remodeling that would significantly reduce 208
energy consumption in buildings owned by the district. The report 209
shall include estimates of all costs of such installations, 210
modifications, or remodeling, including costs of design, 211
engineering, installation, maintenance, repairs, measurement and 212
verification of energy savings, and debt service, forgone residual 213
value of materials or equipment replaced by the energy 214
conservation measure, as defined by the Ohio school facilities 215
commission, a baseline analysis of actual energy consumption data 216
for the preceding three years with the utility baseline based on 217
only the actual energy consumption data for the preceding twelve 218
months, and estimates of the amounts by which energy consumption 219
and resultant operational and maintenance costs, as defined by the 220
commission, would be reduced. 221

If the board finds after receiving the report that the amount 222
of money the district would spend on such installations, 223
modifications, or remodeling is not likely to exceed the amount of 224
money it would save in energy and resultant operational and 225
maintenance costs over the ensuing fifteen years, the board may 226
submit to the commission a copy of its findings and a request for 227
approval to incur indebtedness to finance the making or 228
modification of installations or the remodeling of buildings for 229
the purpose of significantly reducing energy consumption. 230

The school facilities commission, in consultation with the 231
auditor of state, may deny a request under this division by the 232
board of education any school district is in a state of fiscal 233
watch pursuant to division (A) of section 3316.03 of the Revised 234
Code, if it determines that the expenditure of funds is not in the 235
best interest of the school district. 236

No district board of education of a school district that is 237
in a state of fiscal emergency pursuant to division (B) of section 238
3316.03 of the Revised Code shall submit a request without 239
submitting evidence that the installations, modifications, or 240
remodeling have been approved by the district's financial planning 241
and supervision commission established under section 3316.05 of 242
the Revised Code. 243

No board of education of a school district that, for three or 244
more consecutive years, has been declared to be in a state of 245
academic emergency under section 3302.03 of the Revised Code, as 246
that section existed prior to March 22, 2013, and has failed to 247
meet adequate yearly progress, or has met any condition set forth 248
in division (A)(2), or (3), ~~or~~ (4) of section 3302.10 of the 249
Revised Code shall submit a request without first receiving 250
approval to incur indebtedness from the district's academic 251
distress commission established under that section, for so long as 252
such commission continues to be required for the district. 253

(2) The school facilities commission shall approve the 254
board's request provided that the following conditions are 255
satisfied: 256

(a) The commission determines that the board's findings are 257
reasonable. 258

(b) The request for approval is complete. 259

(c) The installations, modifications, or remodeling are 260
consistent with any project to construct or acquire classroom 261
facilities, or to reconstruct or make additions to existing 262
classroom facilities under sections 3318.01 to 3318.20 or sections 263
3318.40 to 3318.45 of the Revised Code. 264

Upon receipt of the commission's approval, the district may 265
issue securities without a vote of the electors in a principal 266
amount not to exceed nine-tenths of one per cent of its tax 267

valuation for the purpose of making such installations, 268
modifications, or remodeling, but the total net indebtedness of 269
the district without a vote of the electors incurred under this 270
and all other sections of the Revised Code, except section 271
3318.052 of the Revised Code, shall not exceed one per cent of the 272
district's tax valuation. 273

(3) So long as any securities issued under this division 274
remain outstanding, the board of education shall monitor the 275
energy consumption and resultant operational and maintenance costs 276
of buildings in which installations or modifications have been 277
made or remodeling has been done pursuant to this division ~~and~~ 278
Except as provided in division (G)(4) of this section, the board 279
shall maintain and annually update a report in a form and manner 280
prescribed by the school facilities commission documenting the 281
reductions in energy consumption and resultant operational and 282
maintenance cost savings attributable to such installations, 283
modifications, or remodeling. ~~The report shall be certified by an~~ 284
~~architect or engineer independent of any person that provided~~ 285
~~goods or services to the board in connection with the energy~~ 286
~~conservation measures that are the subject of the report.~~ The 287
resultant operational and maintenance cost savings shall be 288
certified by the school district treasurer. The report shall be 289
submitted annually to the commission. 290

(4) If the school facilities commission verifies that the 291
certified annual reports submitted to the commission by a board of 292
education under division (G)(3) of this section fulfill the 293
guarantee required under division (B) of section 3313.372 of the 294
Revised Code for three consecutive years, the board of education 295
shall no longer be subject to the annual reporting requirements of 296
division (G)(3) of this section. 297

(H) With the consent of the superintendent of public 298
instruction, a school district may incur without a vote of the 299

electors net indebtedness that exceeds the amounts stated in 300
divisions (A) and (G) of this section for the purpose of paying 301
costs of permanent improvements, if and to the extent that both of 302
the following conditions are satisfied: 303

(1) The fiscal officer of the school district estimates that 304
receipts of the school district from payments made under or 305
pursuant to agreements entered into pursuant to section 725.02, 306
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 307
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 308
Code, or distributions under division (C) of section 5709.43 of 309
the Revised Code, or any combination thereof, are, after 310
accounting for any appropriate coverage requirements, sufficient 311
in time and amount, and are committed by the proceedings, to pay 312
the debt charges on the securities issued to evidence that 313
indebtedness and payable from those receipts, and the taxing 314
authority of the district confirms the fiscal officer's estimate, 315
which confirmation is approved by the superintendent of public 316
instruction; 317

(2) The fiscal officer of the school district certifies, and 318
the taxing authority of the district confirms, that the district, 319
at the time of the certification and confirmation, reasonably 320
expects to have sufficient revenue available for the purpose of 321
operating such permanent improvements for their intended purpose 322
upon acquisition or completion thereof, and the superintendent of 323
public instruction approves the taxing authority's confirmation. 324

The maximum maturity of securities issued under division (H) 325
of this section shall be the lesser of twenty years or the maximum 326
maturity calculated under section 133.20 of the Revised Code. 327

(I) A school district may incur net indebtedness by the 328
issuance of securities in accordance with the provisions of this 329
chapter in excess of the limit specified in division (B) or (C) of 330
this section when necessary to raise the school district portion 331

of the basic project cost and any additional funds necessary to 332
participate in a project under Chapter 3318. of the Revised Code, 333
including the cost of items designated by the ~~Ohio~~ school 334
facilities commission as required locally funded initiatives, the 335
cost of other locally funded initiatives in an amount that does 336
not exceed fifty per cent of the district's portion of the basic 337
project cost, and the cost for site acquisition. The ~~school~~ 338
~~facilities~~ commission shall notify the superintendent of public 339
instruction whenever a school district will exceed either limit 340
pursuant to this division. 341

(J) A school district whose portion of the basic project cost 342
of its classroom facilities project under sections 3318.01 to 343
3318.20 of the Revised Code is greater than or equal to one 344
hundred million dollars may incur without a vote of the electors 345
net indebtedness in an amount up to two per cent of its tax 346
valuation through the issuance of general obligation securities in 347
order to generate all or part of the amount of its portion of the 348
basic project cost if the controlling board has approved the 349
school facilities commission's conditional approval of the project 350
under section 3318.04 of the Revised Code. The school district 351
board and the Ohio school facilities commission shall include the 352
dedication of the proceeds of such securities in the agreement 353
entered into under section 3318.08 of the Revised Code. No state 354
moneys shall be released for a project to which this section 355
applies until the proceeds of any bonds issued under this section 356
that are dedicated for the payment of the school district portion 357
of the project are first deposited into the school district's 358
project construction fund. 359

Sec. 149.433. (A) As used in this section: 360

(1) "Act of terrorism" has the same meaning as in section 361
2909.21 of the Revised Code. 362

(2) "Infrastructure record" means any record that discloses 363
the configuration of a public office's or chartered nonpublic 364
school's critical systems including, but not limited to, 365
communication, computer, electrical, mechanical, ventilation, 366
water, and plumbing systems, security codes, or the infrastructure 367
or structural configuration of the building in which a public 368
office or chartered nonpublic school is located. "Infrastructure 369
record" does not mean a simple floor plan that discloses only the 370
spatial relationship of components of a public office or chartered 371
nonpublic school or the building in which a public office or 372
chartered nonpublic school is located. 373

(3) "Security record" means any of the following: 374

(a) Any record that contains information directly used for 375
protecting or maintaining the security of a public office against 376
attack, interference, or sabotage; 377

(b) Any record assembled, prepared, or maintained by a public 378
office or public body to prevent, mitigate, or respond to acts of 379
terrorism, including any of the following: 380

(i) Those portions of records containing specific and unique 381
vulnerability assessments or specific and unique response plans 382
either of which is intended to prevent or mitigate acts of 383
terrorism, and communication codes or deployment plans of law 384
enforcement or emergency response personnel; 385

(ii) Specific intelligence information and specific 386
investigative records shared by federal and international law 387
enforcement agencies with state and local law enforcement and 388
public safety agencies; 389

(iii) National security records classified under federal 390
executive order and not subject to public disclosure under federal 391
law that are shared by federal agencies, and other records related 392
to national security briefings to assist state and local 393

government with domestic preparedness for acts of terrorism.	394
(c) A school safety <u>An emergency management</u> plan adopted pursuant to section 3313.536 of the Revised Code.	395 396
(B) A record kept by a public office that is a security record or an infrastructure record is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.	397 398 399 400
(C) Notwithstanding any other section of the Revised Code, disclosure by a public office, public employee, chartered nonpublic school, or chartered nonpublic school employee of a security record or infrastructure record that is necessary for construction, renovation, or remodeling work on any public building or project or chartered nonpublic school does not constitute public disclosure for purposes of waiving division (B) of this section and does not result in that record becoming a public record for purposes of section 149.43 of the Revised Code.	401 402 403 404 405 406 407 408 409
Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:	410 411 412
(a) Apply pesticides for a pesticide business without direct supervision;	413 414
(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;	415 416 417 418 419
(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that	420 421 422 423

private applicator. 424

(d) If the individual is the owner of a business other than a 425
pesticide business or an employee of such an owner, apply 426
pesticides at any of the following publicly accessible sites that 427
are located on the property: 428

(i) Food service operations that are licensed under Chapter 429
3717. of the Revised Code; 430

(ii) Retail food establishments that are licensed under 431
Chapter 3717. of the Revised Code; 432

(iii) Golf courses; 433

(iv) Rental properties of more than four apartment units at 434
one location; 435

(v) Hospitals or medical facilities as defined in section 436
3701.01 of the Revised Code; 437

(vi) Child day-care centers or school child day-care centers 438
as defined in section 5104.01 of the Revised Code; 439

(vii) Facilities owned or operated by a school district 440
established under Chapter 3311. of the Revised Code, including an 441
~~education~~ educational service center, a community school 442
established under Chapter 3314. of the Revised Code, or a 443
chartered or nonchartered nonpublic school that meets minimum 444
standards established by the state board of education; 445

(viii) ~~Colleges as defined in section 3365.01~~ State 446
institutions of higher education as defined in section 3345.011 of 447
the Revised Code, nonprofit institutions holding a certificate of 448
authorization pursuant to Chapter 1713. of the Revised Code, 449
institutions holding a certificate of registration from the state 450
board of career colleges and schools and program authorization for 451
an associate or bachelor's degree program issued under section 452
3332.05 of the Revised Code, and private institutions exempt from 453

regulation under Chapter 3332. of the Revised Code as prescribed 454
in section 3333.046 of the Revised Code; 455

(ix) Food processing establishments as defined in section 456
3715.021 of the Revised Code; 457

(x) Any other site designated by rule. 458

(e) Conduct authorized diagnostic inspections. 459

(2) Divisions (A)(1)(a) to (d) of this section do not apply 460
to an individual who is acting as a trained serviceperson under 461
the direct supervision of a commercial applicator. 462

(3) Licenses shall be issued for a period of time established 463
by rule and shall be renewed in accordance with deadlines 464
established by rule. The fee for each such license shall be 465
established by rule. If a license is not issued or renewed, the 466
application fee shall be retained by the state as payment for the 467
reasonable expense of processing the application. The director 468
shall by rule classify by pesticide-use category licenses to be 469
issued under this section. A single license may include more than 470
one pesticide-use category. No individual shall be required to pay 471
an additional license fee if the individual is licensed for more 472
than one category. 473

The fee for each license or renewal does not apply to an 474
applicant who is an employee of the department of agriculture 475
whose job duties require licensure as a commercial applicator as a 476
condition of employment. 477

(B) Application for a commercial applicator license shall be 478
made on a form prescribed by the director. Each application for a 479
license shall state the pesticide-use category or categories of 480
license for which the applicant is applying and other information 481
that the director determines essential to the administration of 482
this chapter. 483

(C) If the director finds that the applicant is competent to 484
apply pesticides and conduct diagnostic inspections and that the 485
applicant has passed both the general examination and each 486
applicable pesticide-use category examination as required under 487
division (A) of section 921.12 of the Revised Code, the director 488
shall issue a commercial applicator license limited to the 489
pesticide-use category or categories for which the applicant is 490
found to be competent. If the director rejects an application, the 491
director may explain why the application was rejected, describe 492
the additional requirements necessary for the applicant to obtain 493
a license, and return the application. The applicant may resubmit 494
the application without payment of any additional fee. 495

(D)(1) A person who is a commercial applicator shall be 496
deemed to hold a private applicator's license for purposes of 497
applying pesticides on agricultural commodities that are produced 498
by the commercial applicator. 499

(2) A commercial applicator shall apply pesticides only in 500
the pesticide-use category or categories in which the applicator 501
is licensed under this chapter. 502

(E) All money collected under this section shall be credited 503
to the pesticide, fertilizer, and lime program fund created in 504
section 921.22 of the Revised Code. 505

Sec. 3301.078. No official or board of this state, whether 506
appointed or elected, shall enter into any agreement or memorandum 507
of understanding with any federal or private entity that would 508
require the state to cede any measure of control over the 509
development, adoption, or revision of academic content standards. 510

Sec. 3301.079. (A)(1) The state board of education 511
periodically shall adopt statewide academic standards with 512
emphasis on coherence, focus, and ~~rigor~~ essential knowledge and 513

that are more challenging and demanding when compared to 514
international standards for each of grades kindergarten through 515
twelve in English language arts, mathematics, science, and social 516
studies. 517

(a) The state board shall ensure that the standards shall 518
specify do all of the following: 519

(i) ~~The core~~ Include the essential academic content and 520
skills that students are expected to know and be able to do at 521
each grade level that will allow each student to be prepared for 522
postsecondary instruction and the workplace for success in the 523
twenty-first century; 524

(ii) ~~The~~ Include the development of skill sets that promote 525
information, media, and technological literacy; 526

(iii) ~~Interdisciplinary~~ Include interdisciplinary, 527
project-based, real-world learning opportunities; 528

(iv) Instill life-long learning by providing essential 529
knowledge and skills based in the liberal arts tradition, as well 530
as science, technology, engineering, mathematics, and 531
career-technical education; 532

(v) Be clearly written, transparent, and understandable by 533
parents, educators, and the general public. 534

(b) Not later than July 1, 2012, the state board shall 535
incorporate into the social studies standards for grades four to 536
twelve academic content regarding the original texts of the 537
Declaration of Independence, the Northwest Ordinance, the 538
Constitution of the United States and its amendments, with 539
emphasis on the Bill of Rights, and the Ohio Constitution, and 540
their original context. The state board shall revise the model 541
curricula and achievement assessments adopted under divisions (B) 542
and (C) of this section as necessary to reflect the additional 543
American history and American government content. The state board 544

shall make available a list of suggested grade-appropriate 545
supplemental readings that place the documents prescribed by this 546
division in their historical context, which teachers may use as a 547
resource to assist students in reading the documents within that 548
context. 549

(c) When the state board adopts or revises academic content 550
standards in social studies, American history, American 551
government, or science under division (A)(1) of this section, the 552
state board shall develop such standards independently and not as 553
part of a multistate consortium. 554

(2) After completing the standards required by division 555
(A)(1) of this section, the state board shall adopt standards and 556
model curricula for instruction in technology, financial literacy 557
and entrepreneurship, fine arts, and foreign language for grades 558
kindergarten through twelve. The standards shall meet the same 559
requirements prescribed in division (A)(1)(a) of this section. 560

(3) The state board shall adopt the most recent standards 561
developed by the national association for sport and physical 562
education for physical education in grades kindergarten through 563
twelve or shall adopt its own standards for physical education in 564
those grades and revise and update them periodically. 565

The department of education shall employ a full-time physical 566
education coordinator to provide guidance and technical assistance 567
to districts, community schools, and STEM schools in implementing 568
the physical education standards adopted under this division. The 569
superintendent of public instruction shall determine that the 570
person employed as coordinator is qualified for the position, as 571
demonstrated by possessing an adequate combination of education, 572
license, and experience. 573

(4) When academic standards have been completed for any 574
subject area required by this section, the state board shall 575

inform all school districts, all community schools established 576
under Chapter 3314. of the Revised Code, all STEM schools 577
established under Chapter 3326. of the Revised Code, and all 578
nonpublic schools required to administer the assessments 579
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 580
of the content of those standards. Additionally, upon completion 581
of any academic standards under this section, the department shall 582
post those standards on the department's web site. 583

(B)(1) The state board shall adopt a model curriculum for 584
instruction in each subject area for which updated academic 585
standards are required by division (A)(1) of this section and for 586
each of grades kindergarten through twelve that is sufficient to 587
meet the needs of students in every community. The model 588
curriculum shall be aligned with the standards, to ensure that the 589
academic content and skills specified for each grade level are 590
taught to students, and shall demonstrate vertical articulation 591
and emphasize coherence, focus, and rigor. When any model 592
curriculum has been completed, the state board shall inform all 593
school districts, community schools, and STEM schools of the 594
content of that model curriculum. 595

(2) Not later than June 30, 2013, the state board, in 596
consultation with any office housed in the governor's office that 597
deals with workforce development, shall adopt model curricula for 598
grades kindergarten through twelve that embed career connection 599
learning strategies into regular classroom instruction. 600

(3) All school districts, community schools, and STEM schools 601
may utilize the state standards and the model curriculum 602
established by the state board, together with other relevant 603
resources, examples, or models to ensure that students have the 604
opportunity to attain the academic standards. Upon request, the 605
department shall provide technical assistance to any district, 606
community school, or STEM school in implementing the model 607

curriculum. 608

Nothing in this section requires any school district to 609
utilize all or any part of a model curriculum developed under this 610
section. 611

(C) The state board shall develop achievement assessments 612
aligned with the academic standards and model curriculum for each 613
of the subject areas and grade levels required by divisions (A)(1) 614
and (B)(1) of section 3301.0710 of the Revised Code. 615

When any achievement assessment has been completed, the state 616
board shall inform all school districts, community schools, STEM 617
schools, and nonpublic schools required to administer the 618
assessment of its completion, and the department shall make the 619
achievement assessment available to the districts and schools. 620

(D)(1) The state board shall adopt a diagnostic assessment 621
aligned with the academic standards and model curriculum for each 622
of grades kindergarten through two in reading, writing, and 623
mathematics and for grade three in reading and writing. The 624
diagnostic assessment shall be designed to measure student 625
comprehension of academic content and mastery of related skills 626
for the relevant subject area and grade level. Any diagnostic 627
assessment shall not include components to identify gifted 628
students. Blank copies of diagnostic assessments shall be public 629
records. 630

(2) When each diagnostic assessment has been completed, the 631
state board shall inform all school districts of its completion 632
and the department shall make the diagnostic assessment available 633
to the districts at no cost to the district. School districts 634
shall administer the diagnostic assessment pursuant to section 635
3301.0715 of the Revised Code beginning the first school year 636
following the development of the assessment. 637

(E) The state board shall not adopt a diagnostic or 638

achievement assessment for any grade level or subject area other 639
than those specified in this section. 640

(F) Whenever the state board or the department consults with 641
persons for the purpose of drafting or reviewing any standards, 642
diagnostic assessments, achievement assessments, or model 643
curriculum required under this section, the state board or the 644
department shall first consult with parents of students in 645
kindergarten through twelfth grade and with active Ohio classroom 646
teachers, other school personnel, and administrators with 647
expertise in the appropriate subject area. Whenever practicable, 648
the state board and department shall consult with teachers 649
recognized as outstanding in their fields. 650

If the department contracts with more than one outside entity 651
for the development of the achievement assessments required by 652
this section, the department shall ensure the interchangeability 653
of those assessments. 654

(G) Whenever the state board adopts standards or model 655
curricula under this section, the department also shall provide 656
information on the use of blended or digital learning in the 657
delivery of the standards or curricula to students in accordance 658
with division (A)(4) of this section. 659

(H) The fairness sensitivity review committee, established by 660
rule of the state board of education, shall not allow any question 661
on any achievement or diagnostic assessment developed under this 662
section or any proficiency test prescribed by former section 663
3301.0710 of the Revised Code, as it existed prior to September 664
11, 2001, to include, be written to promote, or inquire as to 665
individual moral or social values or beliefs. The decision of the 666
committee shall be final. This section does not create a private 667
cause of action. 668

(I)(1)(a) The English language arts academic standards review 669

committee is hereby created to review academic content standards 670
in the subject of English language arts. The committee shall 671
consist of the following members: 672

(i) Three experts who are residents of this state and who 673
primarily conduct research, provide instruction, currently work 674
in, or possess an advanced degree in the subject area. One expert 675
shall be appointed by each of the president of the senate, the 676
speaker of the house of representatives, and the governor; 677

(ii) One parent or guardian appointed by the president of the 678
senate; 679

(iii) One educator who is currently teaching in a classroom, 680
appointed by the speaker of the house of representatives; 681

(iv) The chancellor of the Ohio board of regents, or the 682
chancellor's designee; 683

(v) The state superintendent, or the superintendent's 684
designee, who shall serve as the chairperson of the committee. 685

(b) The mathematics academic standards review committee is 686
hereby created to review academic content standards in the subject 687
of mathematics. The committee shall consist of the following 688
members: 689

(i) Three experts who are residents of this state and who 690
primarily conduct research, provide instruction, currently work 691
in, or possess an advanced degree in the subject area. One expert 692
shall be appointed by each of the president of the senate, the 693
speaker of the house of representatives, and the governor; 694

(ii) One parent or guardian appointed by the speaker of the 695
house of representatives; 696

(iii) One educator who is currently teaching in a classroom, 697
appointed by the president of the senate; 698

(iv) The chancellor, or the chancellor's designee; 699

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee. 700
701

(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members: 702
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(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor; 705
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(ii) One parent or guardian appointed by the president of the senate; 710
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(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives; 712
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(iv) The chancellor, or the chancellor's designee; 714

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee. 715
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(d) The social studies academic standards review committee is hereby created to review academic content standards in the subject of social studies. The committee shall consist of the following members: 717
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(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor; 721
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(ii) One parent or guardian appointed by the speaker of the house of representatives; 726
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(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate; 728
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(iv) The chancellor, or the chancellor's designee; 730

(v) The state superintendent, or the superintendent's 731
designee, who shall serve as the chairperson of the committee. 732

(2)(a) Each committee created in division (I)(1) of this 733
section shall review the academic content standards for its 734
respective subject area to ensure that such standards are clear, 735
concise, and appropriate for each grade level and promote higher 736
student performance, learning, subject matter comprehension, and 737
improved student achievement. Each committee also shall review 738
whether the standards for its respective subject area promote 739
essential knowledge in the subject, lifelong learning, the liberal 740
arts tradition, and college and career readiness and whether the 741
standards reduce remediation. 742

(b) Each committee shall determine whether the assessments 743
submitted to that committee under division (I)(4) of this section 744
are appropriate for the committee's respective subject area and 745
meet the academic content standards adopted under this section and 746
community expectations. 747

(3) The department of education shall provide administrative 748
support for each committee created in division (I)(1) of this 749
section. Members of each committee shall be reimbursed for 750
reasonable and necessary expenses related to the operations of the 751
committee. Members of each committee shall serve at the pleasure 752
of the appointing authority. 753

(4) Notwithstanding anything to the contrary in division (N) 754
of section 3301.0711 of the Revised Code, the department shall 755
submit to the appropriate committee created under division (I)(1) 756
of this section copies of the questions and corresponding answers 757
on the relevant assessments required by section 3301.0710 of the 758
Revised Code on the first day of July following the school year 759
that the assessments were administered. The department shall 760

provide each committee with the entire content of each relevant assessment, including corresponding answers. 761
762

The assessments received by the committees are not public records of the committees and are not subject to release by the committees to any other person or entity under section 149.43 of the Revised Code. However, the assessments shall become public records in accordance with division (N) of section 3301.0711 of the Revised Code. 763
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(J) Not later than forty-five days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction shall present the academic standards or model curricula, as applicable, to the respective committees of the house of representatives and senate that consider education legislation. 769
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~~(J)~~(K) As used in this section: 776

(1) "Blended learning" means the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning. 777
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(2) "Coherence" means a reflection of the structure of the discipline being taught. 781
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(3) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning. 783
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(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 786
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~~(5) "Rigor" means more challenging and demanding when compared to international standards.~~ 788
789

~~(6)~~ "Vertical articulation" means key academic concepts and 790

skills associated with mastery in particular content areas should 791
be articulated and reinforced in a developmentally appropriate 792
manner at each grade level so that over time students acquire a 793
depth of knowledge and understanding in the core academic 794
disciplines. 795

Sec. 3301.0711. (A) The department of education shall: 796

(1) Annually furnish to, grade, and score all assessments 797
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 798
the Revised Code to be administered by city, local, exempted 799
village, and joint vocational school districts, except that each 800
district shall score any assessment administered pursuant to 801
division (B)(10) of this section. Each assessment so furnished 802
shall include the data verification code of the student to whom 803
the assessment will be administered, as assigned pursuant to 804
division (D)(2) of section 3301.0714 of the Revised Code. In 805
furnishing the practice versions of Ohio graduation tests 806
prescribed by division (D) of section 3301.0710 of the Revised 807
Code, the department shall make the tests available on its web 808
site for reproduction by districts. In awarding contracts for 809
grading assessments, the department shall give preference to 810
Ohio-based entities employing Ohio residents. 811

(2) Adopt rules for the ethical use of assessments and 812
prescribing the manner in which the assessments prescribed by 813
section 3301.0710 of the Revised Code shall be administered to 814
students. 815

(B) Except as provided in divisions (C) and (J) of this 816
section, the board of education of each city, local, and exempted 817
village school district shall, in accordance with rules adopted 818
under division (A) of this section: 819

(1) Administer the English language arts assessments 820
prescribed under division (A)(1)(a) of section 3301.0710 of the 821

Revised Code twice annually to all students in the third grade who 822
have not attained the score designated for that assessment under 823
division (A)(2)(c) of section 3301.0710 of the Revised Code. 824

(2) Administer the mathematics assessment prescribed under 825
division (A)(1)(a) of section 3301.0710 of the Revised Code at 826
least once annually to all students in the third grade. 827

(3) Administer the assessments prescribed under division 828
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 829
annually to all students in the fourth grade. 830

(4) Administer the assessments prescribed under division 831
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 832
annually to all students in the fifth grade. 833

(5) Administer the assessments prescribed under division 834
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 835
annually to all students in the sixth grade. 836

(6) Administer the assessments prescribed under division 837
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 838
annually to all students in the seventh grade. 839

(7) Administer the assessments prescribed under division 840
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 841
annually to all students in the eighth grade. 842

(8) Except as provided in division (B)(9) of this section, 843
administer any assessment prescribed under division (B)(1) of 844
section 3301.0710 of the Revised Code as follows: 845

(a) At least once annually to all tenth grade students and at 846
least twice annually to all students in eleventh or twelfth grade 847
who have not yet attained the score on that assessment designated 848
under that division; 849

(b) To any person who has successfully completed the 850
curriculum in any high school or the individualized education 851

program developed for the person by any high school pursuant to 852
section 3323.08 of the Revised Code but has not received a high 853
school diploma and who requests to take such assessment, at any 854
time such assessment is administered in the district. 855

(9) In lieu of the board of education of any city, local, or 856
exempted village school district in which the student is also 857
enrolled, the board of a joint vocational school district shall 858
administer any assessment prescribed under division (B)(1) of 859
section 3301.0710 of the Revised Code at least twice annually to 860
any student enrolled in the joint vocational school district who 861
has not yet attained the score on that assessment designated under 862
that division. A board of a joint vocational school district may 863
also administer such an assessment to any student described in 864
division (B)(8)(b) of this section. 865

(10) If the district has a three-year average graduation rate 866
of not more than seventy-five per cent, administer each assessment 867
prescribed by division (D) of section 3301.0710 of the Revised 868
Code in September to all ninth grade students, beginning in the 869
school year that starts July 1, 2005. 870

Except as provided in section 3313.614 of the Revised Code 871
for administration of an assessment to a person who has fulfilled 872
the curriculum requirement for a high school diploma but has not 873
passed one or more of the required assessments, the assessments 874
prescribed under division (B)(1) of section 3301.0710 of the 875
Revised Code and the practice assessments prescribed under 876
division (D) of that section and required to be administered under 877
divisions (B)(8), (9), and (10) of this section shall not be 878
administered after the assessment system prescribed by division 879
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 880
Code is implemented under rule of the state board adopted under 881
division (D)(1) of section 3301.0712 of the Revised Code. 882

(11) Administer the assessments prescribed by division (B)(2) 883

of section 3301.0710 and section 3301.0712 of the Revised Code in 884
accordance with the timeline and plan for implementation of those 885
assessments prescribed by rule of the state board adopted under 886
division (D)(1) of section 3301.0712 of the Revised Code. 887

(C)(1)(a) In the case of a student receiving special 888
education services under Chapter 3323. of the Revised Code, the 889
individualized education program developed for the student under 890
that chapter shall specify the manner in which the student will 891
participate in the assessments administered under this section. 892
The individualized education program may excuse the student from 893
taking any particular assessment required to be administered under 894
this section if it instead specifies an alternate assessment 895
method approved by the department of education as conforming to 896
requirements of federal law for receipt of federal funds for 897
disadvantaged pupils. To the extent possible, the individualized 898
education program shall not excuse the student from taking an 899
assessment unless no reasonable accommodation can be made to 900
enable the student to take the assessment. 901

(b) Any alternate assessment approved by the department for a 902
student under this division shall produce measurable results 903
comparable to those produced by the assessment it replaces in 904
order to allow for the student's results to be included in the 905
data compiled for a school district or building under section 906
3302.03 of the Revised Code. 907

(c) Any student enrolled in a chartered nonpublic school who 908
has been identified, based on an evaluation conducted in 909
accordance with section 3323.03 of the Revised Code or section 504 910
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 911
794, as amended, as a child with a disability shall be excused 912
from taking any particular assessment required to be administered 913
under this section if a plan developed for the student pursuant to 914
rules adopted by the state board excuses the student from taking 915

that assessment. In the case of any student so excused from taking 916
an assessment, the chartered nonpublic school shall not prohibit 917
the student from taking the assessment. 918

(2) A district board may, for medical reasons or other good 919
cause, excuse a student from taking an assessment administered 920
under this section on the date scheduled, but that assessment 921
shall be administered to the excused student not later than nine 922
days following the scheduled date. The district board shall 923
annually report the number of students who have not taken one or 924
more of the assessments required by this section to the state 925
board of education not later than the thirtieth day of June. 926

(3) As used in this division, "limited English proficient 927
student" has the same meaning as in 20 U.S.C. 7801. 928

No school district board shall excuse any limited English 929
proficient student from taking any particular assessment required 930
to be administered under this section, except that any limited 931
English proficient student who has been enrolled in United States 932
schools for less than one full school year shall not be required 933
to take any reading, writing, or English language arts assessment. 934
However, no board shall prohibit a limited English proficient 935
student who is not required to take an assessment under this 936
division from taking the assessment. A board may permit any 937
limited English proficient student to take an assessment required 938
to be administered under this section with appropriate 939
accommodations, as determined by the department. For each limited 940
English proficient student, each school district shall annually 941
assess that student's progress in learning English, in accordance 942
with procedures approved by the department. 943

The governing authority of a chartered nonpublic school may 944
excuse a limited English proficient student from taking any 945
assessment administered under this section. However, no governing 946
authority shall prohibit a limited English proficient student from 947

taking the assessment. 948

(D)(1) In the school year next succeeding the school year in 949
which the assessments prescribed by division (A)(1) or (B)(1) of 950
section 3301.0710 of the Revised Code or former division (A)(1), 951
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 952
existed prior to September 11, 2001, are administered to any 953
student, the board of education of any school district in which 954
the student is enrolled in that year shall provide to the student 955
intervention services commensurate with the student's performance, 956
including any intensive intervention required under section 957
3313.608 of the Revised Code, in any skill in which the student 958
failed to demonstrate at least a score at the proficient level on 959
the assessment. 960

(2) Following any administration of the assessments 961
prescribed by division (D) of section 3301.0710 of the Revised 962
Code to ninth grade students, each school district that has a 963
three-year average graduation rate of not more than seventy-five 964
per cent shall determine for each high school in the district 965
whether the school shall be required to provide intervention 966
services to any students who took the assessments. In determining 967
which high schools shall provide intervention services based on 968
the resources available, the district shall consider each school's 969
graduation rate and scores on the practice assessments. The 970
district also shall consider the scores received by ninth grade 971
students on the English language arts and mathematics assessments 972
prescribed under division (A)(1)(f) of section 3301.0710 of the 973
Revised Code in the eighth grade in determining which high schools 974
shall provide intervention services. 975

Each high school selected to provide intervention services 976
under this division shall provide intervention services to any 977
student whose results indicate that the student is failing to make 978
satisfactory progress toward being able to attain scores at the 979

proficient level on the Ohio graduation tests. Intervention 980
services shall be provided in any skill in which a student 981
demonstrates unsatisfactory progress and shall be commensurate 982
with the student's performance. Schools shall provide the 983
intervention services prior to the end of the school year, during 984
the summer following the ninth grade, in the next succeeding 985
school year, or at any combination of those times. 986

(E) Except as provided in section 3313.608 of the Revised 987
Code and division (M) of this section, no school district board of 988
education shall utilize any student's failure to attain a 989
specified score on an assessment administered under this section 990
as a factor in any decision to deny the student promotion to a 991
higher grade level. However, a district board may choose not to 992
promote to the next grade level any student who does not take an 993
assessment administered under this section or make up an 994
assessment as provided by division (C)(2) of this section and who 995
is not exempt from the requirement to take the assessment under 996
division (C)(3) of this section. 997

(F) No person shall be charged a fee for taking any 998
assessment administered under this section. 999

(G)(1) Each school district board shall designate one 1000
location for the collection of assessments administered in the 1001
spring under division (B)(1) of this section and those 1002
administered under divisions (B)(2) to (7) of this section. Each 1003
district board shall submit the assessments to the entity with 1004
which the department contracts for the scoring of the assessments 1005
as follows: 1006

(a) If the district's total enrollment in grades kindergarten 1007
through twelve during the first full school week of October was 1008
less than two thousand five hundred, not later than the Friday 1009
after all of the assessments have been administered; 1010

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

(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. 1043

(I) Except as provided in division (G) of this section, the 1044
department or an entity with which the department contracts for 1045
the scoring of the assessment shall not release any individual 1046
scores on any assessment administered under this section. The 1047
state board of education shall adopt rules to ensure the 1048
protection of student confidentiality at all times. The rules may 1049
require the use of the data verification codes assigned to 1050
students pursuant to division (D)(2) of section 3301.0714 of the 1051
Revised Code to protect the confidentiality of student scores. 1052

(J) Notwithstanding division (D) of section 3311.52 of the 1053
Revised Code, this section does not apply to the board of 1054
education of any cooperative education school district except as 1055
provided under rules adopted pursuant to this division. 1056

(1) In accordance with rules that the state board of 1057
education shall adopt, the board of education of any city, 1058
exempted village, or local school district with territory in a 1059
cooperative education school district established pursuant to 1060
divisions (A) to (C) of section 3311.52 of the Revised Code may 1061
enter into an agreement with the board of education of the 1062
cooperative education school district for administering any 1063
assessment prescribed under this section to students of the city, 1064
exempted village, or local school district who are attending 1065
school in the cooperative education school district. 1066

(2) In accordance with rules that the state board of 1067
education shall adopt, the board of education of any city, 1068
exempted village, or local school district with territory in a 1069
cooperative education school district established pursuant to 1070
section 3311.521 of the Revised Code shall enter into an agreement 1071
with the cooperative district that provides for the administration 1072
of any assessment prescribed under this section to both of the 1073
following: 1074

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

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

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) or (K)(1)(c) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the elementary assessments prescribed by section 3301.0710 of the Revised Code. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the elementary assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(b) If a chartered nonpublic school ~~is not subject to division (K)(1)(a) of this section and~~ is educating students in grades nine through twelve, it shall administer the assessments prescribed by divisions (B)(1) and (2) of section 3301.0710 of the Revised Code as a condition of compliance with section 3313.612 of the Revised Code. ~~Any~~

(c) If a chartered nonpublic school meets the following conditions, it shall not be required to administer the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code: 1107
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(i) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 1111
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(ii) The school has solely served a student population described in division (K)(1)(c)(i) of this section for at least ten years. 1120
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(iii) The school is accredited through the independent school association of the central states and has been issued a charter by the state board. 1123
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(iv) The school promises to provide and provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 1126
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(d) Any chartered nonpublic school that is not subject to division (K)(1)(a) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall 1132
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be made in writing to the superintendent of public instruction 1138
prior to the first day of August of any school year in which 1139
assessments are administered and shall include a pledge that the 1140
nonpublic school will administer the specified assessments in the 1141
same manner as public schools are required to do under this 1142
section and rules adopted by the department. 1143

(2) The department of education shall furnish the assessments 1144
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 1145
to each chartered nonpublic school that is subject to division 1146
(K)(1)(a) of this section or participates under division (K)(1)(b) 1147
of this section. 1148

(L)(1) The superintendent of the state school for the blind 1149
and the superintendent of the state school for the deaf shall 1150
administer the assessments described by sections 3301.0710 and 1151
3301.0712 of the Revised Code. Each superintendent shall 1152
administer the assessments in the same manner as district boards 1153
are required to do under this section and rules adopted by the 1154
department of education and in conformity with division (C)(1)(a) 1155
of this section. 1156

(2) The department of education shall furnish the assessments 1157
described by sections 3301.0710 and 3301.0712 of the Revised Code 1158
to each superintendent. 1159

(M) Notwithstanding division (E) of this section, a school 1160
district may use a student's failure to attain a score in at least 1161
the proficient range on the mathematics assessment described by 1162
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 1163
an assessment described by division (A)(1)(b), (c), (d), (e), or 1164
(f) of section 3301.0710 of the Revised Code as a factor in 1165
retaining that student in the current grade level. 1166

(N)(1) In the manner specified in divisions (N)(3) ~~and~~ (4), 1167
and (6) of this section, the assessments required by division 1168

(A)(1) of section 3301.0710 of the Revised Code shall become 1169
public records pursuant to section 149.43 of the Revised Code on 1170
the ~~first~~ thirty-first day of July following the school year that 1171
the assessments were administered. 1172

(2) The department may field test proposed questions with 1173
samples of students to determine the validity, reliability, or 1174
appropriateness of questions for possible inclusion in a future 1175
year's assessment. The department also may use anchor questions on 1176
assessments to ensure that different versions of the same 1177
assessment are of comparable difficulty. 1178

Field test questions and anchor questions shall not be 1179
considered in computing scores for individual students. Field test 1180
questions and anchor questions may be included as part of the 1181
administration of any assessment required by division (A)(1) or 1182
(B)(1) of section 3301.0710 of the Revised Code. 1183

(3) Any field test question or anchor question administered 1184
under division (N)(2) of this section shall not be a public 1185
record. Such field test questions and anchor questions shall be 1186
redacted from any assessments which are released as a public 1187
record pursuant to division (N)(1) of this section. 1188

(4) This division applies to the assessments prescribed by 1189
division (A) of section 3301.0710 of the Revised Code. 1190

(a) The first administration of each assessment, as specified 1191
in former section 3301.0712 of the Revised Code, shall be a public 1192
record. 1193

(b) For subsequent administrations of each assessment prior 1194
to the 2011-2012 school year, not less than forty per cent of the 1195
questions on the assessment that are used to compute a student's 1196
score shall be a public record. The department shall determine 1197
which questions will be needed for reuse on a future assessment 1198
and those questions shall not be public records and shall be 1199

redacted from the assessment prior to its release as a public 1200
record. However, for each redacted question, the department shall 1201
inform each city, local, and exempted village school district of 1202
the statewide academic standard adopted by the state board of 1203
education under section 3301.079 of the Revised Code and the 1204
corresponding benchmark to which the question relates. The 1205
preceding sentence does not apply to field test questions that are 1206
redacted under division (N)(3) of this section. 1207

(c) The administrations of each assessment in the 2011-2012, 1208
2012-2013, and 2013-2014 school ~~year and later years~~ shall not be 1209
a public record. 1210

(5) Each assessment prescribed by division (B)(1) of section 1211
3301.0710 of the Revised Code shall not be a public record. 1212

(a) Forty per cent of the questions and preferred answers on 1213
the assessments on the thirty-first day of July following the 1214
administration of the assessment; 1215

(b) Twenty per cent of the questions and preferred answers on 1216
the assessment on the thirty-first day of July one year after the 1217
administration of the assessment; 1218

(c) The remaining forty per cent of the questions and 1219
preferred answers on the assessment on the thirty-first day of 1220
July two years after the administration of the assessment. 1221

The entire content of an assessment shall become a public 1222
record within three years of its administration. 1223

The department shall make the questions that become a public 1224
record under this division readily accessible to the public on the 1225
department's web site. Questions on the spring administration of 1226
each assessment shall be released on an annual basis, in 1227
accordance with this division. 1228

(O) As used in this section: 1229

(1) "Three-year average" means the average of the most recent 1230
consecutive three school years of data. 1231

(2) "Dropout" means a student who withdraws from school 1232
before completing course requirements for graduation and who is 1233
not enrolled in an education program approved by the state board 1234
of education or an education program outside the state. "Dropout" 1235
does not include a student who has departed the country. 1236

(3) "Graduation rate" means the ratio of students receiving a 1237
diploma to the number of students who entered ninth grade four 1238
years earlier. Students who transfer into the district are added 1239
to the calculation. Students who transfer out of the district for 1240
reasons other than dropout are subtracted from the calculation. If 1241
a student who was a dropout in any previous year returns to the 1242
same school district, that student shall be entered into the 1243
calculation as if the student had entered ninth grade four years 1244
before the graduation year of the graduating class that the 1245
student joins. 1246

(4) "State scholarship programs" means the educational choice 1247
scholarship pilot program established under sections 3310.01 to 1248
3310.17 of the Revised Code, the autism scholarship program 1249
established under section 3310.41 of the Revised Code, the Jon 1250
Peterson special needs scholarship program established under 1251
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 1252
project scholarship program established under sections 3313.974 to 1253
3313.979 of the Revised Code. 1254

Sec. 3301.0712. (A) The state board of education, the 1255
superintendent of public instruction, and the chancellor of the 1256
Ohio board of regents shall develop a system of college and work 1257
ready assessments as described in divisions (B)(1) and (2) of this 1258
section to assess whether each student upon graduating from high 1259
school is ready to enter college or the workforce. The system 1260

shall replace the Ohio graduation tests prescribed in division 1261
(B)(1) of section 3301.0710 of the Revised Code as a measure of 1262
student academic performance and a prerequisite for eligibility 1263
for a high school diploma in the manner prescribed by rule of the 1264
state board adopted under division (D) of this section. 1265

(B) The college and work ready assessment system shall 1266
consist of the following: 1267

(1) A nationally standardized assessment that measures 1268
college and career readiness selected jointly by the state 1269
superintendent and the chancellor. 1270

(2) A series of end-of-course examinations in the areas of 1271
science, mathematics, English language arts, American history, and 1272
American government selected jointly by the state superintendent 1273
and the chancellor in consultation with faculty in the appropriate 1274
subject areas at institutions of higher education of the 1275
university system of Ohio. For each subject area, the state 1276
superintendent and chancellor shall select multiple assessments 1277
that school districts, public schools, and chartered nonpublic 1278
schools may use as end-of-course examinations. Subject to division 1279
(B)(3)(b) of this section, those assessments shall include 1280
nationally recognized subject area assessments, such as advanced 1281
placement examinations, SAT subject tests, international 1282
baccalaureate examinations, and other assessments of college and 1283
work readiness. 1284

(3)(a) Not later than July 1, 2013, each school district 1285
board of education shall adopt interim end-of-course examinations 1286
that comply with the requirements of divisions (B)(3)(b)(i) and 1287
(ii) of this section to assess mastery of American history and 1288
American government standards adopted under division (A)(1)(b) of 1289
section 3301.079 of the Revised Code and the topics required under 1290
division (M) of section 3313.603 of the Revised Code. Each high 1291

school of the district shall use the interim examinations until 1292
the state superintendent and chancellor select end-of-course 1293
examinations in American history and American government under 1294
division (B)(2) of this section. 1295

(b) Not later than July 1, 2014, the state superintendent and 1296
the chancellor shall select the end-of-course examinations in 1297
American history and American government. 1298

(i) The end-of-course examinations in American history and 1299
American government shall require demonstration of mastery of the 1300
American history and American government content for social 1301
studies standards adopted under division (A)(1)(b) of section 1302
3301.079 of the Revised Code and the topics required under 1303
division (M) of section 3313.603 of the Revised Code. 1304

(ii) At least twenty per cent of the end-of-course 1305
examination in American government shall address the topics on 1306
American history and American government described in division (M) 1307
of section 3313.603 of the Revised Code. 1308

(C) The state board shall convene a group of national 1309
experts, state experts, and local practitioners to provide advice, 1310
guidance, and recommendations for the alignment of standards and 1311
model curricula to the assessments and in the design of the 1312
end-of-course examinations prescribed by this section. 1313

(D) Upon completion of the development of the assessment 1314
system, the state board shall adopt rules prescribing all of the 1315
following: 1316

(1) A timeline and plan for implementation of the assessment 1317
system, including a phased implementation if the state board 1318
determines such a phase-in is warranted; 1319

(2) The date after which a person entering ninth grade shall 1320
meet the requirements of the entire assessment system as a 1321
prerequisite for a high school diploma under section 3313.61, 1322

3313.612, or 3325.08 of the Revised Code;	1323
(3) 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;	1324 1325 1326
(4) 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;	1327 1328 1329 1330 1331
(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall 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;	1332 1333 1334 1335 1336 1337 1338
(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.	1339 1340 1341 1342
No rule adopted under this division shall be effective earlier than one year after the date the rule is filed in final form pursuant to Chapter 119. of the Revised Code.	1343 1344 1345
(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 legislation.	1346 1347 1348 1349 1350 1351 1352 1353

(F)(1) Any person enrolled in a nonchartered nonpublic school 1354
or any person who has been excused from attendance at school for 1355
the purpose of home instruction under section 3321.04 of the 1356
Revised Code may choose to participate in the system of 1357
assessments administered under divisions (B)(1) and (2) of this 1358
section. However, no such person shall be required to participate 1359
in the system of assessments. 1360

(2) The department shall adopt rules for the administration 1361
and scoring of any assessments under division (F)(1) of this 1362
section. 1363

Sec. 3301.0714. (A) The state board of education shall adopt 1364
rules for a statewide education management information system. The 1365
rules shall require the state board to establish guidelines for 1366
the establishment and maintenance of the system in accordance with 1367
this section and the rules adopted under this section. The 1368
guidelines shall include: 1369

(1) Standards identifying and defining the types of data in 1370
the system in accordance with divisions (B) and (C) of this 1371
section; 1372

(2) Procedures for annually collecting and reporting the data 1373
to the state board in accordance with division (D) of this 1374
section; 1375

(3) Procedures for annually compiling the data in accordance 1376
with division (G) of this section; 1377

(4) Procedures for annually reporting the data to the public 1378
in accordance with division (H) of this section; 1379

(5) Standards to provide strict safeguards to protect the 1380
confidentiality of personally identifiable student data. 1381

(B) The guidelines adopted under this section shall require 1382
the data maintained in the education management information system 1383

to include at least the following: 1384

(1) Student participation and performance data, for each 1385
grade in each school district as a whole and for each grade in 1386
each school building in each school district, that includes: 1387

(a) The numbers of students receiving each category of 1388
instructional service offered by the school district, such as 1389
regular education instruction, vocational education instruction, 1390
specialized instruction programs or enrichment instruction that is 1391
part of the educational curriculum, instruction for gifted 1392
students, instruction for students with disabilities, and remedial 1393
instruction. The guidelines shall require instructional services 1394
under this division to be divided into discrete categories if an 1395
instructional service is limited to a specific subject, a specific 1396
type of student, or both, such as regular instructional services 1397
in mathematics, remedial reading instructional services, 1398
instructional services specifically for students gifted in 1399
mathematics or some other subject area, or instructional services 1400
for students with a specific type of disability. The categories of 1401
instructional services required by the guidelines under this 1402
division shall be the same as the categories of instructional 1403
services used in determining cost units pursuant to division 1404
(C)(3) of this section. 1405

(b) The numbers of students receiving support or 1406
extracurricular services for each of the support services or 1407
extracurricular programs offered by the school district, such as 1408
counseling services, health services, and extracurricular sports 1409
and fine arts programs. The categories of services required by the 1410
guidelines under this division shall be the same as the categories 1411
of services used in determining cost units pursuant to division 1412
(C)(4)(a) of this section. 1413

(c) Average student grades in each subject in grades nine 1414
through twelve; 1415

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	1416 1417
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	1418 1419 1420
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	1421 1422 1423
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	1424 1425 1426 1427
(h) Expulsion rates;	1428
(i) Suspension rates;	1429
(j) Dropout rates;	1430
(k) Rates of retention in grade;	1431
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	1432 1433 1434
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	1435 1436 1437 1438 1439
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, <u>except for the language</u>	1440 1441 1442 1443 1444 1445

and reading assessment described in division (A)(2) of section 1446
3301.0715 of the Revised Code, if the parent of that student 1447
requests the district not to report those results. 1448

(2) Personnel and classroom enrollment data for each school 1449
district, including: 1450

(a) The total numbers of licensed employees and nonlicensed 1451
employees and the numbers of full-time equivalent licensed 1452
employees and nonlicensed employees providing each category of 1453
instructional service, instructional support service, and 1454
administrative support service used pursuant to division (C)(3) of 1455
this section. The guidelines adopted under this section shall 1456
require these categories of data to be maintained for the school 1457
district as a whole and, wherever applicable, for each grade in 1458
the school district as a whole, for each school building as a 1459
whole, and for each grade in each school building. 1460

(b) The total number of employees and the number of full-time 1461
equivalent employees providing each category of service used 1462
pursuant to divisions (C)(4)(a) and (b) of this section, and the 1463
total numbers of licensed employees and nonlicensed employees and 1464
the numbers of full-time equivalent licensed employees and 1465
nonlicensed employees providing each category used pursuant to 1466
division (C)(4)(c) of this section. The guidelines adopted under 1467
this section shall require these categories of data to be 1468
maintained for the school district as a whole and, wherever 1469
applicable, for each grade in the school district as a whole, for 1470
each school building as a whole, and for each grade in each school 1471
building. 1472

(c) The total number of regular classroom teachers teaching 1473
classes of regular education and the average number of pupils 1474
enrolled in each such class, in each of grades kindergarten 1475
through five in the district as a whole and in each school 1476
building in the school district. 1477

(d) The number of lead teachers employed by each school 1478
district and each school building. 1479

(3)(a) Student demographic data for each school district, 1480
including information regarding the gender ratio of the school 1481
district's pupils, the racial make-up of the school district's 1482
pupils, the number of limited English proficient students in the 1483
district, and an appropriate measure of the number of the school 1484
district's pupils who reside in economically disadvantaged 1485
households. The demographic data shall be collected in a manner to 1486
allow correlation with data collected under division (B)(1) of 1487
this section. Categories for data collected pursuant to division 1488
(B)(3) of this section shall conform, where appropriate, to 1489
standard practices of agencies of the federal government. 1490

(b) With respect to each student entering kindergarten, 1491
whether the student previously participated in a public preschool 1492
program, a private preschool program, or a head start program, and 1493
the number of years the student participated in each of these 1494
programs. 1495

(4) Any data required to be collected pursuant to federal 1496
law. 1497

(C) The education management information system shall include 1498
cost accounting data for each district as a whole and for each 1499
school building in each school district. The guidelines adopted 1500
under this section shall require the cost data for each school 1501
district to be maintained in a system of mutually exclusive cost 1502
units and shall require all of the costs of each school district 1503
to be divided among the cost units. The guidelines shall require 1504
the system of mutually exclusive cost units to include at least 1505
the following: 1506

(1) Administrative costs for the school district as a whole. 1507
The guidelines shall require the cost units under this division 1508

(C)(1) to be designed so that each of them may be compiled and 1509
reported in terms of average expenditure per pupil in formula ADM 1510
in the school district, as determined pursuant to section 3317.03 1511
of the Revised Code. 1512

(2) Administrative costs for each school building in the 1513
school district. The guidelines shall require the cost units under 1514
this division (C)(2) to be designed so that each of them may be 1515
compiled and reported in terms of average expenditure per 1516
full-time equivalent pupil receiving instructional or support 1517
services in each building. 1518

(3) Instructional services costs for each category of 1519
instructional service provided directly to students and required 1520
by guidelines adopted pursuant to division (B)(1)(a) of this 1521
section. The guidelines shall require the cost units under 1522
division (C)(3) of this section to be designed so that each of 1523
them may be compiled and reported in terms of average expenditure 1524
per pupil receiving the service in the school district as a whole 1525
and average expenditure per pupil receiving the service in each 1526
building in the school district and in terms of a total cost for 1527
each category of service and, as a breakdown of the total cost, a 1528
cost for each of the following components: 1529

(a) The cost of each instructional services category required 1530
by guidelines adopted under division (B)(1)(a) of this section 1531
that is provided directly to students by a classroom teacher; 1532

(b) The cost of the instructional support services, such as 1533
services provided by a speech-language pathologist, classroom 1534
aide, multimedia aide, or librarian, provided directly to students 1535
in conjunction with each instructional services category; 1536

(c) The cost of the administrative support services related 1537
to each instructional services category, such as the cost of 1538
personnel that develop the curriculum for the instructional 1539

services category and the cost of personnel supervising or 1540
coordinating the delivery of the instructional services category. 1541

(4) Support or extracurricular services costs for each 1542
category of service directly provided to students and required by 1543
guidelines adopted pursuant to division (B)(1)(b) of this section. 1544
The guidelines shall require the cost units under division (C)(4) 1545
of this section to be designed so that each of them may be 1546
compiled and reported in terms of average expenditure per pupil 1547
receiving the service in the school district as a whole and 1548
average expenditure per pupil receiving the service in each 1549
building in the school district and in terms of a total cost for 1550
each category of service and, as a breakdown of the total cost, a 1551
cost for each of the following components: 1552

(a) The cost of each support or extracurricular services 1553
category required by guidelines adopted under division (B)(1)(b) 1554
of this section that is provided directly to students by a 1555
licensed employee, such as services provided by a guidance 1556
counselor or any services provided by a licensed employee under a 1557
supplemental contract; 1558

(b) The cost of each such services category provided directly 1559
to students by a nonlicensed employee, such as janitorial 1560
services, cafeteria services, or services of a sports trainer; 1561

(c) The cost of the administrative services related to each 1562
services category in division (C)(4)(a) or (b) of this section, 1563
such as the cost of any licensed or nonlicensed employees that 1564
develop, supervise, coordinate, or otherwise are involved in 1565
administering or aiding the delivery of each services category. 1566

(D)(1) The guidelines adopted under this section shall 1567
require school districts to collect information about individual 1568
students, staff members, or both in connection with any data 1569
required by division (B) or (C) of this section or other reporting 1570

requirements established in the Revised Code. The guidelines may 1571
also require school districts to report information about 1572
individual staff members in connection with any data required by 1573
division (B) or (C) of this section or other reporting 1574
requirements established in the Revised Code. The guidelines shall 1575
not authorize school districts to request social security numbers 1576
of individual students. The guidelines shall prohibit the 1577
reporting under this section of a student's name, address, and 1578
social security number to the state board of education or the 1579
department of education. The guidelines shall also prohibit the 1580
reporting under this section of any personally identifiable 1581
information about any student, except for the purpose of assigning 1582
the data verification code required by division (D)(2) of this 1583
section, to any other person unless such person is employed by the 1584
school district or the information technology center operated 1585
under section 3301.075 of the Revised Code and is authorized by 1586
the district or technology center to have access to such 1587
information or is employed by an entity with which the department 1588
contracts for the scoring or the development of state assessments. 1589
The guidelines may require school districts to provide the social 1590
security numbers of individual staff members and the county of 1591
residence for a student. Nothing in this section prohibits the 1592
state board of education or department of education from providing 1593
a student's county of residence to the department of taxation to 1594
facilitate the distribution of tax revenue. 1595

(2)(a) The guidelines shall provide for each school district 1596
or community school to assign a data verification code that is 1597
unique on a statewide basis over time to each student whose 1598
initial Ohio enrollment is in that district or school and to 1599
report all required individual student data for that student 1600
utilizing such code. The guidelines shall also provide for 1601
assigning data verification codes to all students enrolled in 1602
districts or community schools on the effective date of the 1603

guidelines established under this section. The assignment of data 1604
verification codes for other entities, as described in division 1605
(D)(2)(c) of this section, the use of those codes, and the 1606
reporting and use of associated individual student data shall be 1607
coordinated by the department in accordance with state and federal 1608
law. 1609

School districts shall report individual student data to the 1610
department through the information technology centers utilizing 1611
the code. The entities described in division (D)(2)(c) of this 1612
section shall report individual student data to the department in 1613
the manner prescribed by the department. 1614

Except as provided in sections 3301.941, 3310.11, 3310.42, 1615
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 1616
shall the state board or the department have access to information 1617
that would enable any data verification code to be matched to 1618
personally identifiable student data. 1619

(b) Each school district and community school shall ensure 1620
that the data verification code is included in the student's 1621
records reported to any subsequent school district, community 1622
school, or state institution of higher education, as defined in 1623
section 3345.011 of the Revised Code, in which the student 1624
enrolls. Any such subsequent district or school shall utilize the 1625
same identifier in its reporting of data under this section. 1626

(c) The director of any state agency that administers a 1627
publicly funded program providing services to children who are 1628
younger than compulsory school age, as defined in section 3321.01 1629
of the Revised Code, including the directors of health, job and 1630
family services, mental health and addiction services, and 1631
developmental disabilities, shall request and receive, pursuant to 1632
sections 3301.0723 and 3701.62 of the Revised Code, a data 1633
verification code for a child who is receiving those services. 1634

(E) The guidelines adopted under this section may require 1635
school districts to collect and report data, information, or 1636
reports other than that described in divisions (A), (B), and (C) 1637
of this section for the purpose of complying with other reporting 1638
requirements established in the Revised Code. The other data, 1639
information, or reports may be maintained in the education 1640
management information system but are not required to be compiled 1641
as part of the profile formats required under division (G) of this 1642
section or the annual statewide report required under division (H) 1643
of this section. 1644

(F) Beginning with the school year that begins July 1, 1991, 1645
the board of education of each school district shall annually 1646
collect and report to the state board, in accordance with the 1647
guidelines established by the board, the data required pursuant to 1648
this section. A school district may collect and report these data 1649
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 1650

(G) The state board shall, in accordance with the procedures 1651
it adopts, annually compile the data reported by each school 1652
district pursuant to division (D) of this section. The state board 1653
shall design formats for profiling each school district as a whole 1654
and each school building within each district and shall compile 1655
the data in accordance with these formats. These profile formats 1656
shall: 1657

(1) Include all of the data gathered under this section in a 1658
manner that facilitates comparison among school districts and 1659
among school buildings within each school district; 1660

(2) Present the data on academic achievement levels as 1661
assessed by the testing of student achievement maintained pursuant 1662
to division (B)(1)(d) of this section. 1663

(H)(1) The state board shall, in accordance with the 1664
procedures it adopts, annually prepare a statewide report for all 1665

school districts and the general public that includes the profile 1666
of each of the school districts developed pursuant to division (G) 1667
of this section. Copies of the report shall be sent to each school 1668
district. 1669

(2) The state board shall, in accordance with the procedures 1670
it adopts, annually prepare an individual report for each school 1671
district and the general public that includes the profiles of each 1672
of the school buildings in that school district developed pursuant 1673
to division (G) of this section. Copies of the report shall be 1674
sent to the superintendent of the district and to each member of 1675
the district board of education. 1676

(3) Copies of the reports received from the state board under 1677
divisions (H)(1) and (2) of this section shall be made available 1678
to the general public at each school district's offices. Each 1679
district board of education shall make copies of each report 1680
available to any person upon request and payment of a reasonable 1681
fee for the cost of reproducing the report. The board shall 1682
annually publish in a newspaper of general circulation in the 1683
school district, at least twice during the two weeks prior to the 1684
week in which the reports will first be available, a notice 1685
containing the address where the reports are available and the 1686
date on which the reports will be available. 1687

(I) Any data that is collected or maintained pursuant to this 1688
section and that identifies an individual pupil is not a public 1689
record for the purposes of section 149.43 of the Revised Code. 1690

(J) As used in this section: 1691

(1) "School district" means any city, local, exempted 1692
village, or joint vocational school district and, in accordance 1693
with section 3314.17 of the Revised Code, any community school. As 1694
used in division (L) of this section, "school district" also 1695
includes any educational service center or other educational 1696

entity required to submit data using the system established under 1697
this section. 1698

(2) "Cost" means any expenditure for operating expenses made 1699
by a school district excluding any expenditures for debt 1700
retirement except for payments made to any commercial lending 1701
institution for any loan approved pursuant to section 3313.483 of 1702
the Revised Code. 1703

(K) Any person who removes data from the information system 1704
established under this section for the purpose of releasing it to 1705
any person not entitled under law to have access to such 1706
information is subject to section 2913.42 of the Revised Code 1707
prohibiting tampering with data. 1708

(L)(1) In accordance with division (L)(2) of this section and 1709
the rules adopted under division (L)(10) of this section, the 1710
department of education may sanction any school district that 1711
reports incomplete or inaccurate data, reports data that does not 1712
conform to data requirements and descriptions published by the 1713
department, fails to report data in a timely manner, or otherwise 1714
does not make a good faith effort to report data as required by 1715
this section. 1716

(2) If the department decides to sanction a school district 1717
under this division, the department shall take the following 1718
sequential actions: 1719

(a) Notify the district in writing that the department has 1720
determined that data has not been reported as required under this 1721
section and require the district to review its data submission and 1722
submit corrected data by a deadline established by the department. 1723
The department also may require the district to develop a 1724
corrective action plan, which shall include provisions for the 1725
district to provide mandatory staff training on data reporting 1726
procedures. 1727

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;	1728 1729 1730 1731 1732
(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;	1733 1734 1735
(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:	1736 1737 1738 1739
(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	1740 1741
(ii) Conduct a site visit and evaluation of the district;	1742
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	1743 1744 1745
(iv) Continue monitoring the district's data reporting;	1746
(v) Assign department staff to supervise the district's data management system;	1747 1748
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	1749 1750 1751
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	1752 1753 1754 1755
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data	1756 1757

submitted by the district likely caused the district to receive a 1758
higher performance rating than it deserved under that section, 1759
issue a revised report card for the district; 1760

(ix) Any other action designed to correct the district's data 1761
reporting problems. 1762

(3) Any time the department takes an action against a school 1763
district under division (L)(2) of this section, the department 1764
shall make a report of the circumstances that prompted the action. 1765
The department shall send a copy of the report to the district 1766
superintendent or chief administrator and maintain a copy of the 1767
report in its files. 1768

(4) If any action taken under division (L)(2) of this section 1769
resolves a school district's data reporting problems to the 1770
department's satisfaction, the department shall not take any 1771
further actions described by that division. If the department 1772
withheld funds from the district under that division, the 1773
department may release those funds to the district, except that if 1774
the department withheld funding under division (L)(2)(c) of this 1775
section, the department shall not release the funds withheld under 1776
division (L)(2)(b) of this section and, if the department withheld 1777
funding under division (L)(2)(d) of this section, the department 1778
shall not release the funds withheld under division (L)(2)(b) or 1779
(c) of this section. 1780

(5) Notwithstanding anything in this section to the contrary, 1781
the department may use its own staff or an outside entity to 1782
conduct an audit of a school district's data reporting practices 1783
any time the department has reason to believe the district has not 1784
made a good faith effort to report data as required by this 1785
section. If any audit conducted by an outside entity under 1786
division (L)(2)(d)(i) or (5) of this section confirms that a 1787
district has not made a good faith effort to report data as 1788
required by this section, the district shall reimburse the 1789

department for the full cost of the audit. The department may 1790
withhold state funds due to the district for this purpose. 1791

(6) Prior to issuing a revised report card for a school 1792
district under division (L)(2)(d)(viii) of this section, the 1793
department may hold a hearing to provide the district with an 1794
opportunity to demonstrate that it made a good faith effort to 1795
report data as required by this section. The hearing shall be 1796
conducted by a referee appointed by the department. Based on the 1797
information provided in the hearing, the referee shall recommend 1798
whether the department should issue a revised report card for the 1799
district. If the referee affirms the department's contention that 1800
the district did not make a good faith effort to report data as 1801
required by this section, the district shall bear the full cost of 1802
conducting the hearing and of issuing any revised report card. 1803

(7) If the department determines that any inaccurate data 1804
reported under this section caused a school district to receive 1805
excess state funds in any fiscal year, the district shall 1806
reimburse the department an amount equal to the excess funds, in 1807
accordance with a payment schedule determined by the department. 1808
The department may withhold state funds due to the district for 1809
this purpose. 1810

(8) Any school district that has funds withheld under 1811
division (L)(2) of this section may appeal the withholding in 1812
accordance with Chapter 119. of the Revised Code. 1813

(9) In all cases of a disagreement between the department and 1814
a school district regarding the appropriateness of an action taken 1815
under division (L)(2) of this section, the burden of proof shall 1816
be on the district to demonstrate that it made a good faith effort 1817
to report data as required by this section. 1818

(10) The state board of education shall adopt rules under 1819
Chapter 119. of the Revised Code to implement division (L) of this 1820

section. 1821

(M) No information technology center or school district shall 1822
acquire, change, or update its student administration software 1823
package to manage and report data required to be reported to the 1824
department unless it converts to a student software package that 1825
is certified by the department. 1826

(N) The state board of education, in accordance with sections 1827
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1828
license as defined under division (A) of section 3319.31 of the 1829
Revised Code that has been issued to any school district employee 1830
found to have willfully reported erroneous, inaccurate, or 1831
incomplete data to the education management information system. 1832

(O) No person shall release or maintain any information about 1833
any student in violation of this section. Whoever violates this 1834
division is guilty of a misdemeanor of the fourth degree. 1835

(P) The department shall disaggregate the data collected 1836
under division (B)(1)(n) of this section according to the race and 1837
socioeconomic status of the students assessed. ~~No data collected 1838
under that division shall be included on the report cards required 1839
by section 3302.03 of the Revised Code.~~ 1840

(Q) If the department cannot compile any of the information 1841
required by division (H) of section 3302.03 of the Revised Code 1842
based upon the data collected under this section, the department 1843
shall develop a plan and a reasonable timeline for the collection 1844
of any data necessary to comply with that division. 1845

Sec. 3301.0715. (A) Except as otherwise required under 1846
division (B)(1) of section 3313.608 of the Revised Code, the board 1847
of education of each city, local, and exempted village school 1848
district shall administer each applicable diagnostic assessment 1849
developed and provided to the district in accordance with section 1850

3301.079 of the Revised Code to the following: 1851

(1) Any student who transfers into the district or to a 1852
different school within the district if each applicable diagnostic 1853
assessment was not administered by the district or school the 1854
student previously attended in the current school year, within 1855
thirty days after the date of transfer. If the district or school 1856
into which the student transfers cannot determine whether the 1857
student has taken any applicable diagnostic assessment in the 1858
current school year, the district or school may administer the 1859
diagnostic assessment to the student. However, if a student 1860
transfers into the district prior to the administration of the 1861
diagnostic assessments to all students under division (B) of this 1862
section, the district may administer the diagnostic assessments to 1863
that student on the date or dates determined under that division. 1864

~~(2)(a) Prior to July 1, 2014, each kindergarten student, not 1865
earlier than four weeks prior to the first day of school and not 1866
later than the first day of October. 1867~~

~~(b) Beginning July 1, 2014, each Each kindergarten student, 1868
not earlier than the first day of the school year and not later 1869
than the first day of November, except that the language and 1870
reading skills portion of the assessment shall be administered by 1871
the thirtieth day of September to fulfill the requirements of 1872
division (B) of section 3313.608 of the Revised Code. 1873~~

For the purpose of division (A)(2) of this section, the 1874
district shall administer the kindergarten readiness assessment 1875
provided by the department of education. In no case shall the 1876
results of the readiness assessment be used to prohibit a student 1877
from enrolling in kindergarten. 1878

(3) Each student enrolled in first, second, or third grade. 1879

Division (A) of this section does not apply to students with 1880

significant cognitive disabilities, as defined by the department 1881
of education. 1882

(B) Each district board shall administer each diagnostic 1883
assessment when the board deems appropriate, provided the 1884
administration complies with section 3313.608 of the Revised Code. 1885
However, the board shall administer any diagnostic assessment at 1886
least once annually to all students in the appropriate grade 1887
level. A district board may administer any diagnostic assessment 1888
in the fall and spring of a school year to measure the amount of 1889
academic growth attributable to the instruction received by 1890
students during that school year. 1891

(C) Any district that received ~~an excellent or effective~~ 1892
~~rating a grade of "A" or "B" for the performance index score under~~ 1893
~~division (A)(1)(b), (B)(1)(b), or (C)(1)(b) of section 3302.03 of~~ 1894
~~the Revised Code or for the value-added progress dimension under~~ 1895
~~division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of~~ 1896
~~the Revised Code~~ for the immediately preceding school year, 1897
~~pursuant to section 3302.03 of the Revised Code as it existed~~ 1898
~~prior to March 22, 2013, or the equivalent of such rating as~~ 1899
~~determined by the department of education,~~ may use different 1900
diagnostic assessments from those adopted under division (D) of 1901
section 3301.079 of the Revised Code in order to satisfy the 1902
requirements of division (A)~~(2)~~(3) of this section. 1903

(D) Each district board shall utilize and score any 1904
diagnostic assessment administered under division (A) of this 1905
section in accordance with rules established by the department. 1906
After the administration of any diagnostic assessment, each 1907
district shall provide a student's completed diagnostic 1908
assessment, the results of such assessment, and any other 1909
accompanying documents used during the administration of the 1910
assessment to the parent of that student, and shall include all 1911
such documents and information in any plan developed for the 1912

student under division (C) of section 3313.608 of the Revised Code. Each district shall submit to the department, in the manner the department prescribes, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code. The department may issue reports with respect to the data collected. The department may report school and district level kindergarten diagnostic assessment data and use diagnostic assessment data to calculate the measure prescribed by divisions (B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code.

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

Sec. 3301.163. (A) Beginning July 1, 2015, any third-grade student who attends a chartered nonpublic school with a scholarship awarded under either the educational choice scholarship pilot program, prescribed in sections 3310.01 to 3310.17, or the pilot project scholarship program prescribed in sections 3313.974 to 3313.979 of the Revised Code, shall be subject to the third-grade reading guarantee retention provisions under division (A)(2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that exempts the student from retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A)(2) of section 3313.608 of the Revised Code.

As used in this section, "child with a disability" has the

same meaning as in section 3323.01 of the Revised Code. 1944

(B)(1) Each chartered nonpublic school that enrolls students 1945
in any of grades kindergarten through three and that accepts 1946
students under the educational choice scholarship pilot program or 1947
the pilot project scholarship program shall adopt policies and 1948
procedures for the annual assessment of the reading skills of 1949
those students. Each school may use the diagnostic assessment to 1950
measure reading ability for the appropriate grade level prescribed 1951
in division (D) of section 3301.079 of the Revised Code. If the 1952
school uses such assessments, the department of education shall 1953
furnish them to the chartered nonpublic school. 1954

(2) For each student identified as having reading skills 1955
below grade level, the school shall do both of the following: 1956

(a) Provide to the student's parent or guardian, in writing, 1957
all of the following: 1958

(i) Notification that the student has been identified as 1959
having a substantial deficiency in reading; 1960

(ii) Notification that if the student attains a score in the 1961
range designated under division (A)(3) of section 3301.0710 of the 1962
Revised Code on the assessment prescribed under that section to 1963
measure skill in English language arts expected at the end of 1964
third grade, the student shall be retained unless the student is 1965
exempt under division (A)(1) of section 3313.608 of the Revised 1966
Code. 1967

(b) Provide intensive reading instruction services, as 1968
determined appropriate by the school, to each student identified 1969
under this section. 1970

(C) Each chartered nonpublic school subject to this section 1971
annually shall report to the department the number of students 1972
identified as reading at grade level and the number of students 1973
identified as reading below grade level. 1974

Sec. 3301.947. Data collected in the course of testing under 1975
sections 3301.079, 3301.0710, 3301.0711, and 3301.0712 of the 1976
Revised Code shall be used for the sole purpose of measuring and 1977
improving the academic progress and needs of students, educators, 1978
school districts, and schools. In the course of such testing, no 1979
personally identifiable information of a student's or a student's 1980
family's social security numbers, religion, political party 1981
affiliation, voting history, or biometric information shall be 1982
collected, tracked, housed with, reported to, or shared with any 1983
entity, including the federal or state government. 1984

Sec. 3302.03. Annually, not later than the fifteenth day of 1985
September or the preceding Friday when that day falls on a 1986
Saturday or Sunday, the department of education shall assign a 1987
letter grade for overall academic performance and for each 1988
separate performance measure for each school district, and each 1989
school building in a district, in accordance with this section. 1990
The state board shall adopt rules pursuant to Chapter 119. of the 1991
Revised Code to establish performance criteria for each letter 1992
grade and prescribe a method by which the department assigns each 1993
letter grade. For a school building to which any of the 1994
performance measures do not apply, due to grade levels served by 1995
the building, the state board shall designate the performance 1996
measures that are applicable to the building and that must be 1997
calculated separately and used to calculate the building's overall 1998
grade. The department shall issue annual report cards reflecting 1999
the performance of each school district, each building within each 2000
district, and for the state as a whole using the performance 2001
measures and letter grade system described in this section. The 2002
department shall include on the report card for each district and 2003
each building within each district the most recent two-year trend 2004
data in student achievement for each subject and each grade. 2005

(A)(1) For the 2012-2013 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 adopted by the
state board. In adopting benchmarks for assigning letter grades
under division (A)(1)(b) of this section, the state board of
education 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 3302.02 of the Revised Code and the
percentage of applicable performance indicators that have been
achieved. In adopting benchmarks for assigning letter grades under
division (A)(1)(c) of this section, the state board shall
designate ninety per cent or higher for an "A."

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

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

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

(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A." 2037
2038

(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B." 2039
2040
2041

(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C." 2042
2043
2044
2045

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D." 2046
2047
2048
2049

(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F." 2050
2051

Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section. 2052
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 2057
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(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 2063
2064
2065
2066
2067

the methods by which the performance measures under division 2068
(A)(1) of this section shall be assessed and assigned a letter 2069
grade, including performance benchmarks for each letter grade. 2070

At least forty-five days prior to the state board's adoption 2071
of rules to prescribe the methods by which the performance 2072
measures under division (A)(1) of this section shall be assessed 2073
and assigned a letter grade, the department shall conduct a public 2074
presentation before the standing committees of the house of 2075
representatives and the senate that consider education legislation 2076
describing such methods, including performance benchmarks. 2077

(3) There shall not be an overall letter grade for a school 2078
district or building for the 2012-2013 school year. 2079

(B)(1) For the 2013-2014 school year, the department shall 2080
issue grades as described in division (E) of this section for each 2081
of the following performance measures: 2082

(a) Annual measurable objectives; 2083

(b) Performance index score for a school district or 2084
building. Grades shall be awarded as a percentage of the total 2085
possible points on the performance index system as created by the 2086
department. In adopting benchmarks for assigning letter grades 2087
under division (B)(1)(b) of this section, the state board shall 2088
designate ninety per cent or higher for an "A," at least seventy 2089
per cent but not more than eighty per cent for a "C," and less 2090
than fifty per cent for an "F." 2091

(c) The extent to which the school district or building meets 2092
each of the applicable performance indicators established by the 2093
state board under section 3302.03 of the Revised Code and the 2094
percentage of applicable performance indicators that have been 2095
achieved. In adopting benchmarks for assigning letter grades under 2096
division (B)(1)(c) of this section, the state board shall 2097
designate ninety per cent or higher for an "A." 2098

(d) The four- and five-year adjusted cohort graduation rates;	2099
(e) The overall score under the value-added progress	2100
dimension of a school district or building, for which. <u>In</u>	2101
<u>determining the value-added progress dimension score,</u> the	2102
department shall use <u>either</u> up to three years of value-added data	2103
as <u>available or value-added data from the most recent school year</u>	2104
<u>available, whichever results in a higher score for the district or</u>	2105
<u>building.</u>	2106
(f) The value-added progress dimension score for a school	2107
district or building disaggregated for each of the following	2108
subgroups: students identified as gifted in superior cognitive	2109
ability and specific academic ability fields under Chapter 3324.	2110
of the Revised Code, students with disabilities, and students	2111
whose performance places them in the lowest quintile for	2112
achievement on a statewide basis. Each subgroup shall be a	2113
separate graded measure.	2114
(g) Whether a school district or building is making progress	2115
in improving literacy in grades kindergarten through three, as	2116
determined using a method prescribed by the state board. The state	2117
board shall adopt rules to prescribe benchmarks and standards for	2118
assigning grades to districts and buildings for purposes of	2119
division (B)(1)(g) of this section. In adopting benchmarks for	2120
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of	2121
this section, the state board shall determine progress made based	2122
on the reduction in the <u>total</u> percentage of students scoring below	2123
grade level, or below proficient, compared from year to year on	2124
the reading and writing diagnostic assessments administered under	2125
section 3301.0715 of the Revised Code and the third grade English	2126
language arts assessment under section 3301.0710 of the Revised	2127
Code, as applicable. The state board shall designate for a "C"	2128
grade a value that is not lower than the statewide average value	2129
for this measure. No grade shall be issued under divisions	2130

(B)(1)(g) and (C)(1)(g) of this section for a district or building 2131
in which less than five per cent of students have scored below 2132
grade level on the diagnostic assessment administered to students 2133
in kindergarten under division (B)(1) of section 3313.608 of the 2134
Revised Code. 2135

(2) In addition to the graded measures in division (B)(1) of 2136
this section, the department shall include on a school district's 2137
or building's report card all of the following without an assigned 2138
letter grade: 2139

(a) The percentage of students enrolled in a district or 2140
building participating in advanced placement classes and the 2141
percentage of those students who received a score of three or 2142
better on advanced placement examinations; 2143

(b) The number of a district's or building's students who 2144
have earned at least three college credits through dual enrollment 2145
or advanced standing programs, such as the post-secondary 2146
enrollment options program under Chapter 3365. of the Revised Code 2147
and state-approved career-technical courses offered through dual 2148
enrollment or statewide articulation, that appear on a student's 2149
transcript or other official document, either of which is issued 2150
by the institution of higher education from which the student 2151
earned the college credit. The credits earned that are reported 2152
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 2153
include any that are remedial or developmental and shall include 2154
those that count toward the curriculum requirements established 2155
for completion of a degree. 2156

(c) The percentage of students enrolled in a district or 2157
building who have taken a national standardized test used for 2158
college admission determinations and the percentage of those 2159
students who are determined to be remediation-free in accordance 2160
with standards adopted under division (F) of section 3345.061 of 2161
the Revised Code; 2162

(d) The percentage of the district's or the building's 2163
students who receive industry credentials. The state board shall 2164
adopt criteria for acceptable industry credentials. 2165

(e) The percentage of students enrolled in a district or 2166
building who are participating in an international baccalaureate 2167
program and the percentage of those students who receive a score 2168
of four or better on the international baccalaureate examinations. 2169

(f) The percentage of the district's or building's students 2170
who receive an honors diploma under division (B) of section 2171
3313.61 of the Revised Code. 2172

(3) Not later than December 31, 2013, the state board shall 2173
adopt rules in accordance with Chapter 119. of the Revised Code 2174
that prescribe the methods by which the performance measures under 2175
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 2176
and assigned a letter grade, including performance benchmarks for 2177
each grade. 2178

At least forty-five days prior to the state board's adoption 2179
of rules to prescribe the methods by which the performance 2180
measures under division (B)(1) of this section shall be assessed 2181
and assigned a letter grade, the department shall conduct a public 2182
presentation before the standing committees of the house of 2183
representatives and the senate that consider education legislation 2184
describing such methods, including performance benchmarks. 2185

(4) There shall not be an overall letter grade for a school 2186
district or building for the 2013-2014 school year. 2187

(C)(1) For the 2014-2015 school year and each school year 2188
thereafter, the department shall issue grades as described in 2189
division (E) of this section for each of the following performance 2190
measures and an overall letter grade based on an aggregate of 2191
those measures: 2192

(a) Annual measurable objectives; 2193

(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 (C)(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 percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

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

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, ~~for which.~~ In determining the value-added progress dimension score, the department shall use either up to three years of value-added data as available or value-added data from the most recent school year available, whichever results in a higher score for the district or building.

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

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

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

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

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored

below grade level on the kindergarten diagnostic assessment under 2257
division (B)(1) of section 3313.608 of the Revised Code. 2258

(2) In addition to the graded measures in division (C)(1) of 2259
this section, the department shall include on a school district's 2260
or building's report card all of the following without an assigned 2261
letter grade: 2262

(a) The percentage of students enrolled in a district or 2263
building who have taken a national standardized test used for 2264
college admission determinations and the percentage of those 2265
students who are determined to be remediation-free in accordance 2266
with the standards adopted under division (F) of section 3345.061 2267
of the Revised Code; 2268

(b) The percentage of students enrolled in a district or 2269
building participating in advanced placement classes and the 2270
percentage of those students who received a score of three or 2271
better on advanced placement examinations; 2272

(c) The ~~number~~ percentage of a district's or building's 2273
students who have earned at least three college credits through 2274
~~dual enrollment~~ advanced standing programs, such as the 2275
~~post-secondary enrollment options~~ college credit plus program 2276
under Chapter 3365. of the Revised Code and state-approved 2277
career-technical courses offered through dual enrollment or 2278
statewide articulation, that appear on a student's college 2279
~~transcript or other official document, either of which is~~ 2280
issued by the institution of higher education from which the student 2281
earned the college credit. The credits earned that are reported 2282
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 2283
include any that are remedial or developmental and shall include 2284
those that count toward the curriculum requirements established 2285
for completion of a degree. 2286

(d) The percentage of the district's or building's students 2287

who receive an honor's diploma under division (B) of section	2288
3313.61 of the Revised Code;	2289
(e) The percentage of the district's or building's students	2290
who receive industry credentials;	2291
(f) The percentage of students enrolled in a district or	2292
building who are participating in an international baccalaureate	2293
program and the percentage of those students who receive a score	2294
of four or better on the international baccalaureate examinations;	2295
(g) The results of the college and career-ready assessments	2296
administered under division (B)(1) of section 3301.0712 of the	2297
Revised Code.	2298
(3) The state board shall adopt rules pursuant to Chapter	2299
119. of the Revised Code that establish a method to assign an	2300
overall grade for a school district or school building for the	2301
2014-2015 school year and each school year thereafter. The rules	2302
shall group the performance measures in divisions (C)(1) and (2)	2303
of this section into the following components:	2304
(a) Gap closing, which shall include the performance measure	2305
in division (C)(1)(a) of this section;	2306
(b) Achievement, which shall include the performance measures	2307
in divisions (C)(1)(b) and (c) of this section;	2308
(c) Progress, which shall include the performance measures in	2309
divisions (C)(1)(e) and (f) of this section;	2310
(d) Graduation, which shall include the performance measure	2311
in division (C)(1)(d) of this section;	2312
(e) Kindergarten through third-grade literacy, which shall	2313
include the performance measure in division (C)(1)(g) of this	2314
section;	2315
(f) Prepared for success, which shall include the performance	2316
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of	2317

this section. The state board shall develop a method to determine 2318
a grade for the component in division (C)(3)(f) of this section 2319
using the performance measures in divisions (C)(2)(a), (b), (c), 2320
(d), (e), and (f) of this section. When available, the state board 2321
may incorporate the performance measure under division (C)(2)(g) 2322
of this section into the component under division (C)(3)(f) of 2323
this section. When determining the overall grade for the prepared 2324
for success component prescribed by division (C)(3)(f) of this 2325
section, no individual student shall be counted in more than one 2326
performance measure. However, if a student qualifies for more than 2327
one performance measure in the component, the state board may, in 2328
its method to determine a grade for the component, specify an 2329
additional weight for such a student that is not greater than or 2330
equal to 1.0. In determining the overall score under division 2331
(C)(3)(f) of this section, the state board shall ensure that the 2332
pool of students included in the performance measures aggregated 2333
under that division are all of the students included in the four- 2334
and five-year adjusted graduation cohort. 2335

In the rules adopted under division (C)(3) of this section, 2336
the state board shall adopt a method for determining a grade for 2337
each component in divisions (C)(3)(a) to (f) of this section. The 2338
state board also shall establish a method to assign an overall 2339
grade of "A," "B," "C," "D," or "F" using the grades assigned for 2340
each component. The method the state board adopts for assigning an 2341
overall grade shall give equal weight to the components in 2342
divisions (C)(3)(b) and (c) of this section. 2343

At least forty-five days prior to the state board's adoption 2344
of rules to prescribe the methods for calculating the overall 2345
grade for the report card, as required by this division, the 2346
department shall conduct a public presentation before the standing 2347
committees of the house of representatives and the senate that 2348
consider education legislation describing the format for the 2349

report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) Not later than July 1, 2015, the state board shall develop a measure of student academic progress for high school students. Beginning with the report card for the 2015-2016 school year, each school district and applicable school building shall be assigned a separate letter grade for this measure and the district's or building's grade for that measure shall be included in determining the district's or building's overall letter grade. This measure shall be included within the measure prescribed in division (C)(3)(c) of this section in the calculation for the overall letter grade.

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

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

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

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

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

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

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

(1) Performance of students by grade-level;

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

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2379 2380
(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;	2381 2382 2383
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2384 2385
(7) Performance of students grouped by those who are economically disadvantaged;	2386 2387
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2388 2389 2390
(9) Performance of students grouped by those who are classified as limited English proficient;	2391 2392
(10) Performance of students grouped by those who have disabilities;	2393 2394
(11) Performance of students grouped by those who are classified as migrants;	2395 2396
(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.	2397 2398 2399 2400 2401 2402 2403 2404 2405
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	2406 2407 2408

The department may disaggregate data on student performance 2409
according to other categories that the department determines are 2410
appropriate. To the extent possible, the department shall 2411
disaggregate data on student performance according to any 2412
combinations of two or more of the categories listed in divisions 2413
(F)(1) to (13) of this section that it deems relevant. 2414

In reporting data pursuant to division (F) of this section, 2415
the department shall not include in the report cards any data 2416
statistical in nature that is statistically unreliable or that 2417
could result in the identification of individual students. For 2418
this purpose, the department shall not report student performance 2419
data for any group identified in division (F) of this section that 2420
contains less than ten students. If the department does not report 2421
student performance data for a group because it contains less than 2422
ten students, the department shall indicate on the report card 2423
that is why data was not reported. 2424

(G) The department may include with the report cards any 2425
additional education and fiscal performance data it deems 2426
valuable. 2427

(H) The department shall include on each report card a list 2428
of additional information collected by the department that is 2429
available regarding the district or building for which the report 2430
card is issued. When available, such additional information shall 2431
include student mobility data disaggregated by race and 2432
socioeconomic status, college enrollment data, and the reports 2433
prepared under section 3302.031 of the Revised Code. 2434

The department shall maintain a site on the world wide web. 2435
The report card shall include the address of the site and shall 2436
specify that such additional information is available to the 2437
public at that site. The department shall also provide a copy of 2438
each item on the list to the superintendent of each school 2439
district. The district superintendent shall provide a copy of any 2440

item on the list to anyone who requests it. 2441

(I) Division (I) of this section does not apply to conversion 2442
community schools that primarily enroll students between sixteen 2443
and twenty-two years of age who dropped out of high school or are 2444
at risk of dropping out of high school due to poor attendance, 2445
disciplinary problems, or suspensions. 2446

(1) For any district that sponsors a conversion community 2447
school under Chapter 3314. of the Revised Code, the department 2448
shall combine data regarding the academic performance of students 2449
enrolled in the community school with comparable data from the 2450
schools of the district for the purpose of determining the 2451
performance of the district as a whole on the report card issued 2452
for the district under this section or section 3302.033 of the 2453
Revised Code. 2454

(2) Any district that leases a building to a community school 2455
located in the district or that enters into an agreement with a 2456
community school located in the district whereby the district and 2457
the school endorse each other's programs may elect to have data 2458
regarding the academic performance of students enrolled in the 2459
community school combined with comparable data from the schools of 2460
the district for the purpose of determining the performance of the 2461
district as a whole on the district report card. Any district that 2462
so elects shall annually file a copy of the lease or agreement 2463
with the department. 2464

(3) Any municipal school district, as defined in section 2465
3311.71 of the Revised Code, that sponsors a community school 2466
located within the district's territory, or that enters into an 2467
agreement with a community school located within the district's 2468
territory whereby the district and the community school endorse 2469
each other's programs, may exercise either or both of the 2470
following elections: 2471

(a) To have data regarding the academic performance of 2472
students enrolled in that community school combined with 2473
comparable data from the schools of the district for the purpose 2474
of determining the performance of the district as a whole on the 2475
district's report card; 2476

(b) To have the number of students attending that community 2477
school noted separately on the district's report card. 2478

The election authorized under division (I)(3)(a) of this 2479
section is subject to approval by the governing authority of the 2480
community school. 2481

Any municipal school district that exercises an election to 2482
combine or include data under division (I)(3) of this section, by 2483
the first day of October of each year, shall file with the 2484
department documentation indicating eligibility for that election, 2485
as required by the department. 2486

(J) The department shall include on each report card the 2487
percentage of teachers in the district or building who are highly 2488
qualified, as defined by the "No Child Left Behind Act of 2001," 2489
and a comparison of that percentage with the percentages of such 2490
teachers in similar districts and buildings. 2491

(K)(1) In calculating English language arts, mathematics, 2492
social studies, or science assessment passage rates used to 2493
determine school district or building performance under this 2494
section, the department shall include all students taking an 2495
assessment with accommodation or to whom an alternate assessment 2496
is administered pursuant to division (C)(1) or (3) of section 2497
3301.0711 of the Revised Code. 2498

(2) In calculating performance index scores, rates of 2499
achievement on the performance indicators established by the state 2500
board under section 3302.02 of the Revised Code, and annual 2501
measurable objectives for determining adequate yearly progress for 2502

school districts and buildings under this section, the department 2503
shall do all of the following: 2504

(a) Include for each district or building only those students 2505
who are included in the ADM certified for the first full school 2506
week of October and are continuously enrolled in the district or 2507
building through the time of the spring administration of any 2508
assessment prescribed by division (A)(1) or (B)(1) of section 2509
3301.0710 of the Revised Code that is administered to the 2510
student's grade level; 2511

(b) Include cumulative totals from both the fall and spring 2512
administrations of the third grade English language arts 2513
achievement assessment; 2514

(c) Except as required by the "No Child Left Behind Act of 2515
2001," exclude for each district or building any limited English 2516
proficient student who has been enrolled in United States schools 2517
for less than one full school year. 2518

(L) Beginning with the 2015-2016 school year and at least 2519
once every three years thereafter, the state board of education 2520
shall review and may adjust the benchmarks for assigning letter 2521
grades to the performance measures and components prescribed under 2522
divisions (C)(3) and (D) of this section. 2523

Sec. 3302.036. (A) Notwithstanding anything in the Revised 2524
Code to the contrary, the department of education shall not assign 2525
an overall letter grade under division (C)(3) of section 3302.03 2526
of the Revised Code for any school district or building for the 2527
2014-2015 school year and shall not rank school districts, 2528
community schools established under Chapter 3314. of the Revised 2529
Code, or STEM schools established under Chapter 3326. of the 2530
Revised Code under section 3302.21 of the Revised Code for that 2531
school year. The report card ratings issued for the 2014-2015 2532
school year shall not be considered in determining whether a 2533

school district or a school is subject to sanctions or penalties. 2534
However, the report card ratings of any previous or subsequent 2535
years shall be considered in determining whether a school district 2536
or building is subject to sanctions or penalties. Accordingly, the 2537
report card ratings for the 2014-2015 school year shall have no 2538
effect in determining sanctions or penalties, but shall not create 2539
a new starting point for determinations that are based on ratings 2540
over multiple years. 2541

(B) The provisions from which a district or school is exempt 2542
under division (A) of this section shall be the following: 2543

(1) Any restructuring provisions established under this 2544
chapter, except as required under the "No Child Left Behind Act of 2545
2001"; 2546

(2) Provisions for the Columbus city school pilot project 2547
under section 3302.042 of the Revised Code; 2548

(3) Provisions for academic distress commissions under 2549
section 3302.10 of the Revised Code; 2550

(4) Provisions prescribing new buildings where students are 2551
eligible for the educational choice scholarships under section 2552
3310.03 of the Revised Code; 2553

(5) Provisions defining "challenged school districts" in 2554
which new start-up community schools may be located, as prescribed 2555
in section 3314.02 of the Revised Code; 2556

(6) Provisions prescribing community school closure 2557
requirements under section 3314.35 or 3314.351 of the Revised 2558
Code. 2559

Sec. 3302.10. (A) Beginning July 1, 2007, the The 2560
superintendent of public instruction shall establish an academic 2561
distress commission for each school district that meets any 2562

combination of the following conditions for three or more 2563
consecutive years: 2564

(1) The district has been declared to be in a state of 2565
academic emergency under section 3302.03 of the Revised Code, as 2566
that section existed prior to ~~the effective date of this amendment~~ 2567
March 22, 2013, and has failed to make adequate yearly progress; 2568

(2) The district has received a grade of "F" for the 2569
performance index score and a grade of "D" or "F" for the 2570
value-added progress dimension under division (A) or (B) of 2571
section 3302.03 of the Revised Code; 2572

(3) The district has received an overall grade of "F" under 2573
division (C)(2) ~~or of section 3302.03 of the Revised Code a grade~~ 2574
~~of "F" for the value added progress dimension under division~~ 2575
~~(C)(1)(e) of section 3302.03 of the Revised Code;~~ 2576

~~(4) At least fifty per cent of the schools operated by the 2577
district have received an overall grade of "D" or "F" under 2578
division (C)(3) of section 3302.03 of the Revised Code. 2579~~

Each commission shall assist the district for which it was 2580
established in improving the district's academic performance. 2581

Each commission is a body both corporate and politic, 2582
constituting an agency and instrumentality of the state and 2583
performing essential governmental functions of the state. A 2584
commission shall be known as the "academic distress commission for 2585
..... (name of school district)," and, in that name, may 2586
exercise all authority vested in such a commission by this 2587
section. A separate commission shall be established for each 2588
school district to which this division applies. 2589

(B) Each academic distress commission shall consist of five 2590
voting members, three of whom shall be appointed by the 2591
superintendent of public instruction and two of whom shall be 2592
residents of the applicable school district appointed by the 2593

president of the district board of education. When a school 2594
district becomes subject to this section, the superintendent of 2595
public instruction shall provide written notification of that fact 2596
to the district board of education and shall request the president 2597
of the district board to submit to the superintendent of public 2598
instruction, in writing, the names of the president's appointees 2599
to the commission. The superintendent of public instruction and 2600
the president of the district board shall make appointments to the 2601
commission within thirty days after the district is notified that 2602
it is subject to this section. 2603

Members of the commission shall serve at the pleasure of 2604
their appointing authority during the life of the commission. In 2605
the event of the death, resignation, incapacity, removal, or 2606
ineligibility to serve of a member, the appointing authority shall 2607
appoint a successor within fifteen days after the vacancy occurs. 2608
Members shall serve without compensation, but shall be paid by the 2609
commission their necessary and actual expenses incurred while 2610
engaged in the business of the commission. 2611

(C) Immediately after appointment of the initial members of 2612
an academic distress commission, the superintendent of public 2613
instruction shall call the first meeting of the commission and 2614
shall cause written notice of the time, date, and place of that 2615
meeting to be given to each member of the commission at least 2616
forty-eight hours in advance of the meeting. The first meeting 2617
shall include an overview of the commission's roles and 2618
responsibilities, the requirements of section 2921.42 and Chapter 2619
102. of the Revised Code as they pertain to commission members, 2620
the requirements of section 121.22 of the Revised Code, and the 2621
provisions of division (F) of this section. At its first meeting, 2622
the commission shall adopt temporary bylaws in accordance with 2623
division (D) of this section to govern its operations until the 2624
adoption of permanent bylaws. 2625

The superintendent of public instruction shall designate a chairperson for the commission from among the members appointed by the superintendent. The chairperson shall call and conduct meetings, set meeting agendas, and serve as a liaison between the commission and the district board of education. The chairperson also shall appoint a secretary, who shall not be a member of the commission.

The department of education shall provide administrative support for the commission, provide data requested by the commission, and inform the commission of available state resources that could assist the commission in its work.

(D) Each academic distress commission may adopt and alter bylaws and rules, which shall not be subject to section 111.15 or Chapter 119. of the Revised Code, for the conduct of its affairs and for the manner, subject to this section, in which its powers and functions shall be exercised and embodied.

(E) Three members of an academic distress commission constitute a quorum of the commission. The affirmative vote of three members of the commission is necessary for any action taken by vote of the commission. No vacancy in the membership of the commission shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the commission. Members of the commission are not disqualified from voting by reason of the functions of any other office they hold and are not disqualified from exercising the functions of the other office with respect to the school district, its officers, or the commission.

(F) The members of an academic distress commission, the superintendent of public instruction, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and

functions granted to them in regard to their functioning under 2658
this section, but the commission, superintendent of public 2659
instruction, and such other persons shall be subject to mandamus 2660
proceedings to compel performance of their duties under this 2661
section. 2662

(G) Each member of an academic distress commission shall file 2663
the statement described in section 102.02 of the Revised Code with 2664
the Ohio ethics commission. The statement shall be confidential, 2665
subject to review, as described in division (B) of that section. 2666

(H) Meetings of each academic distress commission shall be 2667
subject to section 121.22 of the Revised Code. 2668

(I)(1) Within one hundred twenty days after the first meeting 2669
of an academic distress commission, the commission shall adopt an 2670
academic recovery plan to improve academic performance in the 2671
school district. The plan shall address academic problems at both 2672
the district and school levels. The plan shall include the 2673
following: 2674

(a) Short-term and long-term actions to be taken to improve 2675
the district's academic performance, including any actions 2676
required by section 3302.04 or 3302.041 of the Revised Code; 2677

(b) The sequence and timing of the actions described in 2678
division (I)(1)(a) of this section and the persons responsible for 2679
implementing the actions; 2680

(c) Resources that will be applied toward improvement 2681
efforts; 2682

(d) Procedures for monitoring and evaluating improvement 2683
efforts; 2684

(e) Requirements for reporting to the commission and the 2685
district board of education on the status of improvement efforts. 2686

(2) The commission may amend the academic recovery plan 2687

subsequent to adoption. The commission shall update the plan at 2688
least annually. 2689

(3) The commission shall submit the academic recovery plan it 2690
adopts or updates to the superintendent of public instruction for 2691
approval immediately following its adoption or updating. The 2692
superintendent shall evaluate the plan and either approve or 2693
disapprove it within thirty days after its submission. If the plan 2694
is disapproved, the superintendent shall recommend modifications 2695
that will render it acceptable. No academic distress commission 2696
shall implement an academic recovery plan unless the 2697
superintendent has approved it. 2698

(4) County, state, and school district officers and employees 2699
shall assist the commission diligently and promptly in the 2700
implementation of the academic recovery plan. 2701

(J) Each academic distress commission shall seek input from 2702
the district board of education regarding ways to improve the 2703
district's academic performance, but any decision of the 2704
commission related to any authority granted to the commission 2705
under this section shall be final. 2706

The commission may do any of the following: 2707

(1) Appoint school building administrators and reassign 2708
administrative personnel; 2709

(2) Terminate the contracts of administrators or 2710
administrative personnel. The commission shall not be required to 2711
comply with section 3319.16 of the Revised Code with respect to 2712
any contract terminated under this division. 2713

(3) Contract with a private entity to perform school or 2714
district management functions; 2715

(4) Establish a budget for the district and approve district 2716
appropriations and expenditures, unless a financial planning and 2717

supervision commission has been established for the district 2718
pursuant to section 3316.05 of the Revised Code. 2719

(K) If the board of education of a district for which an 2720
academic distress commission has been established under this 2721
section renews any collective bargaining agreement under Chapter 2722
4117. of the Revised Code during the existence of the commission, 2723
the district board shall not enter into any agreement that would 2724
render any decision of the commission unenforceable. Section 2725
3302.08 of the Revised Code does not apply to this division. 2726

Notwithstanding any provision to the contrary in Chapter 2727
4117. of the Revised Code, if the board of education has entered 2728
into a collective bargaining agreement after September 29, 2005, 2729
that contains stipulations relinquishing one or more of the rights 2730
or responsibilities listed in division (C) of section 4117.08 of 2731
the Revised Code, those stipulations are not enforceable and the 2732
district board shall resume holding those rights or 2733
responsibilities as if it had not relinquished them in that 2734
agreement until such time as both the academic distress commission 2735
ceases to exist and the district board agrees to relinquish those 2736
rights or responsibilities in a new collective bargaining 2737
agreement. The provisions of this paragraph apply to a collective 2738
bargaining agreement entered into after September 29, 2005, and 2739
those provisions are deemed to be part of that agreement 2740
regardless of whether the district satisfied the conditions 2741
prescribed in division (A) of this section at the time the 2742
district entered into that agreement. 2743

(L) An academic distress commission shall cease to exist when 2744
the district for which it was established receives a performance 2745
rating of in need of continuous improvement or better, under 2746
section 3302.03 of the Revised Code as that section existed prior 2747
to ~~the effective date of this amendment~~ March 22, 2013, or a grade 2748
of "C" or better for both the performance index score under 2749

division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and the value-added 2750
progress dimension under division (A)(1)(e), (B)(1)(e), or 2751
(C)(1)(e) of section 3302.03 of the Revised Code for two of the 2752
three prior school years; however, the superintendent of public 2753
instruction may dissolve the commission earlier if the 2754
superintendent determines that the district can perform adequately 2755
without the supervision of the commission. Upon termination of the 2756
commission, the department of education shall compile a final 2757
report of the commission's activities to assist other academic 2758
distress commissions in the conduct of their functions. 2759

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 2760
Chapter 3301. or 3302. of the Revised Code, the board of education 2761
of a school district may submit to the superintendent of public 2762
instruction a request for a waiver for up to five school years 2763
from administering the state achievement assessments required 2764
under sections 3301.0710 and 3301.0712 of the Revised Code and 2765
related requirements specified under division (C)(2) of this 2766
section. A district that obtains a waiver under this section shall 2767
use the alternative assessment system, as proposed by the district 2768
or school and as approved by the state superintendent, in place of 2769
the assessments required under sections 3301.0710 and 3301.0712 of 2770
the Revised Code. 2771

(B) To be eligible to submit a request for a waiver under 2772
this section, a school district shall be a member of the Ohio 2773
innovation lab network. 2774

(C)(1) A request for a waiver under this section shall 2775
contain the following: 2776

(a) A timeline to develop and implement an alternative 2777
assessment system for the school district; 2778

(b) An overview of the proposed educational programs or 2779
strategies to be offered by the school district; 2780

(c) An overview of the proposed alternative assessment system, including links to state-accepted and nationally accepted metrics, assessments, and evaluations; 2781
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(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners; 2784
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(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices; 2790
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(f) An acknowledgement by the school district of federal funding that may be impacted by obtaining a waiver. 2798
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(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a school district or school may be exempt are as follows: 2800
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(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code; 2806
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(b) The evaluation of teachers and administrators under sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 of the Revised Code; 2808
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(c) The reporting of student achievement data for the purpose 2811

of the report card ratings prescribed under section 3302.03 of the 2812
Revised Code. 2813

(D) Each request for a waiver shall include the signature of 2814
all of the following: 2815

(1) The superintendent of the school district; 2816

(2) The president of the district board; 2817

(3) The presiding officer of the labor organization 2818
representing the district's or school's teachers, if any; 2819

(4) If the district's teachers are not represented by a labor 2820
organization, the principal and a majority of the administrators 2821
and teachers of the district. 2822

(E) Not later than thirty days after receiving a request for 2823
a waiver, the state superintendent shall approve or deny the 2824
waiver or may request additional information from the district. 2825
The state superintendent shall not grant waivers to more than ten 2826
school districts. A waiver granted to a school district shall be 2827
contingent on an ongoing review and evaluation by the state 2828
superintendent of the program for which the waiver was granted. 2829

(F)(1) For the purpose of this section, the department of 2830
education shall seek a waiver from the testing requirements 2831
prescribed under the "No Child Left Behind Act of 2001," if 2832
necessary to implement this section. 2833

(2) The department shall create a mechanism for the 2834
comparison of the alternative assessments prescribed under 2835
division (C) of this section and the assessments required under 2836
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 2837
to the evaluation of teachers and student achievement data for the 2838
purpose of state report card ratings. 2839

Sec. 3310.03. A student is an "eligible student" for purposes 2840
of the educational choice scholarship pilot program if the 2841

student's resident district is not a school district in which the 2842
pilot project scholarship program is operating under sections 2843
3313.974 to 3313.979 of the Revised Code and the student satisfies 2844
one of the conditions in division (A), (B), (C), or (D) of this 2845
section: 2846

(A)(1) The student is enrolled in a school building operated 2847
by the student's resident district that, on the report card issued 2848
under section 3302.03 of the Revised Code published prior to the 2849
first day of July of the school year for which a scholarship is 2850
sought, did not receive a rating as described in division (H) of 2851
this section, and to which any or a combination of any of the 2852
following apply for two of the three most recent report cards 2853
published prior to the first day of July of the school year for 2854
which a scholarship is sought: 2855

(a) The building was declared to be in a state of academic 2856
emergency or academic watch under section 3302.03 of the Revised 2857
Code as that section existed prior to March 22, 2013. 2858

(b) The building received a grade of "D" or "F" for the 2859
performance index score under division (A)(1)(b) or (B)(1)(b) of 2860
section 3302.03 of the Revised Code and for the value-added 2861
progress dimension under division (A)(1)(e) or (B)(1)(e) of 2862
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 2863
school year, or both; or if the building serves only grades ten 2864
through twelve, the building received a grade of "D" or "F" for 2865
the performance index score under division (A)(1)(b) or (B)(1)(b) 2866
of section 3302.03 of the Revised Code and had a four-year 2867
adjusted cohort graduation rate of less than seventy-five per 2868
cent. 2869

(c) The building received an overall grade of "D" or "F" 2870
under division (C)(3) of section 3302.03 of the Revised Code or a 2871
grade of "F" for the value-added progress dimension under division 2872

(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter. 2873
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(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section. 2875
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(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section. 2883
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(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought. 2887
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(5) The student will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district: 2893
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(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building; 2900
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(b) In the most recent rating published prior to the first 2903

day of July of the school year for which scholarship is sought, 2904
the district did not receive a rating described in division (H) of 2905
this section, and in at least two of the three most recent report 2906
cards published prior to the first day of July of that school 2907
year, any or a combination of the following apply to the district: 2908

(i) The district was declared to be in a state of academic 2909
emergency under section 3302.03 of the Revised Code as it existed 2910
prior to March 22, 2013. 2911

(ii) The district received a grade of "D" or "F" for the 2912
performance index score under division (A)(1)(b) or (B)(1)(b) of 2913
section 3302.03 of the Revised Code and for the value-added 2914
progress dimension under division (A)(1)(e) or (B)(1)(e) of 2915
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 2916
school year, or both. 2917

(c) The district received an overall grade of "D" or "F" 2918
under division (C)(3) of section 3302.03 of the Revised Code or a 2919
grade of "F" for the value-added progress dimension under division 2920
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 2921
school year or any school year thereafter. 2922

(6) Beginning in the 2016-2017 school year, the student is 2923
enrolled in or will be enrolling in a building in the school year 2924
for which the scholarship is sought that serves any of grades nine 2925
through twelve and that received a grade of "D" or "F" for the 2926
four-year adjusted cohort graduation rate under division 2927
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 2928
Revised Code in two of the three most recent report cards 2929
published prior to the first day of July of the school year for 2930
which a scholarship is sought. 2931

(B)(1) The student is enrolled in a school building operated 2932
by the student's resident district and to which both of the 2933
following apply: 2934

(a) The building was ranked, for at least two of the three most recent rankings published under section 3302.21 of the Revised Code prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of all public school buildings according to performance index score under section 3302.21 of the Revised Code.

(b) The building was not declared to be excellent or effective, or the equivalent of such ratings as determined by the department of education, under section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (B)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section.

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section in the school year for which the scholarship is sought.

(C) The student is enrolled in a nonpublic school at the time

the school is granted a charter by the state board of education 2966
under section 3301.16 of the Revised Code and the student meets 2967
the standards of division (B) of section 3310.031 of the Revised 2968
Code. 2969

(D) For the 2016-2017 school year and each school year 2970
thereafter, the student is in any of grades kindergarten through 2971
three, is enrolled in a school building that is operated by the 2972
student's resident district or will be enrolling in any of grades 2973
kindergarten through twelve in this state for the first time in 2974
the school year for which a scholarship is sought, and to which 2975
both of the following apply: 2976

(1) The building, in at least two of the three most recent 2977
ratings of school buildings published prior to the first day of 2978
July of the school year for which a scholarship is sought, 2979
received a grade of "D" or "F" for making progress in improving 2980
literacy in grades kindergarten through three under division 2981
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 2982

(2) The building did not receive a grade of "A" for making 2983
progress in improving literacy in grades kindergarten through 2984
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 2985
the Revised Code in the most recent rating published prior to the 2986
first day of July of the school year for which a scholarship is 2987
sought. 2988

(E) A student who receives a scholarship under the 2989
educational choice scholarship pilot program remains an eligible 2990
student and may continue to receive scholarships in subsequent 2991
school years until the student completes grade twelve, so long as 2992
all of the following apply: 2993

(1) The student's resident district remains the same, or the 2994
student transfers to a new resident district and otherwise would 2995
be assigned in the new resident district to a school building 2996

described in division (A)(1), (B)(1), or (D) of this section; 2997

(2) The student takes each assessment prescribed for the 2998
student's grade level under section 3301.0710 or 3301.0712 of the 2999
Revised Code while enrolled in a chartered nonpublic school; 3000

(3) In each school year that the student is enrolled in a 3001
chartered nonpublic school, the student is absent from school for 3002
not more than twenty days that the school is open for instruction, 3003
not including excused absences. 3004

(F)(1) The department shall cease awarding first-time 3005
scholarships pursuant to divisions (A)(1) to (4) of this section 3006
with respect to a school building that, in the most recent ratings 3007
of school buildings published under section 3302.03 of the Revised 3008
Code prior to the first day of July of the school year, ceases to 3009
meet the criteria in division (A)(1) of this section. The 3010
department shall cease awarding first-time scholarships pursuant 3011
to division (A)(5) of this section with respect to a school 3012
district that, in the most recent ratings of school districts 3013
published under section 3302.03 of the Revised Code prior to the 3014
first day of July of the school year, ceases to meet the criteria 3015
in division (A)(5) of this section. 3016

(2) The department shall cease awarding first-time 3017
scholarships pursuant to divisions (B)(1) to (4) of this section 3018
with respect to a school building that, in the most recent ratings 3019
of school buildings under section 3302.03 of the Revised Code 3020
prior to the first day of July of the school year, ceases to meet 3021
the criteria in division (B)(1) of this section. 3022

(3) The department shall cease awarding first-time 3023
scholarships pursuant to division (D) of this section with respect 3024
to a school building that, in the most recent ratings of school 3025
buildings under section 3302.03 of the Revised Code prior to the 3026
first day of July of the school year, ceases to meet the criteria 3027

in division (D) of this section. 3028

(4) However, students who have received scholarships in the 3029
prior school year remain eligible students pursuant to division 3030
(E) of this section. 3031

(G) The state board of education shall adopt rules defining 3032
excused absences for purposes of division (E)(3) of this section. 3033

(H)(1) A student who satisfies only the conditions prescribed 3034
in divisions (A)(1) to (4) of this section shall not be eligible 3035
for a scholarship if the student's resident building meets any of 3036
the following in the most recent rating under section 3302.03 of 3037
the Revised Code published prior to the first day of July of the 3038
school year for which a scholarship is sought: 3039

(a) The building has an overall designation of excellent or 3040
effective under section 3302.03 of the Revised Code as it existed 3041
prior to March 22, 2013. 3042

(b) For the 2012-2013 or 2013-2014 school year or both, the 3043
building has a grade of "A" or "B" for the performance index score 3044
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 3045
Revised Code and for the value-added progress dimension under 3046
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 3047
Code; or if the building serves only grades ten through twelve, 3048
the building received a grade of "A" or "B" for the performance 3049
index score under division (A)(1)(b) or (B)(1)(b) of section 3050
3302.03 of the Revised Code and had a four-year adjusted cohort 3051
graduation rate of greater than or equal to seventy-five per cent. 3052

(c) For the 2014-2015 school year or any school year 3053
thereafter, the building has a grade of "A" or "B" under division 3054
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 3055
for the value-added progress dimension under division (C)(1)(e) of 3056
section 3302.03 of the Revised Code; or if the building serves 3057
only grades ten through twelve, the building received a grade of 3058

"A" or "B" for the performance index score under division 3059
(C)(1)(b) of section 3302.03 of the Revised Code and had a 3060
four-year adjusted cohort graduation rate of greater than or equal 3061
to seventy-five per cent. 3062

(2) A student who satisfies only the conditions prescribed in 3063
division (A)(5) of this section shall not be eligible for a 3064
scholarship if the student's resident district meets any of the 3065
following in the most recent rating under section 3302.03 of the 3066
Revised Code published prior to the first day of July of the 3067
school year for which a scholarship is sought: 3068

(a) The district has an overall designation of excellent or 3069
effective under section 3302.03 of the Revised Code as it existed 3070
prior to March 22, 2013. 3071

(b) The district has a grade of "A" or "B" for the 3072
performance index score under division (A)(1)(b) or (B)(1)(b) of 3073
section 3302.03 of the Revised Code and for the value-added 3074
progress dimension under division (A)(1)(e) or (B)(1)(e) of 3075
section 3302.03 of the Revised Code for the 2012-2013 and 3076
2013-2014 school years. 3077

(c) The district has an overall grade of "A" or "B" under 3078
division (C)(3) of section 3302.03 of the Revised Code and a grade 3079
of "A" for the value-added progress dimension under division 3080
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 3081
school year or any school year thereafter. 3082

Sec. 3310.031. (A) The state board of education shall adopt 3083
rules under section 3310.17 of the Revised Code establishing 3084
procedures for granting educational choice scholarships to 3085
eligible students attending a nonpublic school at the time the 3086
state board grants the school a charter under section 3301.16 of 3087
the Revised Code. The procedures shall include at least the 3088
following: 3089

(1) Provisions for extending the application period for 3090
scholarships for the following school year, if necessary due to 3091
the timing of the award of the nonpublic school's charter, in 3092
order for students enrolled in the school at the time the charter 3093
is granted to apply for scholarships for the following school 3094
year; 3095

(2) Provisions for notifying the resident districts of the 3096
nonpublic school's students that the nonpublic school has been 3097
granted a charter and that educational choice scholarships may be 3098
awarded to the school's students for the following school year. 3099

(B) A student who is enrolled in a nonpublic school at the 3100
time the school's charter is granted is an eligible student if any 3101
of the following applies: 3102

(1) At the end of the last school year before the student 3103
enrolled in the nonpublic school, the student was enrolled in a 3104
school building operated by the student's resident district or in 3105
a community school established under Chapter 3314. of the Revised 3106
Code and, for the current or following school year, the student 3107
otherwise would be assigned under section 3319.01 of the Revised 3108
Code to a school building described in division (A)(1) or (B)(1) 3109
of section 3310.03 of the Revised Code. 3110

(2) At the end of the last school year before the student 3111
enrolled in the nonpublic school, the student was enrolled in a 3112
school building operated by the student's resident district and, 3113
for the current or following school year, the student otherwise 3114
would be assigned under section 3319.01 of the Revised Code to a 3115
school building described in division (A)(6) of section 3310.03 of 3116
the Revised Code. 3117

(3) The student was not enrolled in any public or other 3118
nonpublic school before the student enrolled in the nonpublic 3119
school and, for the current or following school year, otherwise 3120

would be assigned under section 3319.01 of the Revised Code to a 3121
school building described in division (A)(1) or (6) or (B)(1) of 3122
section 3310.03 of the Revised Code. 3123

~~(3)~~(4) At the end of the last school year before the student 3124
enrolled in the nonpublic school, the student was enrolled in a 3125
school building operated by the student's resident district and, 3126
during that school year, the building met the conditions described 3127
in division (A)(1) or (6) or (B)(1) of section 3310.03 of the 3128
Revised Code. 3129

~~(4)~~(5) At the end of the last school year before the student 3130
enrolled in the nonpublic school, the student was enrolled in a 3131
community school established under Chapter 3314. of the Revised 3132
Code but otherwise would have been assigned under section 3319.01 3133
of the Revised Code to a school building that, during that school 3134
year, met the conditions described in division (A)(1) or (B)(1) of 3135
section 3310.03 of the Revised Code. 3136

Sec. 3310.13. (A) No chartered nonpublic school shall charge 3137
any student whose family income is at or below two hundred per 3138
cent of the federal poverty guidelines, as defined in section 3139
5101.46 of the Revised Code, a tuition fee that is greater than 3140
the total amount paid for that student under section 3310.08 of 3141
the Revised Code. 3142

(B) A chartered nonpublic school may charge any other student 3143
who is paid a scholarship under that section up to the difference 3144
between the amount of the scholarship and the regular tuition 3145
charge of the school. Each chartered nonpublic school ~~shall~~ may 3146
permit such an eligible student's family, ~~at the family's option,~~ 3147
to provide volunteer services in lieu of cash payment to pay all 3148
or part of the amount of the school's tuition not covered by the 3149
scholarship paid under section 3310.08 of the Revised Code. 3150

Sec. 3310.14. Each (A) Except as provided in division (B) of 3151
this section, each chartered nonpublic school that is not subject 3152
to division (K)(1)(a) of section 3301.0711 of the Revised Code and 3153
enrolls students awarded scholarships under sections 3310.01 to 3154
3310.17 of the Revised Code annually shall administer the 3155
assessments prescribed by section 3301.0710 or 3301.0712 of the 3156
Revised Code to each scholarship student enrolled in the school in 3157
accordance with section 3301.0711 of the Revised Code. Each 3158
chartered nonpublic school that is subject to this section shall 3159
report to the department of education the results of each 3160
assessment administered to each scholarship student under this 3161
section. 3162

Nothing in this section requires a chartered nonpublic school 3163
to administer any achievement assessment, except for an Ohio 3164
graduation test prescribed by division (B)(1) of section 3301.0710 3165
of the Revised Code, as required by section 3313.612 of the 3166
Revised Code, to any student enrolled in the school who is not a 3167
scholarship student. 3168

(B) A chartered nonpublic school that meets the conditions 3169
specified in division (K)(1)(c) of section 3301.0711 of the 3170
Revised Code shall not be required to administer the elementary 3171
assessments prescribed by division (A) of section 3301.0710 of the 3172
Revised Code. 3173

Sec. 3310.522. In order to maintain eligibility for a 3174
scholarship under the program, a student shall take each 3175
assessment prescribed by sections 3301.0710 and 3301.0712 of the 3176
Revised Code, unless the student is excused from taking that 3177
assessment under federal law or the student's individualized 3178
education program or the student is enrolled in a chartered 3179
nonpublic school that meets the conditions specified in division 3180
(K)(1)(c) of section 3301.0711 of the Revised Code. 3181

Each registered private provider that is not subject to 3182
division (K)(1)(a) of section 3301.0711 of the Revised Code and 3183
enrolls a student who is awarded a scholarship under this section 3184
shall administer each assessment prescribed by sections 3301.0710 3185
and 3301.0712 of the Revised Code to that student, unless the 3186
student is excused from taking that assessment or the student is 3187
enrolled in a chartered nonpublic school that meets the conditions 3188
specified in division (K)(1)(c) of section 3301.0711 of the 3189
Revised Code, and shall report to the department the results of 3190
each assessment so administered. 3191

Nothing in this section requires any chartered nonpublic 3192
school that is a registered private provider to administer any 3193
achievement assessment, except for an Ohio graduation test 3194
prescribed by division (B)(1) of section 3301.0710 of the Revised 3195
Code, as required by section 3313.612 of the Revised Code, to any 3196
student enrolled in the school who is not a scholarship student. 3197

Sec. 3311.24. (A)(1) Except as provided in division (B) of 3198
this section, the board of education of a city, exempted village, 3199
or local school district shall file with the state board of 3200
education a proposal to transfer territory from such district to 3201
an adjoining city, exempted village, or local school district in 3202
any of the following circumstances: 3203

(a) The district board deems the transfer advisable and, if 3204
the portion of the district proposed to be transferred is five 3205
acres or more, the board has obtained written consent to the 3206
transfer from seventy-five per cent of the owners of parcels of 3207
real property on the tax duplicate within that portion of the 3208
district; 3209

(b) A petition, signed by seventy-five per cent of the 3210
qualified electors residing within that portion of a city, 3211
exempted village, or local school district proposed to be 3212

transferred voting at the last general election, requests such a 3213
transfer; 3214

(c) If no qualified electors reside in that portion of the 3215
district proposed to be transferred, a petition, signed by 3216
seventy-five per cent of the owners of parcels of real property on 3217
the tax duplicate within that portion of the district, requests 3218
such a transfer. 3219

(2) The board of education of the district in which such 3220
proposal originates shall file such proposal, together with a map 3221
showing the boundaries of the territory proposed to be 3222
transferred, with the state board of education prior to the first 3223
day of April in any even-numbered year. The state board of 3224
education may, if it is advisable, provide for a hearing in any 3225
suitable place in any of the school districts affected by such 3226
proposed transfer of territory. The state board of education or 3227
its representatives shall preside at any such hearing. 3228

(3) A board of education of a city, exempted village, or 3229
local school district that receives a petition of transfer signed 3230
by electors of the district under division (A)(1)(b) of this 3231
section shall cause the board of elections to check the 3232
sufficiency of signatures on the petition. A board of education of 3233
a city, exempted village, or local school district that receives 3234
written consent or a petition of transfer signed by owners of 3235
parcels of real property under division (A)(1)(a) or (c) of this 3236
section shall cause the county auditor to check the sufficiency of 3237
signatures on the consent or petition. 3238

(4) Not later than the first day of September the state board 3239
of education shall either approve or disapprove a proposed 3240
transfer of territory filed with it as provided by this section 3241
and shall notify, in writing, the boards of education of the 3242
districts affected by such proposed transfer of territory of its 3243
decision. 3244

If the decision of the state board of education is an approval of the proposed transfer of territory then the board of education of the district in which the territory is located shall, within thirty days after receiving the state board of education's decision, adopt a resolution transferring the territory and shall forthwith submit a copy of such resolution to the treasurer of the board of education of the city, exempted village, or local school district to which the territory is transferred. Such transfer shall not be complete however, until:

(a) A resolution accepting the transfer has been passed by a majority vote of the full membership of the board of education of the city, exempted village, or local school district to which the territory is transferred;

(b) ~~An~~ Subject to section 3311.241 of the Revised Code, if applicable, an equitable division of the funds and indebtedness between the districts involved has been made by the board of education making the transfer;

(c) A map showing the boundaries of the territory transferred has been filed, by the board of education accepting the transfer, with the county auditor of each county affected by the transfer.

When such transfer is complete the legal title of the school property in the territory transferred shall be vested in the board of education or governing board of the school district to which the territory is transferred.

(B) Whenever the transfer of territory pursuant to this section is initiated by a board of education, the board shall, before filing a proposal for transfer with the state board of education under this section, make a good faith effort to negotiate the terms of transfer with any other school district whose territory would be affected by the transfer. Before the state board may hold a hearing on the transfer, or approve or

disapprove any such transfer, it must receive the following: 3276

(1) A resolution requesting approval of the transfer passed 3277
by the school district submitting the proposal and, if applicable, 3278
evidence of the consent of affected property owners to the 3279
transfer; 3280

(2) Evidence determined to be sufficient by the state board 3281
to show that good faith negotiations have taken place or that the 3282
district requesting the transfer has made a good faith effort to 3283
hold such negotiations; 3284

(3) If any negotiations took place, a statement signed by all 3285
boards that participated in the negotiations, listing the terms 3286
agreed on and the points on which no agreement could be reached. 3287

Negotiations held pursuant to this section shall be governed 3288
by the rules adopted by the state board under division (D) of 3289
section 3311.06 of the Revised Code. Districts involved in a 3290
transfer under division (B) of this section may agree to share 3291
revenues from the property included in the territory to be 3292
transferred, establish cooperative programs between the 3293
participating districts, and establish mechanisms for the 3294
settlement of any future boundary disputes. 3295

Sec. 3311.241. (A) In the case of a voluntary transfer of the 3296
territory of a school district in accordance with section 3311.38 3297
or division (A)(1)(a) of section 3311.24 of the Revised Code, and 3298
where the transfer results in the complete consolidation and 3299
dissolution of the transferring district, the net indebtedness 3300
owed to the solvency assistance fund created under section 3316.20 3301
of the Revised Code by the transferring district shall be 3302
canceled, provided that all of the following conditions are 3303
satisfied: 3304

(1) The amount owed by the transferring district to the 3305

solvency assistance fund is greater than or equal to thirty-three 3306
per cent of the transferring school district's operating budget 3307
for the current fiscal year, but does not exceed ten million 3308
dollars. 3309

(2) The transferring district has remained in a state of 3310
fiscal emergency pursuant to section 3316.03 of the Revised Code 3311
during the previous two fiscal years. 3312

(3) The acquiring district is in the same county or in a 3313
county contiguous to the county in which the transferring district 3314
is located. 3315

(4) The acquiring district has voluntarily accepted the 3316
transfer. 3317

(5) The acquiring district has submitted to the state board 3318
of education a five-year written projection of solvency which 3319
takes into account the fiscal effects of acquiring the 3320
transferring district. 3321

(B) If the conditions in division (A) of this section are 3322
satisfied, the acquiring district shall acquire the transferring 3323
district's territory free and clear of any amount owed by the 3324
transferring district to the solvency assistance fund. However, 3325
the acquiring district shall assume the obligations of all other 3326
liens, encumbrances, and debts of the transferring district. 3327

(C) Upon the making of a transfer pursuant to this section, 3328
the board of education of the transferring district is thereby 3329
abolished, and the district is thereby dissolved. 3330

(D) The director of budget and management may transfer any 3331
available moneys from the general revenue fund, appropriated for 3332
operating payments to schools, into the solvency assistance fund 3333
to replace the amount owed by a transferring school district 3334
forgone under division (A) of this section. 3335

Sec. 3311.25. (A) Notwithstanding any other provision of this 3336
chapter, two or more city, local, or exempted village school 3337
districts ~~whose territory is primarily located within the same~~ 3338
~~county~~ may be merged as provided in this section, if the districts 3339
satisfy either of the following conditions: 3340

(1) The territory of the districts is primarily located 3341
within the same county, and that county has a population of less 3342
than one hundred thousand, as determined by the most recent 3343
federal decennial census. 3344

(2) The territory of the districts is located in contiguous 3345
counties, at least one of which has a population of less than one 3346
hundred thousand as determined by the most recent federal 3347
decennial census, and the boundaries of the districts are 3348
contiguous. 3349

(B) A petition may be filed with the board of elections 3350
proposing that two or more school districts ~~whose territory is~~ 3351
~~primarily located within a county~~ meeting the qualifications of 3352
division (A)(1) or (2) of this section form a commission to study 3353
the proposed merger of the school districts. ~~The~~ 3354

In the case of districts that meet the qualifications of 3355
division (A)(1) of this section, the petition shall be filed with 3356
the board of elections of the county in which the territory of the 3357
districts is primarily located. In the case of districts that meet 3358
the qualifications of division (A)(2) of this section, the 3359
petition shall be filed with the board of elections of the county 3360
with the largest population of all of the counties in which the 3361
territory of the districts is located, as determined by the most 3362
recent federal decennial census. 3363

The petition may be presented in separate petition papers. 3364
Each petition paper shall contain, in concise language, the 3365
purpose of the petition and the names of five electors of each 3366

school district proposed to be merged to serve as commissioners on 3367
the merger study commission. The petition shall be governed by the 3368
rules of section 3501.38 of the Revised Code. 3369

A petition filed under this section shall contain signatures 3370
of electors of each school district proposed to be merged, 3371
numbering not less than ten per cent of the number of electors 3372
residing in that district who voted for the office of governor at 3373
the most recent general election for that office. ~~The petition~~ 3374
~~shall be filed with the board of elections of the county described~~ 3375
~~by division (A) of this section.~~ The board of elections of the 3376
county in which the petition is required to be filed shall 3377
ascertain the validity of all signatures on the petition and may 3378
require the assistance of boards of elections of other counties if 3379
any of the school districts proposed to be merged are located 3380
partially or entirely in a county other than the one in which the 3381
petition is required to be filed. 3382

If the board of elections determines that the petition is 3383
sufficient, no other petition may be filed under this section to 3384
propose the merger of a school district proposed to be merged 3385
under the petition that has been determined to be sufficient 3386
unless one of the following occurs: 3387

(1) The petition that has been determined to be sufficient is 3388
rejected by the district's voters under division (C) of this 3389
section. 3390

(2) The petition that has been determined to be sufficient is 3391
approved by the district's voters under division (C) of this 3392
section, but the merger study commission determines that a merger 3393
is not desirable under division (E)(4) of this section. 3394

(3) The petition that has been determined to be sufficient is 3395
approved by the district's voters under division (C) of this 3396
section, but the conditions of merger agreed upon the merger 3397

commission are disapproved by the district's voters under division 3398
(F) of this section. 3399

(C)(1) If the board of elections of the county in which the 3400
petition is required to be filed determines that the petition is 3401
sufficient, the board shall submit the following question for the 3402
approval or rejection of the electors of each school district 3403
proposed to be merged at the next general election occurring at 3404
least ninety days after the date the petition is filed: "Shall a 3405
commission be established to study ~~the proposed merger of any or~~ 3406
~~all of the school districts in this county~~ and, if a merger is 3407
considered desirable, to draw up a statement of conditions for 3408
~~that proposed merger~~ the proposed merger of (name of 3409
school district in which the question is being voted upon) with 3410
one or more of the following school districts: (names 3411
of the other school districts listed in the petition)?" The ballot 3412
shall include, for each of the school districts proposed to be 3413
merged, the names of the five electors identified in the petition, 3414
who shall constitute the commissioners on behalf of that district. 3415

(2) If any of the school districts for which merger is 3416
proposed are located partially or entirely in a county other than 3417
the one in which the petition is required to be filed, the board 3418
of elections of the county in which the petition is required to be 3419
filed shall, if the petition is found to be sufficient, certify 3420
the sufficiency of that petition and the statement of the issue to 3421
be voted on to the boards of elections of those other counties. 3422
The boards of those other counties shall submit the question of 3423
merging and the names of candidates to be elected to the 3424
commission for the approval or rejection of electors in the 3425
~~portions of the~~ school districts proposed to be merged or portions 3426
thereof that are located within their respective counties. Upon 3427
the holding of the election, those boards shall certify the 3428
results to the board of elections of the county in which the 3429

petition is required to be filed. 3430

(D) A petition shall not be deemed insufficient for all 3431
school districts proposed to be merged if it contains the 3432
signatures of less than ten per cent of the electors who voted for 3433
the office of governor at the most recent general election for 3434
that office in a particular school district. If the petition 3435
contains a sufficient number of signatures and is otherwise 3436
determined by the board of elections to be sufficient for at least 3437
two school districts proposed to be merged, the board shall submit 3438
the question of the proposed merger for the approval or rejection 3439
of voters under division (C) of this section in each of the 3440
districts for which the petition was determined to be sufficient. 3441
The board shall not submit the question of the proposed merger for 3442
the approval or rejection of voters under division (C) of this 3443
section for any school district for which a petition contains an 3444
insufficient number of signatures or for which the board otherwise 3445
determines the petition to be insufficient. 3446

(E)(1) If the question of forming a merger study commission 3447
as provided in division (C) of this section is approved by a 3448
majority of those voting on it in at least two school districts, 3449
the commission shall be established and the five candidates from 3450
each school district in which the question was approved shall be 3451
elected to the commission to study the proposed merger and to 3452
formulate any conditions of any proposed merger if a merger is 3453
considered desirable after study by the commission. Any school 3454
district that disapproved of the question of forming a merger 3455
study commission by a majority of those voting on it shall not be 3456
included in, and its proposed candidates shall not be elected to, 3457
the commission. 3458

(2) The first meeting of the commission shall be held in the 3459
regular meeting place of the board of county commissioners of the 3460
county in which the petition is required to be filed, at nine a.m. 3461

on the tenth day after the certification of the election by the 3462
last of the respective boards of elections to make such 3463
certification, unless that day is a Saturday, Sunday, or a 3464
holiday, in which case the first meeting shall be held on the next 3465
day thereafter that is not a Saturday, Sunday, or holiday. The 3466
president of the school board of the school district with the 3467
largest population of the districts that approved the question of 3468
forming a merger study commission under division (C) of this 3469
section shall serve as temporary chairperson until permanent 3470
officers are elected. The commission shall immediately elect its 3471
own permanent officers and shall proceed to meet as often as 3472
necessary to study the proposed merger, determine whether a 3473
proposed merger is desirable, and formulate any conditions for any 3474
proposed merger. All meetings of the commission shall be subject 3475
to the requirements of section 121.22 of the Revised Code. 3476

(3) The conditions for a proposed merger may provide for the 3477
election of school board members for the new school district and 3478
any other conditions that a majority of the members of the 3479
commission from each school district find necessary. The 3480
conditions for the proposed merger also may provide that the 3481
merger, if approved, shall not become effective until the date on 3482
which any required changes in state law necessary for the school 3483
district merger to occur become effective. 3484

(4) As soon as the commission determines that a merger is not 3485
desirable or finalizes the conditions for a proposed merger, the 3486
commission shall report this fact, and the name of each school 3487
district proposed for merger in which the majority of the 3488
district's commissioners have agreed to the conditions for merger, 3489
to the board of elections of each of the counties in which the 3490
school districts proposed for merger or portions thereof are 3491
located. 3492

The question shall be submitted to the voters in each school 3493

district in which the majority of the district's commissioners 3494
have agreed to the conditions for merger at the next general 3495
election occurring after the commission is elected. The question 3496
shall not be submitted to the voters in any school district in 3497
which a majority of that district's commissioners have not agreed 3498
to the conditions for merger. The board of elections shall not 3499
submit the conditions for merger to the voters in any district if 3500
the conditions for merger include the merging of any district in 3501
which the majority of that district's commissioners have not 3502
agreed to the conditions for merger. 3503

The boards of elections shall submit the conditions of 3504
proposed merger for the approval or rejection of the electors in 3505
the ~~portions of the~~ school districts proposed to be merged or 3506
portions thereof within their respective counties. Upon the 3507
holding of that election, the boards of elections shall certify 3508
the results to the board of elections of the county in which the 3509
petition is required to be filed. 3510

Regardless of whether the commission succeeds in reaching 3511
agreement, the commission shall cease to exist on the ninetieth 3512
day prior to the next general election after the commission is 3513
elected. 3514

(F) If the conditions of merger agreed upon by the merger 3515
commission are disapproved by a majority of those voting on them 3516
in any school district proposed to be merged, the merger shall not 3517
occur, unless the conditions of merger provide for a merger to 3518
occur without the inclusion of that district and the conditions of 3519
merger are otherwise met. No district in which the conditions of 3520
merger are disapproved by a majority of those voting on them shall 3521
be included in any merger resulting from that election. If the 3522
conditions of merger are approved by a majority of those voting on 3523
them in each school district proposed to be merged, or if the 3524
conditions of merger provide for a merger to occur without the 3525

inclusion of one or more districts in which the conditions of 3526
merger are disapproved by a majority of those voting on them, the 3527
merger shall be effective on the date specified in the conditions 3528
of the merger, unless the conditions of merger specify changes 3529
required to be made in state law for the merger to occur, in which 3530
case the merger shall be effective on the date on which those 3531
changes to state law become effective. 3532

Sec. 3311.251. (A) In the case of a merger of two or more 3533
school districts in accordance with section 3311.25 of the Revised 3534
Code, the net indebtedness owed to the solvency assistance fund 3535
created under section 3316.20 of the Revised Code by a merging 3536
district shall be canceled if that district satisfies all of the 3537
following conditions: 3538

(1) The amount owed by the merging district to the solvency 3539
assistance fund is greater than or equal to thirty-three per cent 3540
of the merging school district's operating budget for the current 3541
fiscal year, but does not exceed ten million dollars. 3542

(2) The merging district has remained in a state of fiscal 3543
emergency pursuant to section 3316.03 of the Revised Code during 3544
the previous two fiscal years. 3545

(3) The district that results from the merger is in the same 3546
county or in a county contiguous to the county in which the 3547
merging district is located. 3548

(4) The district that results from the merger has submitted 3549
to the state board of education a five-year written projection of 3550
solvency which takes into account the fiscal effects of acquiring 3551
the merging district. 3552

(B) If the conditions in division (A) of this section are 3553
satisfied by a merging district, the district that results from 3554
the merger shall acquire that merging district's territory free 3555

and clear of any amount owed by that merging district to the 3556
solvency assistance fund. However, the district that results from 3557
the merger shall assume the obligations of all other liens, 3558
encumbrances, and debts of that merging district, as well as the 3559
obligations of all of the liens, encumbrances, and debts of all of 3560
the other merging districts that do not satisfy the conditions in 3561
division (A) of this section. 3562

(C) Upon the merger of two or more districts pursuant to this 3563
section, the boards of education of the merging districts are 3564
thereby abolished, and the districts are thereby dissolved. 3565

(D) The director of budget and management may transfer any 3566
available moneys from the general revenue fund, appropriated for 3567
operating payments to schools, into the solvency assistance fund 3568
to replace the amount owed by a merging school district forgone 3569
under division (A) of this section. 3570

Sec. 3311.38. The state board of education may conduct, or 3571
may direct the superintendent of public instruction to conduct, 3572
studies where there is evidence of need for transfer of local, 3573
exempted village, or city school districts, or parts of any such 3574
districts, to contiguous or noncontiguous local, exempted village, 3575
or city school districts. Such studies shall include a study of 3576
the effect of any proposal upon any portion of a school district 3577
remaining after such proposed transfer. The state board, in 3578
conducting such studies and in making recommendations as a result 3579
thereof, shall consider the possibility of improving school 3580
district organization as well as the desires of the residents of 3581
the school districts which would be affected. 3582

(A) After the adoption of recommendations growing out of any 3583
such study, or upon receipt of a resolution adopted by majority 3584
vote of the full membership of the board of any city, local, or 3585
exempted village school district requesting that the entire 3586

district be transferred to another city, local, or exempted 3587
village school district, the state board may propose by resolution 3588
the transfer of territory, which may consist of part or all of the 3589
territory of a local, exempted village, or city school district to 3590
a contiguous local, exempted village, or city school district. 3591

The state board shall thereupon file a copy of such proposal 3592
with the board of education of each school district whose 3593
boundaries would be altered by the proposal and with the governing 3594
board of any educational service center in which such school 3595
district is located. 3596

The state board may, not less than thirty days following the 3597
adoption of the resolution proposing the transfer of territory, 3598
certify the proposal to the board of elections of the county or 3599
counties in which any of the territory of the proposed district is 3600
located, for the purpose of having the proposal placed on the 3601
ballot at the next general election or at a primary election 3602
occurring not less than ninety days after the adoption of such 3603
resolution. 3604

If any proposal has been previously initiated pursuant to 3605
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 3606
affects any of the territory affected by the proposal of the state 3607
board, the proposal of the state board shall not be placed on the 3608
ballot while the previously initiated proposal is subject to an 3609
election. 3610

Upon certification of a proposal to the board of elections of 3611
any county pursuant to this section, the board of elections of 3612
such county shall make the necessary arrangements for the 3613
submission of such question to the electors of the county 3614
qualified to vote thereon, and the election shall be counted and 3615
canvassed and the results shall be certified in the same manner as 3616
in regular elections for the election of members of a board of 3617
education. 3618

The electors qualified to vote upon a proposal are the 3619
electors residing in the local, exempted village, or city school 3620
districts, containing territory proposed to be transferred. 3621

If the proposed transfer be approved by a majority of the 3622
electors voting on the proposal, the state board, subject to the 3623
approval of the board of education of the district to which the 3624
territory would be transferred, shall make such transfer prior to 3625
the next succeeding July 1. 3626

(B) If a study conducted in accordance with this section 3627
involves a school district with less than four thousand dollars of 3628
assessed value for each pupil in the total student count 3629
determined under section 3317.03 of the Revised Code, the state 3630
board of education, with the approval of the educational service 3631
center governing board, and upon recommendation by the state 3632
superintendent of public instruction, may by resolution transfer 3633
all or any part of such a school district to any city, exempted 3634
village, or local school district which has more than twenty-five 3635
thousand pupils in average daily membership. Such resolution of 3636
transfer shall be adopted only after the board of education of the 3637
receiving school district has adopted a resolution approving the 3638
proposed transfer. For the purposes of this division, the assessed 3639
value shall be as certified in accordance with section 3317.021 of 3640
the Revised Code. 3641

(C) ~~Upon~~ Subject to section 3311.241 of the Revised Code, if 3642
applicable, upon the making of a transfer of an entire school 3643
district pursuant to this section, the indebtedness of the 3644
district transferred shall be assumed in full by the acquiring 3645
district and the funds of the district transferred shall be paid 3646
over in full to the acquiring district. 3647

(D) Upon the making of a transfer pursuant to this section, 3648
when only part of a district is transferred, the net indebtedness 3649
of each original district of which only a part is taken by the 3650

acquiring district shall be apportioned between the acquiring 3651
district and the original district in the ratio which the assessed 3652
valuation of the part taken by the acquiring district bears to the 3653
assessed valuation of the original district as of the effective 3654
date of the transfer. As used in this section "net indebtedness" 3655
means the difference between the par value of the outstanding and 3656
unpaid bonds and notes of the school district and the amount held 3657
in the sinking fund and other indebtedness retirement funds for 3658
their redemption. 3659

(E) Upon the making of a transfer pursuant to this section, 3660
when only part of a district is transferred, the funds of the 3661
district from which territory was transferred shall be divided 3662
equitably by the state board between the acquiring district and 3663
that part of the former district remaining after the transfer. 3664

(F) If an entire school district is transferred, the board of 3665
education of such district is thereby abolished. If part of a 3666
school district is transferred, any member of the board of 3667
education who is a legal resident of that part which is 3668
transferred shall thereby cease to be a member of that board. 3669

If an entire school district is transferred, foundation 3670
program moneys accruing to a district accepting school territory 3671
under the provisions of this section shall not be less, in any 3672
year during the next succeeding three years following the 3673
transfer, than the sum of the amounts received by the districts 3674
separately in the year in which the transfer became effective. 3675

Sec. 3311.86. (A) As used in this section: 3676

(1) "Alliance" means a municipal school district 3677
transformation alliance established as a nonprofit corporation. 3678

(2) "Alliance municipal school district" means a municipal 3679
school district for which an alliance has been created under this 3680

section. 3681

(3) "Partnering community school" means a community school 3682
established under Chapter 3314. of the Revised Code that is 3683
located within the territory of a municipal school district and 3684
that either is sponsored by the district or is a party to an 3685
agreement with the district whereby the district and the community 3686
school endorse each other's programs. 3687

(4) "Transformation alliance education plan" means a plan 3688
prepared by the mayor, and confirmed by the alliance, to transform 3689
public education in the alliance municipal school district to a 3690
system of municipal school district schools and partnering 3691
community schools that will be held to the highest standards of 3692
school performance and student achievement. 3693

(B) If one or more partnering community schools are located 3694
in a municipal school district, the mayor may initiate proceedings 3695
to establish a municipal school district transformation alliance 3696
as a nonprofit corporation under Chapter 1702. of the Revised 3697
Code. The mayor shall have sole authority to appoint the directors 3698
of any alliance created under this section. The directors of the 3699
alliance shall include representatives of all of the following: 3700

(1) The municipal school district; 3701

(2) Partnering community schools; 3702

(3) Members of the community at large, including parents and 3703
educators; 3704

(4) The business community, including business leaders and 3705
foundation leaders. 3706

No one group listed in divisions (B)(1) to (4) of this 3707
section shall comprise a majority of the directors. The mayor 3708
shall be an ex officio director, and serve as the chairperson of 3709
the board of directors, of any alliance created under this 3710

section. If the proceedings are initiated, the mayor shall 3711
identify the directors in the articles of incorporation filed 3712
under section 1702.04 of the Revised Code. 3713

(C)(1) A majority of the members of the board of directors of 3714
the alliance shall constitute a quorum of the board. Any formal 3715
action taken by the board of directors shall take place at a 3716
meeting of the board and shall require the concurrence of a 3717
majority of the members of the board. Meetings of the board of 3718
directors shall be public meetings open to the public at all 3719
times, except that the board and its committees and subcommittees 3720
may hold an executive session, as if it were a public body with 3721
public employees, for any of the purposes for which an executive 3722
session of a public body is permitted under division (G) of 3723
section 121.22 of the Revised Code, notwithstanding that the 3724
alliance is not a public body as defined in that section, and its 3725
employees are not public employees as provided in division (F) of 3726
this section. The board of directors shall establish reasonable 3727
methods whereby any person may determine the time and place of all 3728
of the board's public meetings and by which any person, upon 3729
request, may obtain reasonable advance notification of the board's 3730
public meetings. Provisions for that advance notification may 3731
include, but are not limited to, mailing notices to all 3732
subscribers on a mailing list or mailing notices in 3733
self-addressed, stamped envelopes provided by the person. 3734

(2) All records of the alliance shall be organized and 3735
maintained by the alliance and also filed with the department of 3736
education. The alliance and the department shall make those 3737
records available to the public as though those records were 3738
public records for purposes of Chapter 149. of the Revised Code. 3739
The department shall promptly notify the alliance upon the 3740
department's receipt of any requests for records relating to the 3741
alliance pursuant to section 149.43 of the Revised Code. 3742

(3) The board of directors of the alliance shall establish a
conflicts of interest policy and shall adopt that policy, and any
amendments to the policy, at a meeting of the board held in
accordance with this section.

(D)(1) If an alliance is created under this section, the
alliance shall do all of the following:

~~(1)(a)~~ Report annually on the performance of all municipal
school district schools and all community schools established
under Chapter 3314. of the Revised Code and located in the
district, using the criteria adopted under division (B) of section
3311.87 of the Revised Code;

~~(2)(b)~~ Confirm and monitor implementation of the
transformation alliance education plan;

~~(3)(c)~~ Suggest national education models for and provide
input in the development of new municipal school district schools
and partnering community schools.

(2) If an alliance is created under this section, the
department of education may request alliance comment, or the
alliance independently may offer comment to the department, on the
granting, renewal, or extension of an agreement with a sponsor of
community schools under section 3314.015 of the Revised Code when
the sponsor has existing agreements with a community school
located in an alliance municipal school district. If the alliance
makes comments, those comments shall be considered by the
department prior to making its decision whether to grant, renew,
or extend the agreement.

(3) If an alliance is created under this section, a board of
education of a school district or governing board of an
educational service center may request alliance comment, or the
alliance independently may offer comment to the board or governing
board, on the conversion to a community school of a public school

or a building operated by the governing board of an educational service center. If the alliance makes comments, those comments shall be considered by the parties prior to entering into a preliminary agreement under section 3314.02 of the Revised Code.

For purposes of divisions (D)(2) and (3) of this section, comments by the alliance shall be based on the criteria established under division (A) of section 3311.87 of the Revised Code.

(E) Divisions (E)(1) to (3) of this section apply to each community school sponsor that is subject to approval by the department ~~of education~~ under section 3314.015 of the Revised Code whose approval under that section is granted ~~or~~, renewed, or extended on or after October 1, 2012. Divisions (E)(1) to (3) of this section do not apply to a sponsor that has been approved by the department prior to that date, until the sponsor's approval is renewed ~~or~~, granted anew, or extended on or after that date.

(1) Before a sponsor to which this section applies may sponsor new community schools in an alliance municipal school district, the sponsor shall request recommendation from the alliance to sponsor community schools in the district.

(2) The alliance shall review the sponsor's ~~application~~ request and shall make a recommendation to the department based on the standards for sponsors developed under division (A)(2) of section 3311.87 of the Revised Code.

(3) The department shall use the standards developed under division (A)(2) of section 3311.87 of the Revised Code, in addition to any other requirements of the Revised Code, to review a sponsor's request and make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the alliance municipal school district.

No sponsor shall be required to receive authorization to

sponsor new community schools under division (E)(3) of this 3805
section more than one time. 3806

(F) Directors, officers, and employees of an alliance are not 3807
public employees or public officials, are not subject to Chapters 3808
124., 145., and 4117. of the Revised Code, and are not "public 3809
officials" or "public servants" as defined in section 2921.01 of 3810
the Revised Code. Membership on the board of directors of an 3811
alliance does not constitute the holding of an incompatible public 3812
office or employment in violation of any statutory or common law 3813
prohibition against the simultaneous holding of more than one 3814
public office or employment. Members of the board of directors of 3815
an alliance are not disqualified from holding any public office by 3816
reason of that membership, and do not forfeit by reason of that 3817
membership the public office or employment held when appointed to 3818
the board, notwithstanding any contrary disqualification or 3819
forfeiture requirement under the Revised Code or the common law of 3820
this state. 3821

(G) The authority to establish an alliance under this section 3822
expires on January 1, 2018. Any alliance established under this 3823
section is terminated, and any related authority granted to the 3824
alliance under this section expires on that date. 3825

Sec. 3313.21. (A) The board of education of each school 3826
district shall be the sole authority in determining and selecting 3827
all of the following to be used in the schools under its control: 3828

(1) Textbooks, pursuant to section 3329.08 of the Revised 3829
Code, and reading lists; 3830

(2) Instructional materials; 3831

(3) Academic curriculum. 3832

(B) The board of education of each school district may permit 3833
educators to create instructional materials, including textbooks, 3834

that are consistent with the curriculum adopted by the district board for use in the educators' classrooms. 3835
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(C) Nothing in this section is intended to promote or encourage the utilization of any particular text or source material on a statewide basis. 3837
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Sec. 3313.212. The board of education of each school district shall provide an opportunity for parents to review the selection of textbooks and reading lists, instructional materials, and the academic curriculum used by schools in the district. The board shall establish a parental advisory committee or another method for review, as determined appropriate by the board, to meet this requirement. 3840
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Sec. 3313.372. (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, a building, to reduce energy consumption. It includes: 3847
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(1) Insulation of the building structure and systems within the building; 3851
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(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; 3853
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(3) Automatic energy control systems; 3858

(4) Heating, ventilating, or air conditioning system modifications or replacements; 3859
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(5) Caulking and weatherstripping; 3861

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing 3862
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the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure.

(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:

(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.

(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.

The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, ~~be stated as a percentage of~~ shall not exceed the calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The contractor shall warrant and guarantee that the energy conservation measures

shall realize guaranteed savings and shall be responsible to pay 3895
an amount equal to any savings shortfall. 3896

An installment payment contract entered into by a board of 3897
education under this section shall require the board to contract 3898
in accordance with division (A) of section 3313.46 of the Revised 3899
Code for the installation, modification, or remodeling of energy 3900
conservation measures unless division (A) of section 3313.46 of 3901
the Revised Code does not apply pursuant to division (B)(3) of 3902
that section, in which case the contract shall be awarded through 3903
a competitive selection process pursuant to rules adopted by the 3904
school facilities commission. 3905

An installment payment contract entered into by a board of 3906
education under this section may include services for measurement 3907
and verification of energy savings associated with the guarantee. 3908
The annual cost of measurement and verification services shall not 3909
exceed ten per cent of the guaranteed savings in any year of the 3910
installment payment contract. 3911

(C) The board may issue the notes of the school district 3912
signed by the president and the treasurer of the board and 3913
specifying the terms of the purchase and securing the deferred 3914
payments provided in this section, payable at the times provided 3915
and bearing interest at a rate not exceeding the rate determined 3916
as provided in section 9.95 of the Revised Code. The notes may 3917
contain an option for prepayment and shall not be subject to 3918
Chapter 133. of the Revised Code. In the resolution authorizing 3919
the notes, the board may provide, without the vote of the electors 3920
of the district, for annually levying and collecting taxes in 3921
amounts sufficient to pay the interest on and retire the notes, 3922
except that the total net indebtedness of the district without a 3923
vote of the electors incurred under this and all other sections of 3924
the Revised Code, except section 3318.052 of the Revised Code, 3925
shall not exceed one per cent of the district's tax valuation. 3926

Revenues derived from local taxes or otherwise, for the purpose of 3927
conserving energy or for defraying the current operating expenses 3928
of the district, may be applied to the payment of interest and the 3929
retirement of such notes. The notes may be sold at private sale or 3930
given to the contractor under the installment payment contract 3931
authorized by division (B) of this section. 3932

(D) Debt incurred under this section shall not be included in 3933
the calculation of the net indebtedness of a school district under 3934
section 133.06 of the Revised Code. 3935

(E) No school district board shall enter into an installment 3936
payment contract under division (B) of this section unless it 3937
first obtains a report of the costs of the energy conservation 3938
measures and the savings thereof as described under division (G) 3939
of section 133.06 of the Revised Code as a requirement for issuing 3940
energy securities, makes a finding that the amount spent on such 3941
measures is not likely to exceed the amount of money it would save 3942
in energy costs and resultant operational and maintenance costs as 3943
described in that division, except that that finding shall cover 3944
the ensuing fifteen years, and the ~~Ohio~~ school facilities 3945
commission determines that the district board's findings are 3946
reasonable and approves the contract as described in that 3947
division. 3948

The district board shall monitor the savings and maintain a 3949
report of those savings, which shall be submitted to the 3950
commission in the same manner as required by division (G) of 3951
section 133.06 of the Revised Code in the case of energy 3952
securities. 3953

Sec. 3313.536. (A) As used in this section: 3954

(1) "Administrator" means the superintendent, principal, or 3955
chief administrative officer, or equivalent, or other person 3956
having supervisory authority of any of the following: 3957

<u>(a) A city, exempted village, local, or joint vocational school district;</u>	3958 3959
<u>(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;</u>	3960 3961 3962
<u>(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;</u>	3963 3964 3965
<u>(d) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;</u>	3966 3967 3968
<u>(e) A chartered nonpublic school;</u>	3969
<u>(f) An educational service center;</u>	3970
<u>(g) A school or facility operating a program that serves children with a scholarship under the autism scholarship program, under section 3310.41 of the Revised Code, or the Jon Peterson special needs scholarship program, under sections 3310.51 to 3310.64 of the Revised Code;</u>	3971 3972 3973 3974 3975
<u>(h) A privately operated child day-care center;</u>	3976
<u>(i) A preschool that is subject to regulation by the department of education;</u>	3977 3978
<u>(j) Any other facility primarily serving children that is subject to regulation by the department of education.</u>	3979 3980
<u>(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.</u>	3981 3982 3983
<u>(3) "School" means any school, facility, center, or preschool described in divisions (A)(1)(a) to (j) of this section.</u>	3984 3985
<u>(B)(1) Each administrator shall develop and adopt a</u>	3986

comprehensive emergency management plan for each school building 3987
under the administrator's control. The administrator shall examine 3988
the environmental conditions and operations of each building to 3989
determine potential hazards to student and staff safety and shall 3990
propose operating changes to promote the prevention of potentially 3991
dangerous problems and circumstances. In developing the plan for 3992
each building, the administrator shall involve community law 3993
enforcement and safety officials, parents of students who are 3994
assigned to the building, and teachers and nonteaching employees 3995
who are assigned to the building. The administrator shall consider 3996
incorporating remediation strategies into the plan for any 3997
building where documented safety problems have occurred. 3998

(2) Each administrator shall also incorporate into the 3999
emergency management plan adopted under division (B)(1) of this 4000
section all of the following: 4001

(a) A protocol for addressing serious threats to the safety 4002
of school property, students, employees, or administrators; 4003

(b) A protocol for responding to any emergency events that 4004
occur and compromise the safety of school property, students, 4005
employees, or administrators; 4006

(c) A floor plan that is unique to each floor of the school 4007
building; 4008

(d) A site plan that includes all school property and 4009
surrounding property; 4010

(e) An emergency contact information sheet. 4011

(3) Each protocol described in divisions (B)(2)(a) and (b) of 4012
this section shall include procedures determined to be appropriate 4013
by the administrator for responding to threats and emergency 4014
events, respectively, including such things as notification of 4015
appropriate law enforcement personnel, calling upon specified 4016
emergency response personnel for assistance, and informing parents 4017

of affected students. 4018

Prior to the first day of July of each year, the 4019
administrator shall inform each student or child enrolled in the 4020
school and the student's or child's parent of the parental 4021
notification procedures included in the protocol. 4022

(4) Each administrator shall keep a copy of the emergency 4023
management plan adopted pursuant to this section in a secure 4024
place. 4025

(C)(1) Not later than December 31, 2014, each administrator 4026
shall submit to the department of education, in accordance with 4027
rules adopted by the state board of education pursuant to division 4028
(F) of this section, an electronic copy of the emergency 4029
management plan prescribed by division (B) of this section. 4030

(2) Not later than a date prescribed by the department of 4031
education, each administrator also shall file a copy of the plan 4032
with each law enforcement agency that has jurisdiction over the 4033
school building and, upon request, to any of the following: 4034

(a) The fire department that serves the political subdivision 4035
in which the building is located; 4036

(b) The emergency medical service organization that serves 4037
the political subdivision in which the building is located; 4038

(c) The county emergency management agency for the county in 4039
which the building is located. 4040

(3) Not later than thirty days after receiving an emergency 4041
management plan from an administrator, the department of education 4042
shall file a copy of the administrator's plan, in accordance with 4043
rules adopted by the state board of education pursuant to division 4044
(F) of this section, with both of the following: 4045

(a) The attorney general, who shall post that information on 4046
the Ohio law enforcement gateway or the successor; 4047

(b) The director of public safety, who shall post the 4048
information on the contact and information management system. 4049

(4) Any department or entity to which copies of an emergency 4050
management plan are filed under this section shall keep the copies 4051
in a secure place. 4052

(D)(1) Not later than the first day of July of each year, 4053
each administrator shall review the emergency management plan and 4054
send written notification to the department of education 4055
certifying that the plan is current and accurate. 4056

(2) Each administrator shall update the emergency management 4057
plan at least once every three years. Each administrator also 4058
shall update the plan whenever either of the following occurs: 4059

(a) A major modification to the school building requires 4060
changes to the plan. 4061

(b) Information on the emergency contact information sheet is 4062
no longer accurate and requires changes to the plan. 4063

(3) Anytime that an administrator updates the emergency 4064
management plan pursuant to division (D) of this section, the 4065
administrator shall file copies, not later than the thirtieth day 4066
after the revision is adopted and in accordance with rules adopted 4067
by the state board pursuant to division (F) of this section, to 4068
the department of education and to any entity with which the 4069
administrator filed a copy under division (C)(2) of this section. 4070

(E) Each administrator shall do both of the following: 4071

(1) Prepare and conduct at least one annual emergency 4072
management test, as defined in division (A)(2) of this section, in 4073
accordance with rules adopted by the state board pursuant to 4074
division (F) of this section; 4075

(2) Grant access to each building under the control of the 4076
administrator to law enforcement personnel and to entities 4077

described in division (C)(2) of this section, to enable the 4078
personnel and entities to hold training sessions for responding to 4079
threats and emergency events affecting the school building, 4080
provided that the access occurs outside of student instructional 4081
hours and an employee of the administrator is present in the 4082
building during the training sessions. 4083

(F) The state board of education, in accordance with Chapter 4084
119. of the Revised Code, shall adopt rules regarding emergency 4085
management plans under this section, including the content of the 4086
plans and procedures for filing the plans. The rules shall specify 4087
that plans and information required under division (B) of this 4088
section be submitted on standardized forms developed by the 4089
department of education for such purpose. The rules shall also 4090
specify the requirements and procedures for emergency management 4091
tests conducted pursuant to division (E)(1) of this section. 4092

(G) Division (B) of section 3319.31 of the Revised Code 4093
applies to any administrator who is subject to the requirements of 4094
this section and is not exempt under division (H) of this section 4095
and who is an applicant for a license or holds a license from the 4096
state board pursuant to section 3319.22 of the Revised Code. 4097

(H) The superintendent of public instruction may exempt any 4098
administrator from the requirements of this section, if the 4099
superintendent determines that the requirements do not otherwise 4100
apply to the school buildings under the control of that 4101
administrator. 4102

(I) Copies of the emergency management plan and information 4103
required under division (B) of this section are security records 4104
and are not public records pursuant to section 149.433 of the 4105
Revised Code. In addition, the information posted to the contact 4106
and information management system, pursuant to division (C)(3)(b) 4107
of this section, is exempt from public disclosure or release in 4108
accordance with sections 149.43, 149.433, and 5502.03 of the 4109

Revised Code. 4110

Notwithstanding section 149.433 of the Revised Code, a school building floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general. 4111
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Sec. 3313.537. (A) As used in this section, "extracurricular activity" means a pupil activity program that a school or school district operates and is not included in the school district's graded course of study, including an interscholastic extracurricular activity that a school or school district sponsors or participates in and that has participants from more than one school or school district. 4115
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(B)(1) ~~A student in grades seven to twelve who is enrolled in a community school established under Chapter 3314. of the Revised Code that is sponsored by the city, local, or exempted village school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code shall be afforded the opportunity to participate in any extracurricular activities offered at the traditional public school that is operated by the school district and to which the student otherwise would be assigned. If more than one such school operated by the school district serves the student's grade level, the student shall be afforded the opportunity to participate in any extracurricular activities offered at the school to which the student would be assigned by the district superintendent pursuant to section 3319.01 of the Revised Code.~~ 4122
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~~(2) A student who is enrolled in or in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code shall not be prohibited from participating in any extracurricular activities offered at the traditional public school that is operated by the school district~~ 4136
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~~in which the student is entitled to attend school pursuant to~~ 4141
~~section 3313.64 or 3313.65 of the Revised Code and to which the~~ 4142
~~student otherwise would be assigned. If more than one such school~~ 4143
~~operated by the school district serves the student's grade level,~~ 4144
~~the student shall be afforded the opportunity to participate in~~ 4145
~~any extracurricular activities offered at the school to which the~~ 4146
~~student would be assigned by the district superintendent pursuant~~ 4147
~~to section 3319.01 of the Revised Code~~ be afforded, by the 4148
superintendent of the school district in which the student is 4149
entitled to attend school under section 3313.64 or 3313.65 of the 4150
Revised Code, the opportunity to participate in that 4151
extracurricular activity at the district school to which the 4152
student otherwise would be assigned during that school year. If 4153
more than one school operated by the school district serves the 4154
student's grade level, as determined by the district 4155
superintendent based on the student's age and academic 4156
performance, the student shall be afforded the opportunity to 4157
participate in that extracurricular activity at the school to 4158
which the student would be assigned by the superintendent under 4159
section 3319.01 of the Revised Code. 4160

(2) The superintendent of any school district may afford any 4161
student enrolled in community school or science, technology, 4162
engineering, and mathematics school, and who is not entitled to 4163
attend school in the district under section 3313.64 or 3313.65 of 4164
the Revised Code, the opportunity to participate in an 4165
extracurricular activity offered by a school of the district, if 4166
both of the following apply: 4167

(a) The school in which the student is enrolled does not 4168
offer the extracurricular activity. 4169

(b) The extracurricular activity is not interscholastic 4170
athletics or interscholastic contests or competition in music, 4171
drama, or forensics. 4172

(C) In order to participate in any extracurricular activity 4173
under this section, the student shall be of the appropriate age 4174
and grade level, as determined by the superintendent of the 4175
district, for the school that offers the extracurricular activity, 4176
and shall fulfill the same academic, nonacademic, and financial 4177
requirements as any other participant, ~~including the rules and~~ 4178
~~policies adopted by the school district under section 3313.535 of~~ 4179
~~the Revised Code. The school district board of education may~~ 4180
~~require a community school student to enroll and participate in no~~ 4181
~~more than one academic course at the school offering the~~ 4182
~~extracurricular activity as a condition to participating in the~~ 4183
~~activity. In that case, the board shall admit students seeking to~~ 4184
~~enroll in an academic course to fulfill the requirement as space~~ 4185
~~allows after first enrolling students assigned to that school.~~ 4186

(D) No school district board of education shall take any 4187
action contrary to the provisions of this section. 4188

(E) No school or school district shall impose additional 4189
rules on a student to participate under this section that do not 4190
apply to other students participating in the same extracurricular 4191
activity. No school or school district shall impose fees for a 4192
student to participate under this section that exceed any fees 4193
charged to other students participating in the same 4194
extracurricular activity. 4195

(F) No school district, interscholastic conference, or 4196
organization that regulates interscholastic conferences or events 4197
shall require a student who is eligible to participate in 4198
extracurricular activities under this section to meet eligibility 4199
requirements that conflict with this section. 4200

Sec. 3313.539. (A) As used in this section, "physician": 4201

(1) "Physician" means a person authorized under Chapter 4731. 4202
of the Revised Code to practice medicine and surgery or 4203

osteopathic medicine and surgery. 4204

(2) "Licensed health care professional" means an individual, 4205
other than a physician, who is authorized under Title XLVII of the 4206
Revised Code to practice a health care profession. 4207

(B) No school district board of education or governing 4208
authority of a chartered or nonchartered nonpublic school shall 4209
permit a student to practice for or compete in interscholastic 4210
athletics until the student has submitted, to a school official 4211
designated by the board or governing authority, a form signed by 4212
the parent, guardian, or other person having care or charge of the 4213
student stating that the student and the parent, guardian, or 4214
other person having care or charge of the student have received 4215
the concussion and head injury information sheet required by 4216
section 3707.52 of the Revised Code. A completed form shall be 4217
submitted each school year, as defined in section 3313.62 of the 4218
Revised Code, for each sport or other category of interscholastic 4219
athletics for or in which the student practices or competes. 4220

(C)(1) No school district board of education or governing 4221
authority of a chartered or nonchartered nonpublic school shall 4222
permit an individual to coach interscholastic athletics unless the 4223
individual holds a pupil-activity program permit issued under 4224
section 3319.303 of the Revised Code for coaching interscholastic 4225
athletics. 4226

(2) No school district board of education or governing 4227
authority of a chartered or nonchartered nonpublic school shall 4228
permit an individual to referee interscholastic athletics unless 4229
the individual holds a pupil-activity program permit issued under 4230
section 3319.303 of the Revised Code for coaching interscholastic 4231
athletics or presents evidence that the individual has 4232
successfully completed, within the previous three years, a 4233
training program in recognizing the symptoms of concussions and 4234
head injuries to which the department of health has provided a 4235

link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events.

(D) If a student practicing for or competing in an interscholastic athletic event exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the student shall be removed from the practice or competition by either of the following:

(1) The individual who is serving as the student's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition.

(E)(1) If a student is removed from practice or competition under division (D) of this section, the coach or referee who removed the student shall not allow the student, on the same day the student is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible. Thereafter, the coach or referee shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible until both of the following conditions are satisfied:

(a) The student's condition is assessed by ~~either~~ any of the following who has complied with the requirements in division (E)(4) of this section:

(i) A physician;

(ii) ~~Any other~~ A licensed health care provider professional the school district board of education or governing authority of the chartered or nonchartered nonpublic school, pursuant to

division (E)(2) of this section, authorizes to assess a student 4267
who has been removed from practice or competition under division 4268
(D) of this section; 4269

(iii) A licensed health care professional who meets the 4270
minimum education and continuing education requirements 4271
established by rules adopted under section 3707.521 of the Revised 4272
Code. 4273

(b) The student receives written clearance that it is safe 4274
for the student to return to practice or competition from a the 4275
physician or ~~from another~~ licensed health care ~~provider~~ authorized 4276
~~pursuant to division (E)(2) of this section to grant the clearance~~ 4277
professional who assessed the student's condition. 4278

(2) A school district board of education or governing 4279
authority of a chartered or nonchartered nonpublic school may 4280
authorize a licensed health care ~~provider who is not a physician~~ 4281
professional to make an assessment or grant a clearance for 4282
purposes of division (E)(1) of this section only if the ~~provider~~ 4283
professional is acting in accordance with one of the following, as 4284
applicable to the ~~provider's~~ professional's authority to practice 4285
in this state: 4286

(a) In consultation with a physician; 4287

(b) Pursuant to the referral of a physician; 4288

(c) In collaboration with a physician; 4289

(d) Under the supervision of a physician. 4290

(3) A physician or ~~other~~ licensed health care ~~provider~~ 4291
professional who makes an assessment or grants a clearance for 4292
purposes of division (E)(1) of this section may be a volunteer. 4293

(4) Beginning one hundred eighty days after the effective 4294
date of this amendment, all physicians and licensed health care 4295
professionals who conduct assessments and clearances under 4296

division (E)(1) of this section must meet the minimum education 4297
and continuing education requirements established by rules adopted 4298
under section 3707.521 of the Revised Code. 4299

(F) A school district board of education or governing 4300
authority of a chartered or nonchartered nonpublic school that is 4301
subject to the rules of an interscholastic conference or an 4302
organization that regulates interscholastic athletic competition 4303
and conducts interscholastic athletic events shall be considered 4304
to be in compliance with divisions (B), (D), and (E) of this 4305
section, as long as the requirements of those rules are 4306
substantially similar to the requirements of divisions (B), (D), 4307
and (E) of this section. 4308

(G)(1) A school district, member of a school district board 4309
of education, or school district employee or volunteer, including 4310
a coach or referee, is not liable in damages in a civil action for 4311
injury, death, or loss to person or property allegedly arising 4312
from providing services or performing duties under this section, 4313
unless the act or omission constitutes willful or wanton 4314
misconduct. 4315

This section does not eliminate, limit, or reduce any other 4316
immunity or defense that a school district, member of a school 4317
district board of education, or school district employee or 4318
volunteer, including a coach or referee, may be entitled to under 4319
Chapter 2744. or any other provision of the Revised Code or under 4320
the common law of this state. 4321

(2) A chartered or nonchartered nonpublic school or any 4322
officer, director, employee, or volunteer of the school, including 4323
a coach or referee, is not liable in damages in a civil action for 4324
injury, death, or loss to person or property allegedly arising 4325
from providing services or performing duties under this section, 4326
unless the act or omission constitutes willful or wanton 4327
misconduct. 4328

Sec. 3313.603. (A) As used in this section:	4329
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	4330 4331 4332 4333
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	4334 4335 4336 4337
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	4338 4339 4340 4341 4342
(1) English language arts, four units;	4343
(2) Health, one-half unit;	4344
(3) Mathematics, three units;	4345
(4) Physical education, one-half unit;	4346
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	4347 4348 4349
(a) Biological sciences, one unit;	4350
(b) Physical sciences, one unit.	4351
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	4352 4353 4354
(a) American history, one-half unit;	4355
(b) American government, one-half unit.	4356

(7) Social studies, two units.	4357
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	4358 4359
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	4360 4361 4362
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	4363 4364 4365 4366 4367 4368 4369
(1) English language arts, four units;	4370
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	4371 4372 4373
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	4374 4375
(4) Physical education, one-half unit;	4376
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	4377 4378 4379 4380
(a) Physical sciences, one unit;	4381
(b) Life sciences, one unit;	4382
(c) Advanced study in one or more of the following sciences, one unit:	4383 4384
(i) Chemistry, physics, or other physical science;	4385

(ii) Advanced biology or other life science;	4386
(iii) Astronomy, physical geology, or other earth or space science.	4387 4388
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	4389 4390 4391
(a) American history, one-half unit;	4392
(b) American government, one-half unit.	4393
(7) Social studies, two units.	4394
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	4395 4396 4397 4398 4399 4400 4401 4402 4403 4404 4405 4406 4407 4408
(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.	4409 4410 4411 4412 4413 4414 4415 4416

Ohioans must be prepared to apply increased knowledge and 4417
skills in the workplace and to adapt their knowledge and skills 4418
quickly to meet the rapidly changing conditions of the 4419
twenty-first century. National studies indicate that all high 4420
school graduates need the same academic foundation, regardless of 4421
the opportunities they pursue after graduation. The goal of Ohio's 4422
system of elementary and secondary education is to prepare all 4423
students for and seamlessly connect all students to success in 4424
life beyond high school graduation, regardless of whether the next 4425
step is entering the workforce, beginning an apprenticeship, 4426
engaging in post-secondary training, serving in the military, or 4427
pursuing a college degree. 4428

The ~~Ohio core curriculum~~ is requirements for graduation 4429
prescribed in division (C) of this section are the standard 4430
expectation for all students entering ninth grade for the first 4431
time at a public or chartered nonpublic high school on or after 4432
July 1, 2010. A student may satisfy this expectation through a 4433
variety of methods, including, but not limited to, integrated, 4434
applied, career-technical, and traditional coursework. 4435

Whereas teacher quality is essential for student success ~~in~~ 4436
when completing the ~~Ohio core curriculum~~ requirements for 4437
graduation, the general assembly shall appropriate funds for 4438
strategic initiatives designed to strengthen schools' capacities 4439
to hire and retain highly qualified teachers in the subject areas 4440
required by the curriculum. Such initiatives are expected to 4441
require an investment of \$120,000,000 over five years. 4442

Stronger coordination between high schools and institutions 4443
of higher education is necessary to prepare students for more 4444
challenging academic endeavors and to lessen the need for academic 4445
remediation in college, thereby reducing the costs of higher 4446
education for Ohio's students, families, and the state. The state 4447
board and the chancellor of the Ohio board of regents shall 4448

develop policies to ensure that only in rare instances will 4449
students who complete the ~~Ohio core curriculum~~ requirements for 4450
graduation prescribed in division (C) of this section require 4451
academic remediation after high school. 4452

School districts, community schools, and chartered nonpublic 4453
schools shall integrate technology into learning experiences 4454
across the curriculum in order to maximize efficiency, enhance 4455
learning, and prepare students for success in the 4456
technology-driven twenty-first century. Districts and schools 4457
shall use distance and web-based course delivery as a method of 4458
providing or augmenting all instruction required under this 4459
division, including laboratory experience in science. Districts 4460
and schools shall utilize technology access and electronic 4461
learning opportunities provided by the broadcast educational media 4462
commission, chancellor, the Ohio learning network, education 4463
technology centers, public television stations, and other public 4464
and private providers. 4465

(D) Except as provided in division (E) of this section, a 4466
student who enters ninth grade on or after July 1, 2010, and 4467
before July 1, ~~2014~~ 2016, may qualify for graduation from a public 4468
or chartered nonpublic high school even though the student has not 4469
completed the ~~Ohio core curriculum~~ requirements for graduation 4470
prescribed in division (C) of this section if all of the following 4471
conditions are satisfied: 4472

(1) After the student has attended high school for two years, 4473
as determined by the school, the student and the student's parent, 4474
guardian, or custodian sign and file with the school a written 4475
statement asserting the parent's, guardian's, or custodian's 4476
consent to the student's graduating without completing the ~~Ohio~~ 4477
~~core curriculum~~ requirements for graduation prescribed in division 4478
(C) of this section and acknowledging that one consequence of not 4479
completing ~~the Ohio core curriculum~~ those requirements is 4480

ineligibility to enroll in most state universities in Ohio without 4481
further coursework. 4482

(2) The student and parent, guardian, or custodian fulfill 4483
any procedural requirements the school stipulates to ensure the 4484
student's and parent's, guardian's, or custodian's informed 4485
consent and to facilitate orderly filing of statements under 4486
division (D)(1) of this section. 4487

(3) The student and the student's parent, guardian, or 4488
custodian and a representative of the student's high school 4489
jointly develop ~~an individual career~~ a student success plan for 4490
the student in the manner described in division (C)(1) of section 4491
3313.6020 of the Revised Code that specifies the student 4492
matriculating to a two-year degree program, acquiring a business 4493
and industry credential, or entering an apprenticeship. 4494

(4) The student's high school provides counseling and support 4495
for the student related to the plan developed under division 4496
(D)(3) of this section during the remainder of the student's high 4497
school experience. 4498

(5) The student successfully completes, at a minimum, the 4499
curriculum prescribed in division (B) of this section. 4500

The department of education, in collaboration with the 4501
chancellor, shall analyze student performance data to determine if 4502
there are mitigating factors that warrant extending the exception 4503
permitted by division (D) of this section to high school classes 4504
beyond those entering ninth grade before July 1, ~~2014~~ 2016. The 4505
department shall submit its findings and any recommendations not 4506
later than August 1, ~~2014~~ 2016, to the speaker and minority leader 4507
of the house of representatives, the president and minority leader 4508
of the senate, the chairpersons and ranking minority members of 4509
the standing committees of the house of representatives and the 4510
senate that consider education legislation, the state board of 4511

education, and the superintendent of public instruction. 4512

(E) Each school district and chartered nonpublic school 4513
retains the authority to require an even more ~~rigorous~~ challenging 4514
minimum curriculum for high school graduation than specified in 4515
division (B) or (C) of this section. A school district board of 4516
education, through the adoption of a resolution, or the governing 4517
authority of a chartered nonpublic school may stipulate any of the 4518
following: 4519

(1) A minimum high school curriculum that requires more than 4520
twenty units of academic credit to graduate; 4521

(2) An exception to the district's or school's minimum high 4522
school curriculum that is comparable to the exception provided in 4523
division (D) of this section but with additional requirements, 4524
which may include a requirement that the student successfully 4525
complete more than the minimum curriculum prescribed in division 4526
(B) of this section; 4527

(3) That no exception comparable to that provided in division 4528
(D) of this section is available. 4529

(F) A student enrolled in a dropout prevention and recovery 4530
program, which program has received a waiver from the department, 4531
may qualify for graduation from high school by successfully 4532
completing a competency-based instructional program administered 4533
by the dropout prevention and recovery program in lieu of 4534
completing the ~~Ohio core curriculum~~ requirements for graduation 4535
prescribed in division (C) of this section. The department shall 4536
grant a waiver to a dropout prevention and recovery program, 4537
within sixty days after the program applies for the waiver, if the 4538
program meets all of the following conditions: 4539

(1) The program serves only students not younger than sixteen 4540
years of age and not older than twenty-one years of age. 4541

(2) The program enrolls students who, at the time of their 4542

initial enrollment, either, or both, are at least one grade level 4543
behind their cohort age groups or experience crises that 4544
significantly interfere with their academic progress such that 4545
they are prevented from continuing their traditional programs. 4546

(3) The program requires students to attain at least the 4547
applicable score designated for each of the assessments prescribed 4548
under division (B)(1) of section 3301.0710 of the Revised Code or, 4549
to the extent prescribed by rule of the state board under division 4550
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 4551
of that section. 4552

(4) The program develops ~~an individual career~~ a student 4553
success plan for the student in the manner described in division 4554
(C)(1) of section 3313.6020 of the Revised Code that specifies the 4555
student's matriculating to a two-year degree program, acquiring a 4556
business and industry credential, or entering an apprenticeship. 4557

(5) The program provides counseling and support for the 4558
student related to the plan developed under division (F)(4) of 4559
this section during the remainder of the student's high school 4560
experience. 4561

(6) The program requires the student and the student's 4562
parent, guardian, or custodian to sign and file, in accordance 4563
with procedural requirements stipulated by the program, a written 4564
statement asserting the parent's, guardian's, or custodian's 4565
consent to the student's graduating without completing the ~~Ohio~~ 4566
~~core curriculum~~ requirements for graduation prescribed in division 4567
(C) of this section and acknowledging that one consequence of not 4568
completing the ~~Ohio core curriculum~~ those requirements is 4569
ineligibility to enroll in most state universities in Ohio without 4570
further coursework. 4571

(7) Prior to receiving the waiver, the program has submitted 4572
to the department an instructional plan that demonstrates how the 4573

academic content standards adopted by the state board under 4574
section 3301.079 of the Revised Code will be taught and assessed. 4575

(8) Prior to receiving the waiver, the program has submitted 4576
to the department a policy on career advising that satisfies the 4577
requirements of section 3313.6020 of the Revised Code, with an 4578
emphasis on how every student will receive career advising. 4579

(9) Prior to receiving the waiver, the program has submitted 4580
to the department a written agreement outlining the future 4581
cooperation between the program and any combination of local job 4582
training, postsecondary education, nonprofit, and health and 4583
social service organizations to provide services for students in 4584
the program and their families. 4585

Divisions (F)(8) and (9) of this section apply only to 4586
waivers granted on or after July 1, 2015. 4587

If the department does not act either to grant the waiver or 4588
to reject the program application for the waiver within sixty days 4589
as required under this section, the waiver shall be considered to 4590
be granted. 4591

(G) Every high school may permit students below the ninth 4592
grade to take advanced work. If a high school so permits, it shall 4593
award high school credit for successful completion of the advanced 4594
work and shall count such advanced work toward the graduation 4595
requirements of division (B) or (C) of this section if the 4596
advanced work was both: 4597

(1) Taught by a person who possesses a license or certificate 4598
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 4599
Code that is valid for teaching high school; 4600

(2) Designated by the board of education of the city, local, 4601
or exempted village school district, the board of the cooperative 4602
education school district, or the governing authority of the 4603
chartered nonpublic school as meeting the high school curriculum 4604

requirements. 4605

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript. 4606
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(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses. 4613
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(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section. 4618
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(J) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district and community school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year. 4622
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(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight may elect to count that course toward the five units of electives required for graduation under division (C)(8) of this section, if the course satisfied the requirements of division (G) of this section. In that case, the high school shall award the student high school credit for the course and count the course toward the five units required under division (C)(8) of this section. If the course in grade seven or eight did not satisfy the requirements of division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or

authority adopts such a policy, the board or authority shall not 4668
require the student to complete any physical education course as a 4669
condition to graduate. However, the student shall be required to 4670
complete one-half unit, consisting of at least sixty hours of 4671
instruction, in another course of study. In the case of a student 4672
who has participated in the junior reserve officer training corps 4673
for at least two full school years, credit received for that 4674
participation may be used to satisfy the requirement to complete 4675
one-half unit in another course of study. 4676

(M) It is important that high school students learn and 4677
understand United States history and the governments of both the 4678
United States and the state of Ohio. Therefore, beginning with 4679
students who enter ninth grade for the first time on or after July 4680
1, 2012, the study of American history and American government 4681
required by divisions (B)(6) and (C)(6) of this section shall 4682
include the study of all of the following documents: 4683

(1) The Declaration of Independence; 4684

(2) The Northwest Ordinance; 4685

(3) The Constitution of the United States with emphasis on 4686
the Bill of Rights; 4687

(4) The Ohio Constitution. 4688

The study of each of the documents prescribed in divisions 4689
(M)(1) to (4) of this section shall include study of that document 4690
in its original context. 4691

The study of American history and government required by 4692
divisions (B)(6) and (C)(6) of this section shall include the 4693
historical evidence of the role of documents such as the 4694
Federalist Papers and the Anti-Federalist Papers to firmly 4695
establish the historical background leading to the establishment 4696
of the provisions of the Constitution and Bill of Rights. 4697

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

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

(2) Advanced placement courses;

(3) ~~Any similar program established pursuant to an agreement
between a school district or chartered nonpublic high school and
an institution of higher education~~ International baccalaureate
diploma courses;

(4) Early college high ~~schools~~ school programs.

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

(1) A city, local, or exempted village school district meets
the requirements of this division through its mandatory
participation in the ~~post secondary enrollment options~~ college
credit plus program established under Chapter 3365. of the Revised
Code. However, a city, local, or exempted village school district

may offer any other ~~dual enrollment~~ advanced standing program, in 4728
addition to the ~~post secondary enrollment options college credit~~ 4729
plus program, and each joint vocational school district shall 4730
offer at least one other ~~dual enrollment~~ advanced standing 4731
program, to students in good standing, as defined by the 4732
partnership for continued learning under section 3301.42 of the 4733
Revised Code as it existed prior to October 16, 2009, or as 4734
subsequently defined by the department of education. 4735

(2) A chartered nonpublic high school that elects to 4736
participate in the ~~post secondary enrollment options college~~ 4737
credit plus program established under Chapter 3365. of the Revised 4738
Code meets the requirements of this division. Each chartered 4739
nonpublic high school that elects not to participate in the 4740
~~post secondary enrollment options college credit plus~~ program 4741
instead shall offer at least one other ~~dual enrollment~~ advanced 4742
standing program to students in good standing, as defined by the 4743
partnership for continued learning under section 3301.42 of the 4744
Revised Code as it existed prior to October 16, 2009, or as 4745
subsequently defined by the department of education. 4746

(C) Each school district and each chartered nonpublic high 4747
school shall provide information about the ~~dual enrollment~~ 4748
advanced standing programs offered by the district or school to 4749
all students enrolled in grades eight through eleven. The district 4750
or school shall include information about all of the following: 4751

(1) The process colleges and universities use in awarding 4752
credit for advanced placement and international baccalaureate 4753
courses and examinations, including minimum scores required by 4754
state institutions of higher education, as defined in section 4755
3345.011 of the Revised Code, for a student to receive college 4756
credit; 4757

(2) The availability of tuition and fee waivers for advanced 4758
placement and international baccalaureate courses and 4759

examinations; 4760

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost; 4761
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(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses; 4764
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(5) The availability of advanced placement or international baccalaureate courses offered throughout the district. 4766
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The district or school may include additional information as determined appropriate by the district or school. 4768
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(D) ~~No~~ Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any ~~dual-enrollment~~ advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination. 4770
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(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be subject to the requirements of the college credit plus program, with the following exceptions: 4777
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(1) Any aspect of the agreement that does not relate to the conferral of transcribed credit, as defined in section 3365.01 of the Revised Code, shall not be subject to the requirements of the college credit plus program. 4781
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(2) If the early college high school program began operating prior to July 1, 2014, the agreement shall not be subject to the requirements of the college credit plus program until the later of the date on which the existing agreement expires or July 1, 2015. 4785
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(3) If the district, school, or associated college operating 4789

the early college high school program was granted an award under 4790
Section 263.325 of Am. Sub. H.B. 59 of the 130th general assembly 4791
for the 2014-2015 school year, as the lead applicant on the grant 4792
or as part of a consortium, for a project involving the 4793
establishment or expansion of an early college high school, the 4794
agreement shall not be subject to the requirements of the college 4795
credit plus program during the period of time for which the 4796
project is funded by the grant award under that section. 4797

(4) If the district, school, or associated college obtains a 4798
waiver for the agreement under section 3365.10 of the Revised 4799
Code, the agreement shall not be subject to the requirements of 4800
the college credit plus program as expressed in and excused by the 4801
waiver. 4802

The college credit plus program shall not govern any advanced 4803
placement course or international baccalaureate diploma course as 4804
described under this section. 4805

(F) As used in this section: 4806

(1) "Associated college" means a public or private college, 4807
as defined in section 3365.01 of the Revised Code, which has 4808
entered into an agreement with a school district or school to 4809
establish an early college high school program, as described in 4810
division (F)(2) of this section, and awards transcribed credit, 4811
as defined in section 3365.01 of the Revised Code, to students 4812
through that program. 4813

(2) "Early college high school program" means a program 4814
operated by a school district or school and an associated college 4815
that provides a personalized learning plan, which is based on 4816
accelerated curriculum and includes both high school and 4817
college-level coursework, and enables the following students to 4818
earn a high school diploma and an associate degree, or the 4819
equivalent number of transcribed credits, upon successful 4820

completion of the program: 4821

(a) Students who are underrepresented in regard to completing post-secondary education: 4822
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(b) Students who are economically disadvantaged, as defined by the department of education: 4824
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(c) Students whose parents did not earn a college degree. 4826

Sec. 3313.6014. The board of education of each city, exempted village, and local school district shall by resolution adopt a procedure for notifying the parent, guardian, or custodian of each student enrolled in a high school operated by the district or enrolled in a school operated by the joint vocational school district to which the city, exempted village, or local district belongs of the requirements ~~of the Ohio core curriculum~~ prescribed in division (C) of section 3313.603 of the Revised Code and that one consequence of not completing that curriculum is ineligibility to enroll in most state universities in Ohio without further coursework. 4827
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This section does not create a new cause of action or substantive legal right. 4838
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Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, the department of education shall administer a pilot program requiring daily physical activity for students. Any school district; community school established under Chapter 3314. of the Revised Code; science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; or chartered nonpublic school annually may elect to participate in the pilot program by notifying the department of its interest by a date established by the department. If a school district elects to participate in the pilot program, the district shall select one or more school buildings to participate in the program. To the 4840
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maximum extent possible, the department shall seek to include in 4851
the pilot program districts and schools that are located in urban, 4852
suburban, and rural areas distributed geographically throughout 4853
the state. The department shall administer the pilot program in 4854
accordance with this section. 4855

(B) Except as provided in division (C) of this section, each 4856
district or school participating in the pilot program shall 4857
require all students in the school building selected under 4858
division (A) of this section to engage in at least thirty minutes 4859
of moderate to rigorous physical activity each school day or at 4860
least one hundred fifty minutes of moderate to rigorous physical 4861
activity each week, exclusive of recess. Physical activity engaged 4862
in during the following may count toward the daily requirement: 4863

(1) A physical education course; 4864

(2) A program or activity occurring before or after the 4865
regular school day, as defined in section 3313.814 of the Revised 4866
Code, that is sponsored or approved by the school of attendance, 4867
provided school officials are able to monitor students' 4868
participation to ensure compliance with the requirement. 4869

(C) None of the following shall be subject to the requirement 4870
of division (B) of this section: 4871

(1) Any student enrolled in the ~~post-secondary enrollment~~ 4872
~~options~~ college credit plus program established under Chapter 4873
3365. of the Revised Code; 4874

(2) Any student enrolled in a career-technical education 4875
program operated by the district or school; 4876

(3) Any student enrolled in a dropout prevention and recovery 4877
program operated by the district or school. 4878

(D) For any period in which a student is participating in 4879
interscholastic athletics, marching band, cheerleading, or a 4880

junior reserve officer training corps program, the district or 4881
school may excuse the student from the requirement of division (B) 4882
of this section. 4883

(E) The district or school may excuse any kindergarten 4884
student who is not enrolled in all-day kindergarten, as defined in 4885
section 3321.05 of the Revised Code, from the requirement of 4886
division (B) of this section. 4887

(F) Each district or school annually shall report to the 4888
department, in the manner prescribed by the department, how the 4889
district or school implemented the thirty minutes of daily 4890
physical activity and the financial costs of implementation. The 4891
department shall issue an annual report of the data collected 4892
under this division. 4893

Sec. 3313.6020. (A)(1) Beginning in the 2015-2016 school 4894
year, the board of education of each city, local, exempted 4895
village, and joint vocational school district shall adopt a policy 4896
on career advising that complies with this section. Thereafter, 4897
the policy shall be updated at least once every two years. 4898

(2) The board shall make the policy publicly available to 4899
students, parents, guardians, or custodians, local post-secondary 4900
institutions, and residents of the district. The district shall 4901
post the policy in a prominent location on its web site, if it has 4902
one. 4903

(B) The policy on career advising shall specify how the 4904
district will do all of the following: 4905

(1) Provide students with grade-level examples that link 4906
their schoolwork to one or more career fields. A district may use 4907
career connections developed under division (B)(2) of section 4908
3301.079 of the Revised Code for this purpose. 4909

(2) Create a plan to provide career advising to students in 4910

grades six through twelve; 4911

(3) Beginning in the 2015-2016 school year, provide 4912
additional interventions and career advising for students who are 4913
identified as at risk of dropping out of school in accordance with 4914
division (C) of this section; 4915

(4) Train its employees on how to advise students on career 4916
pathways, including training on advising students using online 4917
tools; 4918

(5) Develop multiple, clear academic pathways through high 4919
school that students may choose in order to earn a high school 4920
diploma; 4921

(6) Identify and publicize courses that can award students 4922
both traditional academic and career-technical credit; 4923

(7) Document the career advising provided to each student for 4924
review by the student, the student's parent, guardian, or 4925
custodian, and future schools that the student may attend. A 4926
district shall not otherwise release this information without the 4927
written consent of the student's parent, guardian, or custodian, 4928
if the student is less than eighteen years old, or the written 4929
consent of the student, if the student is at least eighteen years 4930
old. 4931

(8) Prepare students for their transition from high school to 4932
their post-secondary destinations, including any special 4933
interventions that are necessary for students in need of 4934
remediation in mathematics or English language arts. 4935

(C)(1) Beginning in the 2015-2016 school year, each district 4936
shall identify students who are at risk of dropping out of school 4937
using a method that is both research-based and locally-based and 4938
that is developed in consultation with the district's classroom 4939
teachers and guidance counselors. If a student is identified as at 4940
risk of dropping out of school, the district shall develop a 4941

student success plan that addresses the student's academic pathway 4942
to a successful graduation and the role of career-technical 4943
education, competency-based education, and experiential learning, 4944
as appropriate, in that pathway. 4945

(2) Prior to developing a student success plan for a student, 4946
the district shall invite the student's parent, guardian, or 4947
custodian to assist in developing the plan. If the student's 4948
parent, guardian, or custodian does not participate in the 4949
development of the plan, the district shall provide to the parent, 4950
guardian, or custodian a copy of the student's success plan and a 4951
statement of the importance of a high school diploma and the 4952
academic pathways available to the student in order to 4953
successfully graduate. 4954

(3) Following the development of a student success plan for a 4955
student, the district shall provide career advising to the student 4956
that is aligned with the plan and, beginning in the 2015-2016 4957
school year, the district's plan to provide career advising 4958
created under division (B)(2) of this section. 4959

(D) Not later than December 1, 2014, the department of 4960
education shall develop and post on its web site model policies on 4961
career advising and model student success plans. 4962

Sec. 3313.61. (A) A diploma shall be granted by the board of 4963
education of any city, exempted village, or local school district 4964
that operates a high school to any person to whom all of the 4965
following apply: 4966

(1) The person has successfully completed the curriculum in 4967
any high school or the individualized education program developed 4968
for the person by any high school pursuant to section 3323.08 of 4969
the Revised Code, or has qualified under division (D) or (F) of 4970
section 3313.603 of the Revised Code, provided that no school 4971
district shall require a student to remain in school for any 4972

specific number of semesters or other terms if the student 4973
completes the required curriculum early; 4974

(2) Subject to section 3313.614 of the Revised Code, the 4975
person has met the assessment requirements of division (A)(2)(a) 4976
or (b) of this section, as applicable. 4977

(a) If the person entered the ninth grade prior to the date 4978
prescribed by rule of the state board of education under division 4979
(D)(2) of section 3301.0712 of the Revised Code, the person 4980
either: 4981

(i) Has attained at least the applicable scores designated 4982
under division (B)(1) of section 3301.0710 of the Revised Code on 4983
all the assessments required by that division unless the person 4984
was excused from taking any such assessment pursuant to section 4985
3313.532 of the Revised Code or unless division (H) or (L) of this 4986
section applies to the person; 4987

(ii) Has satisfied the alternative conditions prescribed in 4988
section 3313.615 of the Revised Code. 4989

(b) If the person entered the ninth grade on or after the 4990
date prescribed by rule of the state board under division (D)(2) 4991
of section 3301.0712 of the Revised Code, the person has met the 4992
requirements of the entire assessment system prescribed under 4993
division (B)(2) of section 3301.0710 of the Revised Code, except 4994
to the extent that the person is excused from some portion of that 4995
assessment system pursuant to section 3313.532 of the Revised Code 4996
or division (H) or (L) of this section. 4997

(3) The person is not eligible to receive an honors diploma 4998
granted pursuant to division (B) of this section. 4999

Except as provided in divisions (C), (E), (J), and (L) of 5000
this section, no diploma shall be granted under this division to 5001
anyone except as provided under this division. 5002

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

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

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

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

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

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

(b) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (D)(2) of section 3301.0712 of the Revised Code, the person has met the requirements of the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code.

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

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

the option of division (D) or (F) of that section. Except as 5033
provided in divisions (C), (E), and (J) of this section, no honors 5034
diploma shall be granted to anyone failing to comply with this 5035
division and no more than one honors diploma shall be granted to 5036
any student under this division. 5037

The state board shall adopt rules prescribing the granting of 5038
honors diplomas under this division. These rules may prescribe the 5039
granting of honors diplomas that recognize a student's achievement 5040
as a whole or that recognize a student's achievement in one or 5041
more specific subjects or both. The rules may prescribe the 5042
granting of an honors diploma recognizing technical expertise for 5043
a career-technical student. In any case, the rules shall designate 5044
two or more criteria for the granting of each type of honors 5045
diploma the board establishes under this division and the number 5046
of such criteria that must be met for the granting of that type of 5047
diploma. The number of such criteria for any type of honors 5048
diploma shall be at least one less than the total number of 5049
criteria designated for that type and no one or more particular 5050
criteria shall be required of all persons who are to be granted 5051
that type of diploma. 5052

(C) Any district board administering any of the assessments 5053
required by section 3301.0710 of the Revised Code to any person 5054
requesting to take such assessment pursuant to division (B)(8)(b) 5055
of section 3301.0711 of the Revised Code shall award a diploma to 5056
such person if the person attains at least the applicable scores 5057
designated under division (B)(1) of section 3301.0710 of the 5058
Revised Code on all the assessments administered and if the person 5059
has previously attained the applicable scores on all the other 5060
assessments required by division (B)(1) of that section or has 5061
been exempted or excused from attaining the applicable score on 5062
any such assessment pursuant to division (H) or (L) of this 5063
section or from taking any such assessment pursuant to section 5064

3313.532 of the Revised Code. 5065

(D) Each diploma awarded under this section shall be signed 5066
by the president and treasurer of the issuing board, the 5067
superintendent of schools, and the principal of the high school. 5068
Each diploma shall bear the date of its issue, be in such form as 5069
the district board prescribes, and be paid for out of the 5070
district's general fund. 5071

(E) A person who is a resident of Ohio and is eligible under 5072
state board of education minimum standards to receive a high 5073
school diploma based in whole or in part on credits earned while 5074
an inmate of a correctional institution operated by the state or 5075
any political subdivision thereof, shall be granted such diploma 5076
by the correctional institution operating the programs in which 5077
such credits were earned, and by the board of education of the 5078
school district in which the inmate resided immediately prior to 5079
the inmate's placement in the institution. The diploma granted by 5080
the correctional institution shall be signed by the director of 5081
the institution, and by the person serving as principal of the 5082
institution's high school and shall bear the date of issue. 5083

(F) Persons who are not residents of Ohio but who are inmates 5084
of correctional institutions operated by the state or any 5085
political subdivision thereof, and who are eligible under state 5086
board of education minimum standards to receive a high school 5087
diploma based in whole or in part on credits earned while an 5088
inmate of the correctional institution, shall be granted a diploma 5089
by the correctional institution offering the program in which the 5090
credits were earned. The diploma granted by the correctional 5091
institution shall be signed by the director of the institution and 5092
by the person serving as principal of the institution's high 5093
school and shall bear the date of issue. 5094

(G) The state board of education shall provide by rule for 5095
the administration of the assessments required by section 5096

3301.0710 of the Revised Code to inmates of correctional 5097
institutions. 5098

(H) Any person to whom all of the following apply shall be 5099
exempted from attaining the applicable score on the assessment in 5100
social studies designated under division (B)(1) of section 5101
3301.0710 of the Revised Code, any American history end-of-course 5102
examination and any American government end-of-course examination 5103
required under division (B)(2) of that section if such an 5104
exemption is prescribed by rule of the state board under division 5105
(D)(4) of section 3301.0712 of the Revised Code, or the test in 5106
citizenship designated under former division (B) of section 5107
3301.0710 of the Revised Code as it existed prior to September 11, 5108
2001: 5109

(1) The person is not a citizen of the United States; 5110

(2) The person is not a permanent resident of the United 5111
States; 5112

(3) The person indicates no intention to reside in the United 5113
States after the completion of high school. 5114

(I) Notwithstanding division (D) of section 3311.19 and 5115
division (D) of section 3311.52 of the Revised Code, this section 5116
and section ~~3311.611~~ 3313.611 of the Revised Code do not apply to 5117
the board of education of any joint vocational school district or 5118
any cooperative education school district established pursuant to 5119
divisions (A) to (C) of section 3311.52 of the Revised Code. 5120

(J) Upon receipt of a notice under division (D) of section 5121
3325.08 or division (D) of section 3328.25 of the Revised Code 5122
that a student has received a diploma under either section, the 5123
board of education receiving the notice may grant a high school 5124
diploma under this section to the student, except that such board 5125
shall grant the student a diploma if the student meets the 5126
graduation requirements that the student would otherwise have had 5127

to meet to receive a diploma from the district. The diploma 5128
granted under this section shall be of the same type the notice 5129
indicates the student received under section 3325.08 or 3328.25 of 5130
the Revised Code. 5131

(K) As used in this division, "limited English proficient 5132
student" has the same meaning as in division (C)(3) of section 5133
3301.0711 of the Revised Code. 5134

Notwithstanding division (C)(3) of section 3301.0711 of the 5135
Revised Code, no limited English proficient student who has not 5136
either attained the applicable scores designated under division 5137
(B)(1) of section 3301.0710 of the Revised Code on all the 5138
assessments required by that division, or met the requirements of 5139
the assessments required by division (B)(2) of that section, shall 5140
be awarded a diploma under this section. 5141

(L) Any student described by division (A)(1) of this section 5142
may be awarded a diploma without attaining the applicable scores 5143
designated on the assessments prescribed under division (B) of 5144
section 3301.0710 of the Revised Code provided an individualized 5145
education program specifically exempts the student from attaining 5146
such scores. This division does not negate the requirement for 5147
such a student to take all such assessments or alternate 5148
assessments required by division (C)(1) of section 3301.0711 of 5149
the Revised Code for the purpose of assessing student progress as 5150
required by federal law. 5151

Sec. 3313.612. (A) No nonpublic school chartered by the state 5152
board of education shall grant a high school diploma to any person 5153
unless, subject to section 3313.614 of the Revised Code, the 5154
person has met the assessment requirements of division (A)(1) or 5155
(2) of this section, as applicable. 5156

(1) If the person entered the ninth grade prior to the date 5157
prescribed by rule of the state board under division (D)(2) of 5158

section 3301.0712 of the Revised Code, the person has attained at 5159
least the applicable scores designated under division (B)(1) of 5160
section 3301.0710 of the Revised Code on all the assessments 5161
required by that division, or has satisfied the alternative 5162
conditions prescribed in section 3313.615 of the Revised Code. 5163

(2) If the person entered the ninth grade on or after the 5164
date prescribed by rule of the state board under division 5165
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person has 5166
met the requirements of the entire assessment system prescribed 5167
under division (B)(2) of section 3301.0710 of the Revised Code. 5168

(B) This section does not apply to any of the following: 5169

(1) Any person with regard to any assessment from which the 5170
person was excused pursuant to division (C)(1)(c) of section 5171
3301.0711 of the Revised Code; 5172

(2) Any person that attends a nonpublic school accredited 5173
through the independent school association of the central states 5174
with regard to any end-of-course examination required under 5175
divisions (B)(2) and (3) of section 3301.0712 of the Revised Code; 5176

(3) Any person with regard to the social studies assessment 5177
under division (B)(1) of section 3301.0710 of the Revised Code, 5178
any American history end-of-course examination and any American 5179
government end-of-course examination required under division 5180
(B)(2) of that section if such an exemption is prescribed by rule 5181
of the state board of education under division (D)(4) of section 5182
3301.0712 of the Revised Code, or the citizenship test under 5183
former division (B) of section 3301.0710 of the Revised Code as it 5184
existed prior to September 11, 2001, if all of the following 5185
apply: 5186

(a) The person is not a citizen of the United States; 5187

(b) The person is not a permanent resident of the United 5188
States; 5189

(c) The person indicates no intention to reside in the United States after completion of high school. 5190
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(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 5192
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirements of the assessments under division (B)(2) of that section, shall be awarded a diploma under this section. 5195
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Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district. 5202
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(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 5205
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(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 5212
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(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the 5218
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agreement, and may include any of the following: supervisory 5220
teachers; in-service and continuing education programs for 5221
district personnel; curriculum services; research and development 5222
programs; academic instruction for which the governing board 5223
employs teachers pursuant to section 3319.02 of the Revised Code; 5224
assistance in the provision of special accommodations and classes 5225
for students with disabilities; or any other services the district 5226
board and service center governing board agree can be better 5227
provided by the service center and are not provided under an 5228
agreement entered into under section 3313.845 of the Revised Code. 5229
Services included in the agreement shall be provided to the 5230
district in the manner specified in the agreement. The district 5231
board of education shall reimburse the educational service center 5232
governing board pursuant to division (H) of this section. 5233

(C) Any agreement entered into pursuant to this section shall 5234
be filed with the department of education by the first day of July 5235
of the school year for which the agreement is in effect. 5236

(D)(1) An agreement for services from an educational service 5237
center entered into under this section may be terminated by the 5238
school district board of education, at its option, by notifying 5239
the governing board of the service center by March 1, 2012, or by 5240
the first day of January of any odd-numbered year thereafter, that 5241
the district board intends to terminate the agreement in that 5242
year, and that termination shall be effective on the thirtieth day 5243
of June of that year. The failure of a district board to notify an 5244
educational service center of its intent to terminate an agreement 5245
by March 1, 2012, shall result in renewal of the existing 5246
agreement for the following school year. Thereafter, the failure 5247
of a district board to notify an educational service center of its 5248
intent to terminate an agreement by the first day of January of an 5249
odd-numbered year shall result in renewal of the existing 5250
agreement for the following two school years. 5251

(2) If the school district that terminates an agreement for services under division (D)(1) of this section is also subject to the requirement of division (B)(1) of this section, the district board shall enter into a new agreement with any educational service center so that the new agreement is effective on the first day of July of that same year.

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under division (D)(1) of this section have been paid in full by the effective date of the termination, the governing board of the service center shall submit an affidavit to the department certifying that fact not later than fifteen days after the termination's effective date. Notwithstanding anything in the Revised Code to the contrary, until the department receives such an affidavit, it shall not make any payments to any other educational service center with which the district enters into an agreement under this section for services that the educational service center provides to the district.

(E) An educational service center may apply to any state or federal agency for competitive grants. It may also apply to any private entity for additional funds.

(F) Not later than January 1, 2014, each educational service center shall post on its web site a list of all of the services that it provides and the corresponding cost for each of those services.

(G)(1) For purposes of calculating any state operating subsidy to be paid to an educational service center for the operation of that service center and any services required under Title XXXVIII of the Revised Code to be provided by the service center to a school district, the service center's student count shall be the sum of the total student counts of all the school districts with which the educational service center has entered

into an agreement under this section. 5284

(2) When a district enters into a new agreement with a new 5285
educational service center, the department of education shall 5286
ensure that the state operating subsidy for services provided to 5287
the district is paid to the new educational service center and 5288
that the educational service center with which the district 5289
previously had an agreement is no longer paid a state operating 5290
subsidy for providing services to that district. 5291

(H) Pursuant to division (B) of section 3317.023 of the 5292
Revised Code, the department annually shall deduct from each 5293
school district that enters into an agreement with an educational 5294
service center under this section, and pay to the service center, 5295
an amount equal to six dollars and fifty cents times the school 5296
district's total student count. The district board of education, 5297
or the district superintendent acting on behalf of the district 5298
board, may agree to pay an amount in excess of six dollars and 5299
fifty cents per student in total student count. If a majority of 5300
the boards of education, or superintendents acting on behalf of 5301
the boards, of the districts that entered into an agreement under 5302
this section approve an amount in excess of six dollars and fifty 5303
cents per student in total student count, each district shall pay 5304
the excess amount to the service center. 5305

(I) For purposes of this section, a school district's "total 5306
student count" means the average daily student enrollment reported 5307
on the most recent report card issued for the district pursuant to 5308
section 3302.03 of the Revised Code. 5309

Sec. 3313.90. As used in this section, "formula ADM" has the 5310
same meaning as in section 3317.02 of the Revised Code. 5311
Notwithstanding division (D) of section 3311.19 and division (D) 5312
of section 3311.52 of the Revised Code, the provisions of this 5313
section that apply to a city school district do not apply to any 5314

joint vocational or cooperative education school district. 5315

(A) ~~Each~~ Except as provided in division (B) of this section, 5316
each city, local, and exempted village school district shall, by 5317
one of the following means, provide ~~vocational~~ to students 5318
enrolled in grades seven through twelve career-technical education 5319
adequate to prepare a ~~pupil~~ student enrolled therein for an 5320
occupation: 5321

(1) Establishing and maintaining a ~~vocational~~ 5322
career-technical education program that meets standards adopted by 5323
the state board of education; 5324

(2) Being a member of a joint vocational school district that 5325
meets standards adopted by the state board; 5326

(3) Contracting for ~~vocational~~ career-technical education 5327
with a joint vocational school district or another school district 5328
that meets the standards adopted by the state board. 5329

The standards of the state board of education shall include 5330
criteria for the participation by nonpublic students in ~~vocational~~ 5331
career-technical education programs without financial assessment, 5332
charge, or tuition to such student except such assessments, 5333
charges, or tuition paid by resident public school students in 5334
such programs. Such nonpublic school students shall be included in 5335
the formula ADM of the school district maintaining the ~~vocational~~ 5336
career-technical education program as part-time students in 5337
proportion to the time spent in the ~~vocational~~ career-technical 5338
education program. 5339

By the thirtieth day of October of each year, the 5340
superintendent of public instruction shall determine and certify 5341
to the superintendent of each school district subject to this 5342
section either that the district is in compliance with the 5343
requirements of this section for the current school year or that 5344
the district is not in compliance. If the superintendent certifies 5345

that the district is not in compliance, he shall notify the board 5346
of education of the district of the actions necessary to bring the 5347
district into compliance with this section. 5348

In meeting standards established by the state board of 5349
education, school districts, where practicable, shall provide 5350
~~vocational~~ career-technical education programs in high schools. A 5351
minimum enrollment of fifteen hundred ~~pupils~~ students in grades 5352
nine through twelve is established as a base for comprehensive 5353
~~vocational~~ career-technical education course offerings. Beginning 5354
with the 2015-2016 school year, this base shall increase to a 5355
minimum enrollment of two thousand two hundred fifty students in 5356
grades seven through twelve. A school district may meet this 5357
requirement alone, through a cooperative arrangement pursuant to 5358
section 3313.92 of the Revised Code, through school district 5359
consolidation, by membership in a joint vocational school 5360
district, by contract with a school district, by contract with a 5361
school licensed by any state agency established by the Revised 5362
Code which school operates its courses offered for contracting 5363
with public schools under standards as to staffing and facilities 5364
comparable to those prescribed by the state board of education for 5365
public schools provided no instructor in such courses shall be 5366
required to be certificated by the state department of education, 5367
or in a combination of such ways. Exceptions to the minimum 5368
~~requirement of fifteen hundred pupils enrollment prescribed by~~ 5369
this section may be made by the state board of education based on 5370
sparsity of population or other factors indicating that 5371
comprehensive educational and ~~vocational~~ career-technical 5372
education programs as required by this section can be provided 5373
through an alternate plan. 5374

(B) ~~Approval of state funds for the construction and~~ 5375
~~operation of vocational facilities in any city, local, or exempted~~ 5376
~~village school district shall be contingent upon a comprehensive~~ 5377

~~vocational program plan approved by the state board of education 5378
no later than July 1, 1970. The state board of education shall not 5379
approve a school district plan unless the plan proposed reasonably 5380
meets the vocational needs of other school districts in the 5381
general area of the school districts in the general area of the 5382
school district submitting the plan. The plan shall be submitted 5383
to the state board of education no later than April 1, 1970. Such 5384
plan shall contain: 5385~~

~~(1) The organization for vocational education pursuant to the 5386
requirements of this section; 5387~~

~~(2) Vocational programs to be offered in the respective 5388
comprehensive high schools, in specialized schools or skill 5389
centers, and in joint vocational schools; 5390~~

~~(3) Remodeled, additional, and new vocational facilities 5391
required at the respective locations. 5392~~

~~In approving the organization for vocational education the 5393
state board of education shall provide that no city, local, or 5394
exempted village school district is excluded in the statewide plan 5395
If the board of education of a city, local, or exempted village 5396
school district adopts a resolution that specifies the district's 5397
intent not to provide career-technical education to students 5398
enrolled in grades seven and eight for a particular school year 5399
and submits that resolution to the department by the thirtieth day 5400
of September of that school year, the department shall waive the 5401
requirement for that district to provide career-technical 5402
education to students enrolled in grades seven and eight for that 5403
particular school year. 5404~~

Sec. 3314.02. (A) As used in this chapter: 5405

(1) "Sponsor" means the board of education of a school 5406
district or the governing board of an educational service center 5407

that agrees to the conversion of all or part of a school or 5408
building under division (B) of this section, or an entity listed 5409
in division (C)(1) of this section, which either has been approved 5410
by the department of education to sponsor community schools or is 5411
exempted by section 3314.021 or 3314.027 of the Revised Code from 5412
obtaining approval, and with which the governing authority of a 5413
community school enters into a contract under section 3314.03 of 5414
the Revised Code. 5415

(2) "Pilot project area" means the school districts included 5416
in the territory of the former community school pilot project 5417
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 5418
the 122nd general assembly. 5419

(3) "Challenged school district" means any of the following: 5420

(a) A school district that is part of the pilot project area; 5421

(b) A school district that meets one of the following 5422
conditions: 5423

(i) On March 22, 2013, the district was in a state of 5424
academic emergency or in a state of academic watch under section 5425
3302.03 of the Revised Code, as that section existed prior to 5426
March 22, 2013; 5427

(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 5428
school years, the district received a grade of "D" or "F" for the 5429
performance index score and a grade of "F" for the value-added 5430
progress dimension under section 3302.03 of the Revised Code; 5431

(iii) For the 2015-2016 school year and for any school year 5432
thereafter, the district has received an overall grade of "D" or 5433
"F" under division (C)(3) of section 3302.03 of the Revised Code, 5434
or, for at least two of the three most recent school years, the 5435
district received a grade of "F" for the value-added progress 5436
dimension under division (C)(1)(e) of that section. 5437

(c) A big eight school district;	5438
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	5439 5440 5441
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	5442 5443
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	5444 5445 5446 5447
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	5448 5449 5450
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	5451 5452 5453 5454 5455
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	5456 5457 5458 5459
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.	5460 5461 5462 5463 5464 5465 5466 5467 5468

(8) "Operator" means either of the following: 5469

(a) An individual or organization that manages the daily 5470
operations of a community school pursuant to a contract between 5471
the operator and the school's governing authority; 5472

(b) A nonprofit organization that provides programmatic 5473
oversight and support to a community school under a contract with 5474
the school's governing authority and that retains the right to 5475
terminate its affiliation with the school if the school fails to 5476
meet the organization's quality standards. 5477

(B) Any person or group of individuals may initially propose 5478
under this division the conversion of all or a portion of a public 5479
school or a building operated by an educational service center to 5480
a community school. The proposal shall be made to the board of 5481
education of the city, local, exempted village, or joint 5482
vocational school district in which the public school is proposed 5483
to be converted or, in the case of the conversion of a building 5484
operated by an educational service center, to the governing board 5485
of the service center. Upon receipt of a proposal, a board may 5486
enter into a preliminary agreement with the person or group 5487
proposing the conversion of the public school or service center 5488
building, indicating the intention of the board to support the 5489
conversion to a community school. However, if the school proposed 5490
to be converted is located in an alliance municipal school 5491
district, as defined in section 3311.86 of the Revised Code, the 5492
district board or governing board of the service center shall 5493
comply with divisions (D) and (E) of that section before entering 5494
into a preliminary agreement under division (B) of this section. A 5495
proposing person or group that has a preliminary agreement under 5496
this division may proceed to finalize plans for the school, 5497
establish a governing authority for the school, and negotiate a 5498
contract with the board. Provided the proposing person or group 5499
adheres to the preliminary agreement and all provisions of this 5500

chapter, the board shall negotiate in good faith to enter into a 5501
contract in accordance with section 3314.03 of the Revised Code 5502
and division (C) of this section. 5503

(C)(1) Any person or group of individuals may propose under 5504
this division the establishment of a new start-up school to be 5505
located in a challenged school district. The proposal may be made 5506
to any of the following entities: 5507

(a) The board of education of the district in which the 5508
school is proposed to be located; 5509

(b) The board of education of any joint vocational school 5510
district with territory in the county in which is located the 5511
majority of the territory of the district in which the school is 5512
proposed to be located; 5513

(c) The board of education of any other city, local, or 5514
exempted village school district having territory in the same 5515
county where the district in which the school is proposed to be 5516
located has the major portion of its territory; 5517

(d) The governing board of any educational service center, as 5518
long as the proposed school will be located in a county within the 5519
territory of the service center or in a county contiguous to such 5520
county. However, the governing board of an educational service 5521
center may sponsor a new start-up school in any challenged school 5522
district in the state if all of the following are satisfied: 5523

(i) If applicable, it satisfies the requirements of division 5524
(E) of section 3311.86 of the Revised Code; 5525

(ii) It is approved to do so by the department; 5526

(iii) It enters into an agreement with the department under 5527
section 3314.015 of the Revised Code. 5528

(e) A sponsoring authority designated by the board of 5529
trustees of any of the thirteen state universities listed in 5530

section 3345.011 of the Revised Code or the board of trustees 5531
itself as long as a mission of the proposed school to be specified 5532
in the contract under division (A)(2) of section 3314.03 of the 5533
Revised Code and as approved by the department under division 5534
(B)(2) of section 3314.015 of the Revised Code will be the 5535
practical demonstration of teaching methods, educational 5536
technology, or other teaching practices that are included in the 5537
curriculum of the university's teacher preparation program 5538
approved by the state board of education; 5539

(f) Any qualified tax-exempt entity under section 501(c)(3) 5540
of the Internal Revenue Code as long as all of the following 5541
conditions are satisfied: 5542

(i) The entity has been in operation for at least five years 5543
prior to applying to be a community school sponsor. 5544

(ii) The entity has assets of at least five hundred thousand 5545
dollars and a demonstrated record of financial responsibility. 5546

(iii) The department has determined that the entity is an 5547
education-oriented entity under division (B)(3) of section 5548
3314.015 of the Revised Code and the entity has a demonstrated 5549
record of successful implementation of educational programs. 5550

(iv) The entity is not a community school. 5551

(g) The mayor of a city in which the majority of the 5552
territory of a school district to which section 3311.60 of the 5553
Revised Code applies is located, regardless of whether that 5554
district has created the position of independent auditor as 5555
prescribed by that section. The mayor's sponsorship authority 5556
under this division is limited to community schools that are 5557
located in that school district. Such mayor may sponsor community 5558
schools only with the approval of the city council of that city, 5559
after establishing standards with which community schools 5560
sponsored by the mayor must comply, and after entering into a 5561

sponsor agreement with the department as prescribed under section 5562
3314.015 of the Revised Code. The mayor shall establish the 5563
standards for community schools sponsored by the mayor not later 5564
than one hundred eighty days after ~~the effective date of this~~ 5565
~~amendment~~ July 15, 2013, and shall submit them to the department 5566
upon their establishment. The department shall approve the mayor 5567
to sponsor community schools in the district, upon receipt of an 5568
application by the mayor to do so. Not later than ninety days 5569
after the department's approval of the mayor as a community school 5570
sponsor, the department shall enter into the sponsor agreement 5571
with the mayor. 5572

Any entity described in division (C)(1) of this section may 5573
enter into a preliminary agreement pursuant to division (C)(2) of 5574
this section with the proposing person or group. 5575

(2) A preliminary agreement indicates the intention of an 5576
entity described in division (C)(1) of this section to sponsor the 5577
community school. A proposing person or group that has such a 5578
preliminary agreement may proceed to finalize plans for the 5579
school, establish a governing authority as described in division 5580
(E) of this section for the school, and negotiate a contract with 5581
the entity. Provided the proposing person or group adheres to the 5582
preliminary agreement and all provisions of this chapter, the 5583
entity shall negotiate in good faith to enter into a contract in 5584
accordance with section 3314.03 of the Revised Code. 5585

(3) A new start-up school that is established in a school 5586
district described in either division (A)(3)(b) or (d) of this 5587
section may continue in existence once the school district no 5588
longer meets the conditions described in either division, provided 5589
there is a valid contract between the school and a sponsor. 5590

(4) A copy of every preliminary agreement entered into under 5591
this division shall be filed with the superintendent of public 5592
instruction. 5593

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(2) No person shall serve on the governing authorities of more than five start-up community schools at the same time.

(3) No present or former member, or immediate relative of a present or former member, of the governing authority of any community school established under this chapter shall be an owner, employee, or consultant of any sponsor or operator of a community

school, unless at least one year has elapsed since the conclusion 5625
of the person's membership. 5626

(4) The governing authority of a start-up community school 5627
may provide by resolution for the compensation of its members. 5628
However, no individual who serves on the governing authority of a 5629
start-up community school shall be compensated more than four 5630
hundred twenty-five dollars per meeting of that governing 5631
authority and no such individual shall be compensated more than a 5632
total amount of five thousand dollars per year for all governing 5633
authorities upon which the individual serves. 5634

(F)(1) A new start-up school that is established prior to 5635
August 15, 2003, in an urban school district that is not also a 5636
big-eight school district may continue to operate after that date 5637
and the contract between the school's governing authority and the 5638
school's sponsor may be renewed, as provided under this chapter, 5639
after that date, but no additional new start-up schools may be 5640
established in such a district unless the district is a challenged 5641
school district as defined in this section as it exists on and 5642
after that date. 5643

(2) A community school that was established prior to June 29, 5644
1999, and is located in a county contiguous to the pilot project 5645
area and in a school district that is not a challenged school 5646
district may continue to operate after that date, provided the 5647
school complies with all provisions of this chapter. The contract 5648
between the school's governing authority and the school's sponsor 5649
may be renewed, but no additional start-up community school may be 5650
established in that district unless the district is a challenged 5651
school district. 5652

(3) Any educational service center that, on June 30, 2007, 5653
sponsors a community school that is not located in a county within 5654
the territory of the service center or in a county contiguous to 5655
such county may continue to sponsor that community school on and 5656

after June 30, 2007, and may renew its contract with the school. 5657
However, the educational service center shall not enter into a 5658
contract with any additional community school, unless the school 5659
is located in a county within the territory of the service center 5660
or in a county contiguous to such county, or unless the governing 5661
board of the service center has entered into an agreement with the 5662
department authorizing the service center to sponsor a community 5663
school in any challenged school district in the state. 5664

Sec. 3314.029. This section establishes the Ohio school 5665
sponsorship program. The department of education shall establish 5666
an office of Ohio school sponsorship to perform the department's 5667
duties prescribed by this section. 5668

(A)(1) Notwithstanding anything to the contrary in this 5669
chapter, any person, group of individuals, or entity may apply to 5670
the department for direct authorization to establish a community 5671
school and, upon approval of the application, may establish the 5672
school. Notwithstanding anything to the contrary in this chapter, 5673
the governing authority of an existing community school, upon the 5674
expiration or termination of its contract with the school's 5675
sponsor entered into under section 3314.03 of the Revised Code, 5676
may apply to the department for direct authorization to continue 5677
operating the school and, upon approval of the application, may 5678
continue to operate the school. 5679

Each application submitted to the department shall include 5680
the following: 5681

(a) Evidence that the applicant will be able to comply with 5682
division (C) of this section; 5683

(b) A statement indicating that the applicant agrees to 5684
comply with all applicable provisions of this chapter, including 5685
the requirement to be established as a nonprofit corporation or 5686
public benefit corporation in accordance with division (A)(1) of 5687

section 3314.03 of the Revised Code; 5688

(c) A statement attesting that no unresolved finding of 5689
recovery has been issued by the auditor of state against any 5690
person, group of individuals, or entity that is a party to the 5691
application and that no person who is party to the application has 5692
been a member of the governing authority of any community school 5693
that has permanently closed and against which an unresolved 5694
finding of recovery has been issued by the auditor of state. In 5695
the case of an application submitted by the governing authority of 5696
an existing community school, a person who is party to the 5697
application shall include each individual member of that governing 5698
authority. 5699

(d) A statement that the school will be nonsectarian in its 5700
programs, admission policies, employment practices, and all other 5701
operations, and will not be operated by a sectarian school or 5702
religious institution; 5703

(e) A statement of whether the school is to be created by 5704
converting all or part of an existing public school or educational 5705
service center building or is to be a new start-up school. If it 5706
is a converted public school or service center building, the 5707
statement shall include a specification of any duties or 5708
responsibilities of an employer that the board of education or 5709
service center governing board that operated the school or 5710
building before conversion is delegating to the governing 5711
authority of the community school with respect to all or any 5712
specified group of employees, provided the delegation is not 5713
prohibited by a collective bargaining agreement applicable to such 5714
employees. 5715

(f) A statement that the school's teachers will be licensed 5716
in the manner prescribed by division (A)(10) of section 3314.03 of 5717
the Revised Code; 5718

(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable;	5719 5720 5721 5722
(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code;	5723 5724 5725
(i) A description of each of the following:	5726
(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum;	5727 5728 5729 5730
(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;	5731 5732 5733
(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code;	5734 5735 5736
(iv) The school's business plan, including a five-year financial forecast;	5737 5738
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	5739 5740 5741
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	5742 5743 5744 5745
(vii) The facilities to be used by the school and their locations;	5746 5747
(viii) A description of the learning opportunities that will	5748

be offered to students including both classroom-based and 5749
nonclassroom-based learning opportunities that are in compliance 5750
with criteria for student participation established by the 5751
department under division (H)(2) of section 3314.08 of the Revised 5752
Code. 5753

(2) Subject to ~~division~~ divisions (A)(3) and (4) of this 5754
section, the department shall approve each application, unless, 5755
within thirty days after receipt of the application, the 5756
department determines that the application does not satisfy the 5757
requirements of division (A)(1) of this section and provides the 5758
applicant a written explanation of the reasons for the 5759
determination. In that case, the department shall grant the 5760
applicant thirty days to correct the insufficiencies in the 5761
application. If the department determines that the insufficiencies 5762
have been corrected, it shall approve the application. If the 5763
department determines that the insufficiencies have not been 5764
corrected, it shall deny the application and provide the applicant 5765
with a written explanation of the reasons for the denial. The 5766
denial of an application may be appealed in accordance with 5767
section 119.12 of the Revised Code. 5768

(3) For each of five school years, beginning with the school 5769
year that begins in the calendar year in which this section takes 5770
effect, the department may approve up to twenty applications for 5771
community schools to be established or to continue operation under 5772
division (A) of this section; however, of the twenty applications 5773
that may be approved each school year, only up to five may be for 5774
the establishment of new schools. 5775

(4) In addition to the requirements of division (A)(2) of 5776
this section, the department shall not approve the application of 5777
a community school located in, or proposed to be located in, an 5778
alliance municipal school district, as defined in section 3311.86 5779
of the Revised Code, unless the school complies with the rules 5780

adopted by the state board of education under division (A)(4) of 5781
this section. 5782

The state board shall adopt rules in accordance with Chapter 5783
119. of the Revised Code to establish the criteria, procedures, 5784
and deadlines for processing applications for direct authorization 5785
of a community school located in, or proposed to be located in, an 5786
alliance municipal school district. The rules shall require both 5787
of the following: 5788

(a) That the applicant has requested a recommendation under 5789
division (E) of section 3311.86 of the Revised Code; 5790

(b) That the applicant used the criteria established under 5791
division (A)(1) of section 3311.87 of the Revised Code to decide 5792
to sponsor a community school in the district. 5793

(5) Notwithstanding division (A)(2) of this section, the 5794
department may deny an application submitted by the governing 5795
authority of an existing community school, if a previous sponsor 5796
of that school did not renew its contract or terminated its 5797
contract with the school entered into under section 3314.03 of the 5798
Revised Code. 5799

(B) The department and the governing authority of each 5800
community school authorized under this section shall enter into a 5801
contract under section 3314.03 of the Revised Code. 5802
Notwithstanding division (A)(13) of that section, the contract 5803
with an existing community school may begin at any time during the 5804
academic year. The length of the initial contract of any community 5805
school under this section may be for any term up to five years. 5806
The contract may be renewed in accordance with division (E) of 5807
that section. The contract may provide for the school's governing 5808
authority to pay a fee for oversight and monitoring of the school 5809
that does not exceed three per cent of the total amount of 5810
payments for operating expenses that the school receives from the 5811

state. 5812

(C) The department may require a community school authorized 5813
under this section to post and file with the superintendent of 5814
public instruction a bond payable to the state or to file with the 5815
state superintendent a guarantee, which shall be used to pay the 5816
state any moneys owed by the community school in the event the 5817
school closes. 5818

(D) Except as otherwise provided in this section, a community 5819
school authorized under this section shall comply with all 5820
applicable provisions of this chapter. The department may take any 5821
action that a sponsor may take under this chapter to enforce the 5822
school's compliance with this division and the terms of the 5823
contract entered into under division (B) of this section. 5824

(E) Not later than December 31, 2012, and annually 5825
thereafter, the department shall issue a report on the program, 5826
including information about the number of community schools 5827
participating in the program and their compliance with the 5828
provisions of this chapter. In its fifth report, the department 5829
shall include a complete evaluation of the program and 5830
recommendations regarding the program's continuation. Each report 5831
shall be provided to the general assembly, in accordance with 5832
section 101.68 of the Revised Code, and to the governor. 5833

Sec. 3314.03. A copy of every contract entered into under 5834
this section shall be filed with the superintendent of public 5835
instruction. The department of education shall make available on 5836
its web site a copy of every approved, executed contract filed 5837
with the superintendent under this section. 5838

(A) Each contract entered into between a sponsor and the 5839
governing authority of a community school shall specify the 5840
following: 5841

(1) That the school shall be established as either of the	5842
following:	5843
(a) A nonprofit corporation established under Chapter 1702.	5844
of the Revised Code, if established prior to April 8, 2003;	5845
(b) A public benefit corporation established under Chapter	5846
1702. of the Revised Code, if established after April 8, 2003.	5847
(2) The education program of the school, including the	5848
school's mission, the characteristics of the students the school	5849
is expected to attract, the ages and grades of students, and the	5850
focus of the curriculum;	5851
(3) The academic goals to be achieved and the method of	5852
measurement that will be used to determine progress toward those	5853
goals, which shall include the statewide achievement assessments;	5854
(4) Performance standards by which the success of the school	5855
will be evaluated by the sponsor;	5856
(5) The admission standards of section 3314.06 of the Revised	5857
Code and, if applicable, section 3314.061 of the Revised Code;	5858
(6)(a) Dismissal procedures;	5859
(b) A requirement that the governing authority adopt an	5860
attendance policy that includes a procedure for automatically	5861
withdrawing a student from the school if the student without a	5862
legitimate excuse fails to participate in one hundred five	5863
consecutive hours of the learning opportunities offered to the	5864
student.	5865
(7) The ways by which the school will achieve racial and	5866
ethnic balance reflective of the community it serves;	5867
(8) Requirements for financial audits by the auditor of	5868
state. The contract shall require financial records of the school	5869
to be maintained in the same manner as are financial records of	5870
school districts, pursuant to rules of the auditor of state.	5871

Audits shall be conducted in accordance with section 117.10 of the Revised Code. 5872
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(9) The facilities to be used and their locations; 5874

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code. 5875
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(11) That the school will comply with the following requirements: 5881
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 5883
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 5886
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 5889
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 5893
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4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 5903
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 5904
were a school district and will comply with section 3301.0714 of 5905
the Revised Code in the manner specified in section 3314.17 of the 5906
Revised Code. 5907

(e) The school shall comply with Chapter 102. and section 5908
2921.42 of the Revised Code. 5909

(f) The school will comply with sections 3313.61, 3313.611, 5910
and 3313.614 of the Revised Code, except that for students who 5911
enter ninth grade for the first time before July 1, 2010, the 5912
requirement in sections 3313.61 and 3313.611 of the Revised Code 5913
that a person must successfully complete the curriculum in any 5914
high school prior to receiving a high school diploma may be met by 5915
completing the curriculum adopted by the governing authority of 5916
the community school rather than the curriculum specified in Title 5917
XXXIII of the Revised Code or any rules of the state board of 5918
education. Beginning with students who enter ninth grade for the 5919
first time on or after July 1, 2010, the requirement in sections 5920
3313.61 and 3313.611 of the Revised Code that a person must 5921
successfully complete the curriculum of a high school prior to 5922
receiving a high school diploma shall be met by completing the 5923
~~Ohio core curriculum~~ requirements prescribed in division (C) of 5924
section 3313.603 of the Revised Code, unless the person qualifies 5925
under division (D) or (F) of that section. Each school shall 5926
comply with the plan for awarding high school credit based on 5927
demonstration of subject area competency, adopted by the state 5928
board of education under division (J) of section 3313.603 of the 5929
Revised Code. 5930

(g) The school governing authority will submit within four 5931
months after the end of each school year a report of its 5932
activities and progress in meeting the goals and standards of 5933
divisions (A)(3) and (4) of this section and its financial status 5934

to the sponsor and the parents of all students enrolled in the 5935
school. 5936

(h) The school, unless it is an internet- or computer-based 5937
community school, will comply with section 3313.801 of the Revised 5938
Code as if it were a school district. 5939

(i) If the school is the recipient of moneys from a grant 5940
awarded under the federal race to the top program, Division (A), 5941
Title XIV, Sections 14005 and 14006 of the "American Recovery and 5942
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 5943
school will pay teachers based upon performance in accordance with 5944
section 3317.141 and will comply with section 3319.111 of the 5945
Revised Code as if it were a school district. 5946

(12) Arrangements for providing health and other benefits to 5947
employees; 5948

(13) The length of the contract, which shall begin at the 5949
beginning of an academic year. No contract shall exceed five years 5950
unless such contract has been renewed pursuant to division (E) of 5951
this section. 5952

(14) The governing authority of the school, which shall be 5953
responsible for carrying out the provisions of the contract; 5954

(15) A financial plan detailing an estimated school budget 5955
for each year of the period of the contract and specifying the 5956
total estimated per pupil expenditure amount for each such year. 5957

(16) Requirements and procedures regarding the disposition of 5958
employees of the school in the event the contract is terminated or 5959
not renewed pursuant to section 3314.07 of the Revised Code; 5960

(17) Whether the school is to be created by converting all or 5961
part of an existing public school or educational service center 5962
building or is to be a new start-up school, and if it is a 5963
converted public school or service center building, specification 5964

of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

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

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

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

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

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

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

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

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to 5995
inspect the facilities of the school and to order the facilities 5996
closed if those officials find that the facilities are not in 5997
compliance with health and safety laws and regulations; 5998

(b) The authority of the department of education as the 5999
community school oversight body to suspend the operation of the 6000
school under section 3314.072 of the Revised Code if the 6001
department has evidence of conditions or violations of law at the 6002
school that pose an imminent danger to the health and safety of 6003
the school's students and employees and the sponsor refuses to 6004
take such action. 6005

(23) A description of the learning opportunities that will be 6006
offered to students including both classroom-based and 6007
non-classroom-based learning opportunities that is in compliance 6008
with criteria for student participation established by the 6009
department under division (H)(2) of section 3314.08 of the Revised 6010
Code; 6011

(24) The school will comply with sections 3302.04 and 6012
3302.041 of the Revised Code, except that any action required to 6013
be taken by a school district pursuant to those sections shall be 6014
taken by the sponsor of the school. However, the sponsor shall not 6015
be required to take any action described in division (F) of 6016
section 3302.04 of the Revised Code. 6017

(25) Beginning in the 2006-2007 school year, the school will 6018
open for operation not later than the thirtieth day of September 6019
each school year, unless the mission of the school as specified 6020
under division (A)(2) of this section is solely to serve dropouts. 6021
In its initial year of operation, if the school fails to open by 6022
the thirtieth day of September, or within one year after the 6023
adoption of the contract pursuant to division (D) of section 6024
3314.02 of the Revised Code if the mission of the school is solely 6025
to serve dropouts, the contract shall be void. 6026

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

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance 6057
and the organization and operation of the community school on at 6058
least an annual basis; 6059

(3) Report on an annual basis the results of the evaluation 6060
conducted under division (D)(2) of this section to the department 6061
of education and to the parents of students enrolled in the 6062
community school; 6063

(4) Provide technical assistance to the community school in 6064
complying with laws applicable to the school and terms of the 6065
contract; 6066

(5) Take steps to intervene in the school's operation to 6067
correct problems in the school's overall performance, declare the 6068
school to be on probationary status pursuant to section 3314.073 6069
of the Revised Code, suspend the operation of the school pursuant 6070
to section 3314.072 of the Revised Code, or terminate the contract 6071
of the school pursuant to section 3314.07 of the Revised Code as 6072
determined necessary by the sponsor; 6073

(6) Have in place a plan of action to be undertaken in the 6074
event the community school experiences financial difficulties or 6075
closes prior to the end of a school year. 6076

(E) Upon the expiration of a contract entered into under this 6077
section, the sponsor of a community school may, with the approval 6078
of the governing authority of the school, renew that contract for 6079
a period of time determined by the sponsor, but not ending earlier 6080
than the end of any school year, if the sponsor finds that the 6081
school's compliance with applicable laws and terms of the contract 6082
and the school's progress in meeting the academic goals prescribed 6083
in the contract have been satisfactory. Any contract that is 6084
renewed under this division remains subject to the provisions of 6085
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 6086

(F) If a community school fails to open for operation within 6087

one year after the contract entered into under this section is 6088
adopted pursuant to division (D) of section 3314.02 of the Revised 6089
Code or permanently closes prior to the expiration of the 6090
contract, the contract shall be void and the school shall not 6091
enter into a contract with any other sponsor. A school shall not 6092
be considered permanently closed because the operations of the 6093
school have been suspended pursuant to section 3314.072 of the 6094
Revised Code. 6095

Sec. 3314.08. (A) As used in this section: 6096

(1)(a) "Category one career-technical education student" 6097
means a student who is receiving the career-technical education 6098
services described in division (A) of section 3317.014 of the 6099
Revised Code. 6100

(b) "Category two career-technical student" means a student 6101
who is receiving the career-technical education services described 6102
in division (B) of section 3317.014 of the Revised Code. 6103

(c) "Category three career-technical student" means a student 6104
who is receiving the career-technical education services described 6105
in division (C) of section 3317.014 of the Revised Code. 6106

(d) "Category four career-technical student" means a student 6107
who is receiving the career-technical education services described 6108
in division (D) of section 3317.014 of the Revised Code. 6109

(e) "Category five career-technical education student" means 6110
a student who is receiving the career-technical education services 6111
described in division (E) of section 3317.014 of the Revised Code. 6112

(2)(a) "Category one limited English proficient student" 6113
means a limited English proficient student described in division 6114
(A) of section 3317.016 of the Revised Code. 6115

(b) "Category two limited English proficient student" means a 6116
limited English proficient student described in division (B) of 6117

section 3317.016 of the Revised Code. 6118

(c) "Category three limited English proficient student" means 6119
a limited English proficient student described in division (C) of 6120
section 3317.016 of the Revised Code. 6121

(3)(a) "Category one special education student" means a 6122
student who is receiving special education services for a 6123
disability specified in division (A) of section 3317.013 of the 6124
Revised Code. 6125

(b) "Category two special education student" means a student 6126
who is receiving special education services for a disability 6127
specified in division (B) of section 3317.013 of the Revised Code. 6128

(c) "Category three special education student" means a 6129
student who is receiving special education services for a 6130
disability specified in division (C) of section 3317.013 of the 6131
Revised Code. 6132

(d) "Category four special education student" means a student 6133
who is receiving special education services for a disability 6134
specified in division (D) of section 3317.013 of the Revised Code. 6135

(e) "Category five special education student" means a student 6136
who is receiving special education services for a disability 6137
specified in division (E) of section 3317.013 of the Revised Code. 6138

(f) "Category six special education student" means a student 6139
who is receiving special education services for a disability 6140
specified in division (F) of section 3317.013 of the Revised Code. 6141

(4) "Formula amount" has the same meaning as in section 6142
3317.02 of the Revised Code. 6143

(5) "IEP" has the same meaning as in section 3323.01 of the 6144
Revised Code. 6145

(6) "Resident district" means the school district in which a 6146
student is entitled to attend school under section 3313.64 or 6147

3313.65 of the Revised Code. 6148

(7) "State education aid" has the same meaning as in section 6149
5751.20 of the Revised Code. 6150

(B) The state board of education shall adopt rules requiring 6151
both of the following: 6152

(1) The board of education of each city, exempted village, 6153
and local school district to annually report the number of 6154
students entitled to attend school in the district who are 6155
enrolled in each grade kindergarten through twelve in a community 6156
school established under this chapter, and for each child, the 6157
community school in which the child is enrolled. 6158

(2) The governing authority of each community school 6159
established under this chapter to annually report all of the 6160
following: 6161

(a) The number of students enrolled in grades one through 6162
twelve and the full-time equivalent number of students enrolled in 6163
kindergarten in the school who are not receiving special education 6164
and related services pursuant to an IEP; 6165

(b) The number of enrolled students in grades one through 6166
twelve and the full-time equivalent number of enrolled students in 6167
kindergarten, who are receiving special education and related 6168
services pursuant to an IEP; 6169

(c) The number of students reported under division (B)(2)(b) 6170
of this section receiving special education and related services 6171
pursuant to an IEP for a disability described in each of divisions 6172
(A) to (F) of section 3317.013 of the Revised Code; 6173

(d) The full-time equivalent number of students reported 6174
under divisions (B)(2)(a) and (b) of this section who are enrolled 6175
in career-technical education programs or classes described in 6176
each of divisions (A) to (E) of section 3317.014 of the Revised 6177

Code that are provided by the community school; 6178

(e) Twenty per cent of the number of students reported under 6179
divisions (B)(2)(a) and (b) of this section who are not reported 6180
under division (B)(2)(d) of this section but who are enrolled in 6181
career-technical education programs or classes described in each 6182
of divisions (A) to (E) of section 3317.014 of the Revised Code at 6183
a joint vocational school district or another district in the 6184
career-technical planning district to which the school is 6185
assigned; 6186

(f) The number of students reported under divisions (B)(2)(a) 6187
and (b) of this section who are category one to three limited 6188
English proficient students described in each of divisions (A) to 6189
(C) of section 3317.016 of the Revised Code; 6190

(g) The number of students reported under divisions (B)(2)(a) 6191
and (b) who are economically disadvantaged, as defined by the 6192
department. A student shall not be categorically excluded from the 6193
number reported under division (B)(2)(g) of this section based on 6194
anything other than family income. 6195

(h) For each student, the city, exempted village, or local 6196
school district in which the student is entitled to attend school 6197
under section 3313.64 or 3313.65 of the Revised Code. 6198

A school district board and a community school governing 6199
authority shall include in their respective reports under division 6200
(B) of this section any child admitted in accordance with division 6201
(A)(2) of section 3321.01 of the Revised Code. 6202

A governing authority of a community school shall not include 6203
in its report under division (B)(2) of this section any student 6204
for whom tuition is charged under division (F) of this section. 6205

(C)(1) Except as provided in division (C)(2) of this section, 6206
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 6207
section, on a full-time equivalency basis, for each student 6208

enrolled in a community school established under this chapter, the 6209
department of education annually shall deduct from the state 6210
education aid of a student's resident district and, if necessary, 6211
from the payment made to the district under sections 321.24 and 6212
323.156 of the Revised Code and pay to the community school the 6213
sum of the following: 6214

(a) An opportunity grant in an amount equal to the formula 6215
amount; 6216

(b) The per pupil amount of targeted assistance funds 6217
calculated under division (A) of section 3317.0217 of the Revised 6218
Code for the student's resident district, as determined by the 6219
department, X 0.25; 6220

(c) Additional state aid for special education and related 6221
services provided under Chapter 3323. of the Revised Code as 6222
follows: 6223

(i) If the student is a category one special education 6224
student, the amount specified in division (A) of section 3317.013 6225
of the Revised Code; 6226

(ii) If the student is a category two special education 6227
student, the amount specified in division (B) of section 3317.013 6228
of the Revised Code; 6229

(iii) If the student is a category three special education 6230
student, the amount specified in division (C) of section 3317.013 6231
of the Revised Code; 6232

(iv) If the student is a category four special education 6233
student, the amount specified in division (D) of section 3317.013 6234
of the Revised Code; 6235

(v) If the student is a category five special education 6236
student, the amount specified in division (E) of section 3317.013 6237
of the Revised Code; 6238

(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	6239 6240 6241
(d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in fiscal year 2015;	6242 6243 6244
(e) If the student is economically disadvantaged, an additional amount equal to the following:	6245 6246
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)	6247 6248
(f) Limited English proficiency funds as follows:	6249
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	6250 6251 6252
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	6253 6254 6255
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	6256 6257 6258
(g) Career-technical education funds as follows:	6259
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	6260 6261 6262
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	6263 6264 6265
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	6266 6267 6268

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.

Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.

(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.

No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.

(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division 6300
(C)(3)(a) of this section, and the department shall pay for, only 6301
the costs of educational expenses and the related services 6302
provided to the student in accordance with the student's 6303
individualized education program. Any legal fees, court costs, or 6304
other costs associated with any cause of action relating to the 6305
student may not be included in the amount. 6306

(4) In any fiscal year, a community school receiving funds 6307
under division (C)(1)(g) of this section shall spend those funds 6308
only for the purposes that the department designates as approved 6309
for career-technical education expenses. Career-technical 6310
~~educational~~ education expenses approved by the department shall 6311
include only expenses connected to the delivery of 6312
career-technical programming to career-technical students. The 6313
department shall require the school to report data annually so 6314
that the department may monitor the school's compliance with the 6315
requirements regarding the manner in which funding received under 6316
division (C)(1)(g) of this section may be spent. 6317

(5) All funds received under division (C)(1)(g) of this 6318
section shall be spent in the following manner: 6319

(a) At least seventy-five per cent of the funds shall be 6320
spent on curriculum development, purchase, and implementation; 6321
instructional resources and supplies; industry-based program 6322
certification; student assessment, credentialing, and placement; 6323
curriculum specific equipment purchases and leases; 6324
career-technical student organization fees and expenses; home and 6325
agency linkages; work-based learning experiences; professional 6326
development; and other costs directly associated with 6327
career-technical education programs including development of new 6328
programs. 6329

(b) Not more than twenty-five per cent of the funds shall be 6330
used for personnel expenditures. 6331

(6) A community school shall spend the funds it receives 6332
under division (C)(1)(e) of this section in accordance with 6333
section 3317.25 of the Revised Code. 6334

(7) If the sum of the payments computed under division (C)(1) 6335
of this section for the students entitled to attend school in a 6336
particular school district under sections 3313.64 and 3313.65 of 6337
the Revised Code exceeds the sum of that district's state 6338
education aid and its payment under sections 321.24 and 323.156 of 6339
the Revised Code, the department shall calculate and apply a 6340
proration factor to the payments to all community schools under 6341
that division for the students entitled to attend school in that 6342
district. 6343

(D) A board of education sponsoring a community school may 6344
utilize local funds to make enhancement grants to the school or 6345
may agree, either as part of the contract or separately, to 6346
provide any specific services to the community school at no cost 6347
to the school. 6348

(E) A community school may not levy taxes or issue bonds 6349
secured by tax revenues. 6350

(F) No community school shall charge tuition for the 6351
enrollment of any student who is a resident of this state. A 6352
community school may charge tuition for the enrollment of any 6353
student who is not a resident of this state. 6354

(G)(1)(a) A community school may borrow money to pay any 6355
necessary and actual expenses of the school in anticipation of the 6356
receipt of any portion of the payments to be received by the 6357
school pursuant to division (C) of this section. The school may 6358
issue notes to evidence such borrowing. The proceeds of the notes 6359
shall be used only for the purposes for which the anticipated 6360
receipts may be lawfully expended by the school. 6361

(b) A school may also borrow money for a term not to exceed 6362

fifteen years for the purpose of acquiring facilities. 6363

(2) Except for any amount guaranteed under section 3318.50 of 6364
the Revised Code, the state is not liable for debt incurred by the 6365
governing authority of a community school. 6366

(H) The department of education shall adjust the amounts 6367
subtracted and paid under division (C) of this section to reflect 6368
any enrollment of students in community schools for less than the 6369
equivalent of a full school year. The state board of education 6370
within ninety days after April 8, 2003, shall adopt in accordance 6371
with Chapter 119. of the Revised Code rules governing the payments 6372
to community schools under this section including initial payments 6373
in a school year and adjustments and reductions made in subsequent 6374
periodic payments to community schools and corresponding 6375
deductions from school district accounts as provided under 6376
division (C) of this section. For purposes of this section: 6377

(1) A student shall be considered enrolled in the community 6378
school for any portion of the school year the student is 6379
participating at a college under Chapter 3365. of the Revised 6380
Code. 6381

(2) A student shall be considered to be enrolled in a 6382
community school for the period of time beginning on the later of 6383
the date on which the school both has received documentation of 6384
the student's enrollment from a parent and the student has 6385
commenced participation in learning opportunities as defined in 6386
the contract with the sponsor, or thirty days prior to the date on 6387
which the student is entered into the education management 6388
information system established under section 3301.0714 of the 6389
Revised Code. For purposes of applying this division and divisions 6390
(H)(3) and (4) of this section to a community school student, 6391
"learning opportunities" shall be defined in the contract, which 6392
shall describe both classroom-based and non-classroom-based 6393
learning opportunities and shall be in compliance with criteria 6394

and documentation requirements for student participation which 6395
shall be established by the department. Any student's instruction 6396
time in non-classroom-based learning opportunities shall be 6397
certified by an employee of the community school. A student's 6398
enrollment shall be considered to cease on the date on which any 6399
of the following occur: 6400

(a) The community school receives documentation from a parent 6401
terminating enrollment of the student. 6402

(b) The community school is provided documentation of a 6403
student's enrollment in another public or private school. 6404

(c) The community school ceases to offer learning 6405
opportunities to the student pursuant to the terms of the contract 6406
with the sponsor or the operation of any provision of this 6407
chapter. 6408

Except as otherwise specified in this paragraph, beginning in 6409
the 2011-2012 school year, any student who completed the prior 6410
school year in an internet- or computer-based community school 6411
shall be considered to be enrolled in the same school in the 6412
subsequent school year until the student's enrollment has ceased 6413
as specified in division (H)(2) of this section. The department 6414
shall continue subtracting and paying amounts for the student 6415
under division (C) of this section without interruption at the 6416
start of the subsequent school year. However, if the student 6417
without a legitimate excuse fails to participate in the first one 6418
hundred five consecutive hours of learning opportunities offered 6419
to the student in that subsequent school year, the student shall 6420
be considered not to have re-enrolled in the school for that 6421
school year and the department shall recalculate the payments to 6422
the school for that school year to account for the fact that the 6423
student is not enrolled. 6424

(3) The department shall determine each community school 6425

student's percentage of full-time equivalency based on the 6426
percentage of learning opportunities offered by the community 6427
school to that student, reported either as number of hours or 6428
number of days, is of the total learning opportunities offered by 6429
the community school to a student who attends for the school's 6430
entire school year. However, no internet- or computer-based 6431
community school shall be credited for any time a student spends 6432
participating in learning opportunities beyond ten hours within 6433
any period of twenty-four consecutive hours. Whether it reports 6434
hours or days of learning opportunities, each community school 6435
shall offer not less than nine hundred twenty hours of learning 6436
opportunities during the school year. 6437

(4) With respect to the calculation of full-time equivalency 6438
under division (H)(3) of this section, the department shall waive 6439
the number of hours or days of learning opportunities not offered 6440
to a student because the community school was closed during the 6441
school year due to disease epidemic, hazardous weather conditions, 6442
law enforcement emergencies, inoperability of school buses or 6443
other equipment necessary to the school's operation, damage to a 6444
school building, or other temporary circumstances due to utility 6445
failure rendering the school building unfit for school use, so 6446
long as the school was actually open for instruction with students 6447
in attendance during that school year for not less than the 6448
minimum number of hours required by this chapter. The department 6449
shall treat the school as if it were open for instruction with 6450
students in attendance during the hours or days waived under this 6451
division. 6452

(I) The department of education shall reduce the amounts paid 6453
under this section to reflect payments made to colleges under 6454
~~division (B) of section 3365.07 of the Revised Code or through~~ 6455
~~alternative funding agreements entered into under rules adopted~~ 6456
~~under section 3365.12 of the Revised Code.~~ 6457

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and

academic accountability for such schools. 6489

(K)(1) If the department determines that a review of a 6490
community school's enrollment is necessary, such review shall be 6491
completed and written notice of the findings shall be provided to 6492
the governing authority of the community school and its sponsor 6493
within ninety days of the end of the community school's fiscal 6494
year, unless extended for a period not to exceed thirty additional 6495
days for one of the following reasons: 6496

(a) The department and the community school mutually agree to 6497
the extension. 6498

(b) Delays in data submission caused by either a community 6499
school or its sponsor. 6500

(2) If the review results in a finding that additional 6501
funding is owed to the school, such payment shall be made within 6502
thirty days of the written notice. If the review results in a 6503
finding that the community school owes moneys to the state, the 6504
following procedure shall apply: 6505

(a) Within ten business days of the receipt of the notice of 6506
findings, the community school may appeal the department's 6507
determination to the state board of education or its designee. 6508

(b) The board or its designee shall conduct an informal 6509
hearing on the matter within thirty days of receipt of such an 6510
appeal and shall issue a decision within fifteen days of the 6511
conclusion of the hearing. 6512

(c) If the board has enlisted a designee to conduct the 6513
hearing, the designee shall certify its decision to the board. The 6514
board may accept the decision of the designee or may reject the 6515
decision of the designee and issue its own decision on the matter. 6516

(d) Any decision made by the board under this division is 6517
final. 6518

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not

subtract from a school district's state aid account and shall not 6550
pay to a community school under division (C) of this section any 6551
amount for that veteran. 6552

Sec. 3314.191. Notwithstanding any provision to the contrary 6553
in the Revised Code, the department of education shall make no 6554
payment under section 3314.08 of the Revised Code to a community 6555
school opening for its first year of operation until the sponsor 6556
of that school confirms all of the following: 6557

(A) The school is in compliance with the provisions described 6558
in divisions (A), (H), (I), and (J)(3) of section 3314.19 of the 6559
Revised Code. 6560

(B) The sponsor has approved the financial controls required 6561
by the comprehensive plan for the school under division (B)(5) of 6562
section 3314.03 of the Revised Code. 6563

(C) The school facilities will be ready and open for use by 6564
the date prescribed in the contract entered into under section 6565
3314.03 of the Revised Code, and the sponsor has reviewed any 6566
lease, purchase agreement, permits required by statute or 6567
contract, and construction plans. 6568

(D) The chief administrator of the community school actively 6569
is managing daily operations at the school. 6570

(E) The projected enrollment reported to the department is 6571
accurate. 6572

Sec. 3314.352. No community school that is permanently closed 6573
under section 3314.35 or 3314.351 of the Revised Code may be 6574
reopened under another name if any of the following conditions are 6575
true: 6576

(A) The new school has the same sponsor as the closed school. 6577

(B) The new school has the same chief administrator as the 6578

closed school. 6579

(C) The governing authority of the new school consists of any 6580
of the same members that served on the governing authority of the 6581
closed school during that school's last year of operation. 6582

(D) Fifty per cent or more of the teaching staff of the new 6583
school consists of the same individuals who were employed as 6584
teachers at the closed school during that school's last year of 6585
operation. 6586

(E) Fifty per cent or more of the administrative staff of the 6587
new school consists of the same individuals who were employed as 6588
administrators at the closed school during that school's last year 6589
of operation. 6590

(F) The performance standards and accountability plan 6591
prescribed by the sponsor contract for the new school, entered 6592
into under section 3314.03 of the Revised Code, are the same as 6593
those for the closed school. 6594

Sec. 3317.03. (A) The superintendent of each city, local, and 6595
exempted village school district shall report to the state board 6596
of education as of the last day of October, March, and June of 6597
each year the enrollment of students receiving services from 6598
schools under the superintendent's supervision, and the numbers of 6599
other students entitled to attend school in the district under 6600
section 3313.64 or 3313.65 of the Revised Code the superintendent 6601
is required to report under this section, so that the department 6602
of education can calculate the district's formula ADM, total ADM, 6603
category one through five career-technical education ADM, category 6604
one through three limited English proficient ADM, category one 6605
through six special education ADM, preschool scholarship ADM, 6606
transportation ADM, and, for purposes of provisions of law outside 6607
of Chapter 3317. of the Revised Code, average daily membership. 6608

(1) The enrollment reported by the superintendent during the reporting period shall consist of the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code.

(2) The department of education shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the

Revised Code, including any participation in a college pursuant to 6639
Chapter 3365. of the Revised Code while enrolled in such community 6640
school; 6641

(b) An alternative school pursuant to sections 3313.974 to 6642
3313.979 of the Revised Code as described in division (I)(2)(a) or 6643
(b) of this section; 6644

(c) A college pursuant to Chapter 3365. of the Revised Code, 6645
except when the student is enrolled in the college while also 6646
enrolled in a community school pursuant to Chapter 3314. ~~or~~ a 6647
science, technology, engineering, and mathematics school 6648
established under Chapter 3326., or a college-preparatory boarding 6649
school established under Chapter 3328. of the Revised Code; 6650

(d) An adjacent or other school district under an open 6651
enrollment policy adopted pursuant to section 3313.98 of the 6652
Revised Code; 6653

(e) An educational service center or cooperative education 6654
district; 6655

(f) Another school district under a cooperative education 6656
agreement, compact, or contract; 6657

(g) A chartered nonpublic school with a scholarship paid 6658
under section 3310.08 of the Revised Code, if the students 6659
qualified for the scholarship under section 3310.03 of the Revised 6660
Code; 6661

(h) An alternative public provider or a registered private 6662
provider with a scholarship awarded under either section 3310.41 6663
or sections 3310.51 to 3310.64 of the Revised Code. 6664

As used in this section, "alternative public provider" and 6665
"registered private provider" have the same meanings as in section 6666
3310.41 or 3310.51 of the Revised Code, as applicable. 6667

(i) A science, technology, engineering, and mathematics 6668

school established under Chapter 3326. of the Revised Code, 6669
including any participation in a college pursuant to Chapter 3365. 6670
of the Revised Code while enrolled in the school; 6671

(j) A college-preparatory boarding school established under 6672
Chapter 3328. of the Revised Code, including any participation in 6673
a college pursuant to Chapter 3365. of the Revised Code while 6674
enrolled in the school. 6675

(3) The department also shall compile a list of the students 6676
entitled to attend school in the district under section 3313.64 or 6677
3313.65 of the Revised Code who are enrolled in a joint vocational 6678
school district or under a career-technical education compact, 6679
excluding any students so entitled to attend school in the 6680
district who are enrolled in another school district through an 6681
open enrollment policy as reported under division (A)(2)(d) of 6682
this section and then enroll in a joint vocational school district 6683
or under a career-technical education compact. 6684

The department shall provide each city, local, and exempted 6685
village school district with an opportunity to review the list of 6686
students compiled under divisions (A)(2) and (3) of this section 6687
to ensure that the students reported accurately reflect the 6688
enrollment of students in the district. 6689

(B) To enable the department of education to obtain the data 6690
needed to complete the calculation of payments pursuant to this 6691
chapter, each superintendent shall certify from the reports 6692
provided by the department under division (A) of this section all 6693
of the following: 6694

(1) The total student enrollment in regular learning day 6695
classes included in the report under division (A)(1) or (2) of 6696
this section for each of the individual grades kindergarten 6697
through twelve in schools under the superintendent's supervision; 6698

(2) The unduplicated count of the number of preschool 6699

children with disabilities enrolled in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code ~~or~~, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;

(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(f) Enrolled in a chartered nonpublic school with a

scholarship paid under section 3310.08 of the Revised Code and who 6731
qualified for the scholarship under section 3310.03 of the Revised 6732
Code; 6733

(g) Enrolled in kindergarten through grade twelve in an 6734
alternative public provider or a registered private provider with 6735
a scholarship awarded under section 3310.41 of the Revised Code; 6736

(h) Enrolled as a preschool child with a disability in an 6737
alternative public provider or a registered private provider with 6738
a scholarship awarded under section 3310.41 of the Revised Code; 6739

(i) Participating in a program operated by a county DD board 6740
or a state institution; 6741

(j) Enrolled in a science, technology, engineering, and 6742
mathematics school established under Chapter 3326. of the Revised 6743
Code, including any participation in a college pursuant to Chapter 6744
3365. of the Revised Code while enrolled in the school; 6745

(k) Enrolled in a college-preparatory boarding school 6746
established under Chapter 3328. of the Revised Code, including any 6747
participation in a college pursuant to Chapter 3365. of the 6748
Revised Code while enrolled in the school; 6749

(l) Enrolled in an alternative public provider or a 6750
registered private provider with a scholarship awarded under 6751
sections 3310.51 to 3310.64 of the Revised Code. 6752

(4) The total enrollment of pupils in joint vocational 6753
schools; 6754

(5) The combined enrollment of children with disabilities 6755
reported under division (A)(1) or (2) of this section receiving 6756
special education services for the category one disability 6757
described in division (A) of section 3317.013 of the Revised Code, 6758
including children attending a special education program operated 6759
by an alternative public provider or a registered private provider 6760

with a scholarship awarded under sections 3310.51 to 3310.64 of 6761
the Revised Code; 6762

(6) The combined enrollment of children with disabilities 6763
reported under division (A)(1) or (2) of this section receiving 6764
special education services for category two disabilities described 6765
in division (B) of section 3317.013 of the Revised Code, including 6766
children attending a special education program operated by an 6767
alternative public provider or a registered private provider with 6768
a scholarship awarded under sections 3310.51 to 3310.64 of the 6769
Revised Code; 6770

(7) The combined enrollment of children with disabilities 6771
reported under division (A)(1) or (2) of this section receiving 6772
special education services for category three disabilities 6773
described in division (C) of section 3317.013 of the Revised Code, 6774
including children attending a special education program operated 6775
by an alternative public provider or a registered private provider 6776
with a scholarship awarded under sections 3310.51 to 3310.64 of 6777
the Revised Code; 6778

(8) The combined enrollment of children with disabilities 6779
reported under division (A)(1) or (2) of this section receiving 6780
special education services for category four disabilities 6781
described in division (D) of section 3317.013 of the Revised Code, 6782
including children attending a special education program operated 6783
by an alternative public provider or a registered private provider 6784
with a scholarship awarded under sections 3310.51 to 3310.64 of 6785
the Revised Code; 6786

(9) The combined enrollment of children with disabilities 6787
reported under division (A)(1) or (2) of this section receiving 6788
special education services for the category five disabilities 6789
described in division (E) of section 3317.013 of the Revised Code, 6790
including children attending a special education program operated 6791
by an alternative public provider or a registered private provider 6792

with a scholarship awarded under sections 3310.51 to 3310.64 of 6793
the Revised Code; 6794

(10) The combined enrollment of children with disabilities 6795
reported under division (A)(1) or (2) and under division (B)(3)(h) 6796
of this section receiving special education services for category 6797
six disabilities described in division (F) of section 3317.013 of 6798
the Revised Code, including children attending a special education 6799
program operated by an alternative public provider or a registered 6800
private provider with a scholarship awarded under either section 6801
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 6802

(11) The enrollment of pupils reported under division (A)(1) 6803
or (2) of this section on a full-time equivalency basis in 6804
category one career-technical education programs or classes, 6805
described in division (A) of section 3317.014 of the Revised Code, 6806
operated by the school district or by another district that is a 6807
member of the district's career-technical planning district, other 6808
than a joint vocational school district, or by an educational 6809
service center, notwithstanding division (H) of section 3317.02 of 6810
the Revised Code and division (C)(3) of this section; 6811

(12) The enrollment of pupils reported under division (A)(1) 6812
or (2) of this section on a full-time equivalency basis in 6813
category two career-technical education programs or services, 6814
described in division (B) of section 3317.014 of the Revised Code, 6815
operated by the school district or another school district that is 6816
a member of the district's career-technical planning district, 6817
other than a joint vocational school district, or by an 6818
educational service center, notwithstanding division (H) of 6819
section 3317.02 of the Revised Code and division (C)(3) of this 6820
section; 6821

(13) The enrollment of pupils reported under division (A)(1) 6822
or (2) of this section on a full-time equivalency basis in 6823
category three career-technical education programs or services, 6824

described in division (C) of section 3317.014 of the Revised Code, 6825
operated by the school district or another school district that is 6826
a member of the district's career-technical planning district, 6827
other than a joint vocational school district, or by an 6828
educational service center, notwithstanding division (H) of 6829
section 3317.02 of the Revised Code and division (C)(3) of this 6830
section; 6831

(14) The enrollment of pupils reported under division (A)(1) 6832
or (2) of this section on a full-time equivalency basis in 6833
category four career-technical education programs or services, 6834
described in division (D) of section 3317.014 of the Revised Code, 6835
operated by the school district or another school district that is 6836
a member of the district's career-technical planning district, 6837
other than a joint vocational school district, or by an 6838
educational service center, notwithstanding division (H) of 6839
section 3317.02 of the Revised Code and division (C)(3) of this 6840
section; 6841

(15) The enrollment of pupils reported under division (A)(1) 6842
or (2) of this section on a full-time equivalency basis in 6843
category five career-technical education programs or services, 6844
described in division (E) of section 3317.014 of the Revised Code, 6845
operated by the school district or another school district that is 6846
a member of the district's career-technical planning district, 6847
other than a joint vocational school district, or by an 6848
educational service center, notwithstanding division (H) of 6849
section 3317.02 of the Revised Code and division (C)(3) of this 6850
section; 6851

(16) The enrollment of pupils reported under division (A)(1) 6852
or (2) of this section who are limited English proficient students 6853
described in division (A) of section 3317.016 of the Revised Code, 6854
excluding any student reported under division (B)(3)(e) of this 6855
section as enrolled in an internet- or computer-based community 6856

school;	6857
(17) The enrollment of pupils reported under division (A)(1)	6858
or (2) of this section who are limited English proficient students	6859
described in division (B) of section 3317.016 of the Revised Code,	6860
excluding any student reported under division (B)(3)(e) of this	6861
section as enrolled in an internet- or computer-based community	6862
school;	6863
(18) The enrollment of pupils reported under division (A)(1)	6864
or (2) of this section who are limited English proficient students	6865
described in division (C) of section 3317.016 of the Revised Code,	6866
excluding any student reported under division (B)(3)(e) of this	6867
section as enrolled in an internet- or computer-based community	6868
school;	6869
(19) The average number of children transported during the	6870
reporting period by the school district on board-owned or	6871
contractor-owned and -operated buses, reported in accordance with	6872
rules adopted by the department of education;	6873
(20)(a) The number of children, other than preschool children	6874
with disabilities, the district placed with a county DD board in	6875
fiscal year 1998. Division (B)(20)(a) of this section does not	6876
apply after fiscal year 2013.	6877
(b) The number of children with disabilities, other than	6878
preschool children with disabilities, placed with a county DD	6879
board in the current fiscal year to receive special education	6880
services for the category one disability described in division (A)	6881
of section 3317.013 of the Revised Code;	6882
(c) The number of children with disabilities, other than	6883
preschool children with disabilities, placed with a county DD	6884
board in the current fiscal year to receive special education	6885
services for category two disabilities described in division (B)	6886
of section 3317.013 of the Revised Code;	6887

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.

(21) The enrollment of students who are economically disadvantaged, as defined by the department, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school. A student shall not be categorically excluded from the number reported under division (B)(21) of this section based on anything other than family income.

(C)(1) The state board of education shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established

under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding the enrollment of students certified pursuant to division (B)(3)(d), (e), (j), or (k) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B)(1) to (22), or division (D) of this section, except as follows:

(a) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (H) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula

ADM. 6951

(b) A child enrolled in career-technical education programs 6952
or classes described in section 3317.014 of the Revised Code may 6953
be counted both in formula ADM and category one, two, three, four, 6954
or five career-technical education ADM and, if applicable, in 6955
category one, two, three, four, five, or six special education 6956
ADM. Such a child shall be counted in category one, two, three, 6957
four, or five career-technical education ADM in the same 6958
proportion as the percentage of time that the child spends in the 6959
career-technical education programs or classes. 6960

(4) Based on the information reported under this section, the 6961
department of education shall determine the total student count, 6962
as defined in section 3301.011 of the Revised Code, for each 6963
school district. 6964

(D)(1) The superintendent of each joint vocational school 6965
district shall report and certify to the superintendent of public 6966
instruction as of the last day of October, March, and June of each 6967
year the enrollment of students receiving services from schools 6968
under the superintendent's supervision so that the department can 6969
calculate the district's formula ADM, total ADM, category one 6970
through five career-technical education ADM, category one through 6971
three limited English proficient ADM, category one through six 6972
special education ADM, and for purposes of provisions of law 6973
outside of Chapter 3317. of the Revised Code, average daily 6974
membership. 6975

The enrollment reported and certified by the superintendent, 6976
except as otherwise provided in this division, shall consist of 6977
the the number of students in grades six through twelve receiving 6978
any educational services from the district, except that the 6979
following categories of students shall not be included in the 6980
determination: 6981

(a) Students enrolled in adult education classes;	6982
(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	6983 6984 6985
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;	6986 6987 6988 6989 6990
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	6991 6992
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:	6993 6994 6995 6996 6997
(a) Students enrolled in each individual grade included in the joint vocational district schools;	6998 6999
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	7000 7001 7002
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	7003 7004 7005
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	7006 7007 7008
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	7009 7010 7011

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	7012 7013 7014
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	7015 7016 7017
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	7018 7019 7020
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	7021 7022 7023
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	7024 7025 7026
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	7027 7028 7029
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	7030 7031 7032
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	7033 7034
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	7035 7036
(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;	7037 7038
(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section	7039 7040 7041

based on anything other than family income. 7042

The superintendent of each joint vocational school district 7043
shall also indicate the city, local, or exempted village school 7044
district in which each joint vocational district pupil is entitled 7045
to attend school pursuant to section 3313.64 or 3313.65 of the 7046
Revised Code. 7047

(E) In each school of each city, local, exempted village, 7048
joint vocational, and cooperative education school district there 7049
shall be maintained a record of school enrollment, which record 7050
shall accurately show, for each day the school is in session, the 7051
actual enrollment in regular day classes. For the purpose of 7052
determining the enrollment of students, the enrollment figure of 7053
any school shall not include any pupils except those pupils 7054
described by division (A) of this section. The record of 7055
enrollment for each school shall be maintained in such manner that 7056
no pupil shall be counted as enrolled prior to the actual date of 7057
entry in the school and also in such manner that where for any 7058
cause a pupil permanently withdraws from the school that pupil 7059
shall not be counted as enrolled from and after the date of such 7060
withdrawal. There shall not be included in the enrollment of any 7061
school any of the following: 7062

(1) Any pupil who has graduated from the twelfth grade of a 7063
public or nonpublic high school; 7064

(2) Any pupil who is not a resident of the state; 7065

(3) Any pupil who was enrolled in the schools of the district 7066
during the previous school year when assessments were administered 7067
under section 3301.0711 of the Revised Code but did not take one 7068
or more of the assessments required by that section and was not 7069
excused pursuant to division (C)(1) or (3) of that section; 7070

(4) Any pupil who has attained the age of twenty-two years, 7071
except for veterans of the armed services whose attendance was 7072

interrupted before completing the recognized twelve-year course of 7073
the public schools by reason of induction or enlistment in the 7074
armed forces and who apply for reenrollment in the public school 7075
system of their residence not later than four years after 7076
termination of war or their honorable discharge; 7077

(5) Any pupil who has a high school equivalence diploma as 7078
defined in section 5107.40 of the Revised Code. 7079

If, however, any veteran described by division (E)(4) of this 7080
section elects to enroll in special courses organized for veterans 7081
for whom tuition is paid under the provisions of federal laws, or 7082
otherwise, that veteran shall not be included in the enrollment of 7083
students determined under this section. 7084

Notwithstanding division (E)(3) of this section, the 7085
enrollment of any school may include a pupil who did not take an 7086
assessment required by section 3301.0711 of the Revised Code if 7087
the superintendent of public instruction grants a waiver from the 7088
requirement to take the assessment to the specific pupil and a 7089
parent is not paying tuition for the pupil pursuant to section 7090
3313.6410 of the Revised Code. The superintendent may grant such a 7091
waiver only for good cause in accordance with rules adopted by the 7092
state board of education. 7093

The formula ADM, total ADM, category one through five 7094
career-technical education ADM, category one through three limited 7095
English proficient ADM, category one through six special education 7096
ADM, preschool scholarship ADM, transportation ADM, and, for 7097
purposes of provisions of law outside of Chapter 3317. of the 7098
Revised Code, average daily membership of any school district 7099
shall be determined in accordance with rules adopted by the state 7100
board of education. 7101

(F)(1) If a student attending a community school under 7102
Chapter 3314., a science, technology, engineering, and mathematics 7103

school established under Chapter 3326., or a college-preparatory 7104
boarding school established under Chapter 3328. of the Revised 7105
Code is not included in the formula ADM calculated for the school 7106
district in which the student is entitled to attend school under 7107
section 3313.64 or 3313.65 of the Revised Code, the department of 7108
education shall adjust the formula ADM of that school district to 7109
include the student in accordance with division (C)(2) of this 7110
section, and shall recalculate the school district's payments 7111
under this chapter for the entire fiscal year on the basis of that 7112
adjusted formula ADM. 7113

(2) If a student awarded an educational choice scholarship is 7114
not included in the formula ADM of the school district from which 7115
the department deducts funds for the scholarship under section 7116
3310.08 of the Revised Code, the department shall adjust the 7117
formula ADM of that school district to include the student to the 7118
extent necessary to account for the deduction, and shall 7119
recalculate the school district's payments under this chapter for 7120
the entire fiscal year on the basis of that adjusted formula ADM. 7121

(3) If a student awarded a scholarship under the Jon Peterson 7122
special needs scholarship program is not included in the formula 7123
ADM of the school district from which the department deducts funds 7124
for the scholarship under section 3310.55 of the Revised Code, the 7125
department shall adjust the formula ADM of that school district to 7126
include the student to the extent necessary to account for the 7127
deduction, and shall recalculate the school district's payments 7128
under this chapter for the entire fiscal year on the basis of that 7129
adjusted formula ADM. 7130

(G)(1)(a) The superintendent of an institution operating a 7131
special education program pursuant to section 3323.091 of the 7132
Revised Code shall, for the programs under such superintendent's 7133
supervision, certify to the state board of education, in the 7134
manner prescribed by the superintendent of public instruction, 7135

both of the following: 7136

(i) The unduplicated count of the number of all children with 7137
disabilities other than preschool children with disabilities 7138
receiving services at the institution for each category of 7139
disability described in divisions (A) to (F) of section 3317.013 7140
of the Revised Code adjusted for the portion of the year each 7141
child is so enrolled; 7142

(ii) The unduplicated count of the number of all preschool 7143
children with disabilities in classes or programs for whom the 7144
district is eligible to receive funding under section 3317.0213 of 7145
the Revised Code adjusted for the portion of the year each child 7146
is so enrolled, reported according to the categories prescribed in 7147
section 3317.013 of the Revised Code. 7148

(b) The superintendent of an institution with 7149
career-technical education units approved under section 3317.05 of 7150
the Revised Code shall, for the units under the superintendent's 7151
supervision, certify to the state board of education the 7152
enrollment in those units, in the manner prescribed by the 7153
superintendent of public instruction. 7154

(2) The superintendent of each county DD board that maintains 7155
special education classes under section 3317.20 of the Revised 7156
Code or provides services to preschool children with disabilities 7157
pursuant to an agreement between the DD board and the appropriate 7158
school district shall do both of the following: 7159

(a) Certify to the state board, in the manner prescribed by 7160
the board, the enrollment in classes under section 3317.20 of the 7161
Revised Code for each school district that has placed children in 7162
the classes; 7163

(b) Certify to the state board, in the manner prescribed by 7164
the board, the unduplicated count of the number of all preschool 7165
children with disabilities enrolled in classes for which the DD 7166

board is eligible to receive funding under section 3317.0213 of 7167
the Revised Code adjusted for the portion of the year each child 7168
is so enrolled, reported according to the categories prescribed in 7169
section 3317.013 of the Revised Code, and the number of those 7170
classes. 7171

(H) Except as provided in division (I) of this section, when 7172
any city, local, or exempted village school district provides 7173
instruction for a nonresident pupil whose attendance is 7174
unauthorized attendance as defined in section 3327.06 of the 7175
Revised Code, that pupil's enrollment shall not be included in 7176
that district's enrollment figure used in calculating the 7177
district's payments under this chapter. The reporting official 7178
shall report separately the enrollment of all pupils whose 7179
attendance in the district is unauthorized attendance, and the 7180
enrollment of each such pupil shall be credited to the school 7181
district in which the pupil is entitled to attend school under 7182
division (B) of section 3313.64 or section 3313.65 of the Revised 7183
Code as determined by the department of education. 7184

(I)(1) A city, local, exempted village, or joint vocational 7185
school district admitting a scholarship student of a pilot project 7186
district pursuant to division (C) of section 3313.976 of the 7187
Revised Code may count such student in its enrollment. 7188

(2) In any year for which funds are appropriated for pilot 7189
project scholarship programs, a school district implementing a 7190
state-sponsored pilot project scholarship program that year 7191
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 7192
count in its enrollment: 7193

(a) All children residing in the district and utilizing a 7194
scholarship to attend kindergarten in any alternative school, as 7195
defined in section 3313.974 of the Revised Code; 7196

(b) All children who were enrolled in the district in the 7197

preceding year who are utilizing a scholarship to attend an 7198
alternative school. 7199

(J) The superintendent of each cooperative education school 7200
district shall certify to the superintendent of public 7201
instruction, in a manner prescribed by the state board of 7202
education, the applicable enrollments for all students in the 7203
cooperative education district, also indicating the city, local, 7204
or exempted village district where each pupil is entitled to 7205
attend school under section 3313.64 or 3313.65 of the Revised 7206
Code. 7207

(K) If the superintendent of public instruction determines 7208
that a component of the enrollment certified or reported by a 7209
district superintendent, or other reporting entity, is not 7210
correct, the superintendent of public instruction may order that 7211
the formula ADM used for the purposes of payments under any 7212
section of Title XXXVIII of the Revised Code be adjusted in the 7213
amount of the error. 7214

Sec. 3318.70. (A) As used in this section: 7215

(1) "Acquisition of classroom facilities" has the same 7216
meaning as in section 3318.40 of the Revised Code. 7217

(2) "Classroom facilities" has the same meaning as in section 7218
3318.01 of the Revised Code. 7219

(3) "STEM school" means a science, technology, engineering, 7220
and mathematics school established under Chapter 3326. of the 7221
Revised Code that is not governed by a single school district 7222
board of education, as prescribed by section 3326.51 of the 7223
Revised Code. 7224

(B) The Ohio school facilities commission shall establish 7225
guidelines for assisting STEM schools in the acquisition of 7226
classroom facilities. 7227

(C) Upon receipt of a written proposal by the governing body 7228
of a STEM school, the ~~Ohio school facilities~~ commission, subject 7229
to approval of the controlling board, ~~may~~ shall provide funding to 7230
assist that STEM school in the acquisition of classroom 7231
facilities. The proposal of the governing body shall be submitted 7232
in a form and in the manner prescribed by the commission. The 7233
proposal shall indicate both the total amount of funding requested 7234
from the commission and the amount of other funding pledged for 7235
the acquisition of the classroom facilities, the latter of which 7236
shall not be less than the total amount of funding requested from 7237
the commission. ~~If the commission decides in favor of providing~~ 7238
~~funding for the classroom facilities~~ Once the commission 7239
determines a proposal meets its established guidelines and if the 7240
controlling board approves that funding, the commission shall 7241
enter into an agreement with the governing body for the 7242
acquisition of the classroom facilities and shall encumber, in 7243
accordance with section 3318.11 of the Revised Code, the approved 7244
funding from the amounts appropriated to the commission for 7245
classroom facilities assistance projects. The agreement shall 7246
include a stipulation of the ownership of the classroom facilities 7247
in the event the STEM school permanently closes at any time. 7248

~~(C)~~(D) In the case of the governing body of a group of STEM 7249
schools, as prescribed by section 3326.031 of the Revised Code, 7250
the governing body shall submit a proposal for each school under 7251
its direction separately, and the commission shall consider each 7252
proposal separately. 7253

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 7254
Code, this section applies to any person who is employed under a 7255
teacher license issued under this chapter, or under a professional 7256
or permanent teacher's certificate issued under former section 7257
3319.222 of the Revised Code, and who spends at least fifty per 7258
cent of the time employed providing student instruction. However, 7259

this section does not apply to any person who is employed as a 7260
substitute teacher or as an instructor of adult education. 7261

(A) Not later than July 1, 2013, the board of education of 7262
each school district, in consultation with teachers employed by 7263
the board, shall adopt a standards-based teacher evaluation policy 7264
that conforms with the framework for evaluation of teachers 7265
developed under section 3319.112 of the Revised Code. The policy 7266
shall become operative at the expiration of any collective 7267
bargaining agreement covering teachers employed by the board that 7268
is in effect on September 29, 2011, and shall be included in any 7269
renewal or extension of such an agreement. 7270

(B) When using measures of student academic growth as a 7271
component of a teacher's evaluation, those measures shall include 7272
the value-added progress dimension prescribed by section 3302.021 7273
of the Revised Code or an alternative student academic progress 7274
measure if adopted under division (C)(1)(e) of section 3302.03 of 7275
the Revised Code. For teachers of grade levels and subjects for 7276
which the value-added progress dimension or alternative student 7277
academic progress measure is not applicable, the board shall 7278
administer assessments on the list developed under division (B)(2) 7279
of section 3319.112 of the Revised Code. 7280

(C)(1) The board shall conduct an evaluation of each teacher 7281
employed by the board at least once each school year, except as 7282
provided in division (C)(2) of this section. The evaluation shall 7283
be completed by the first day of May and the teacher shall receive 7284
a written report of the results of the evaluation by the tenth day 7285
of May. 7286

(2)(a) ~~The board may elect, by adoption of a resolution, to~~ 7287
evaluate each teacher who received a rating of accomplished on the 7288
teacher's most recent evaluation conducted under this section once 7289
every ~~two~~ three school years. ~~In that case, the biennial~~ 7290
~~evaluation~~ 7291

(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years. 7292
7293
7294

(c) For each teacher who is evaluated pursuant to division (C)(2) of this section, the evaluation shall be completed by the first day of May of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of May of that school year. 7295
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(d) Beginning July 1, 2014, the board may elect not to conduct an evaluation of a teacher who meets one of the following requirements: 7300
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(i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the board. 7303
7304
7305

(ii) The teacher has submitted notice of retirement and that notice has been accepted by the board not later than the first day of December of the school year in which the evaluation is otherwise scheduled to be conducted. 7306
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(3) In any year that a teacher is not formally evaluated pursuant to division (C) of this section as a result of receiving a rating of accomplished or skilled on the teacher's most recent evaluation, an individual qualified to evaluate a teacher under division (D) of this section shall conduct at least one observation of the teacher and hold at least one conference with the teacher. The board also may require student surveys, teacher self-evaluations, or any other method of review it determines necessary to ensure the continued success of an accomplished or skilled teacher. 7310
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(4) The board may require a teacher who received a rating of ineffective on the teacher's most recent evaluation to prepare and implement an improvement plan for use during the next school year. 7320
7321
7322

(5) The board may elect, by adoption of a resolution, to 7323
evaluate its teachers on a more frequent basis than as required by 7324
division (C) of this section. 7325

(D) Each evaluation conducted pursuant to this section shall 7326
be conducted by one or more of the following persons who hold a 7327
credential established by the department of education for being an 7328
evaluator: 7329

(1) A person who is under contract with the board pursuant to 7330
section 3319.01 or 3319.02 of the Revised Code and holds a license 7331
designated for being a superintendent, assistant superintendent, 7332
or principal issued under section 3319.22 of the Revised Code; 7333

(2) A person who is under contract with the board pursuant to 7334
section 3319.02 of the Revised Code and holds a license designated 7335
for being a vocational director, administrative specialist, or 7336
supervisor in any educational area issued under section 3319.22 of 7337
the Revised Code; 7338

(3) A person designated to conduct evaluations under an 7339
agreement entered into by the board, including an agreement 7340
providing for peer review entered into by the board and 7341
representatives of teachers employed by the board; 7342

(4) A person who is employed by an entity contracted by the 7343
board to conduct evaluations and who holds a license designated 7344
for being a superintendent, assistant superintendent, principal, 7345
vocational director, administrative specialist, or supervisor in 7346
any educational area issued under section 3319.22 of the Revised 7347
Code or is qualified to conduct evaluations. 7348

(E) Notwithstanding division (A)(3) of section 3319.112 of 7349
the Revised Code: 7350

(1) The board shall require at least three formal 7351
observations of each teacher who is under consideration for 7352
nonrenewal and with whom the board has entered into a limited 7353

contract or an extended limited contract under section 3319.11 of 7354
the Revised Code. 7355

(2) The board may elect, by adoption of a resolution, to 7356
require only one formal observation of a teacher who received a 7357
rating of accomplished on the teacher's most recent evaluation 7358
conducted under this section, provided the teacher completes a 7359
project that has been approved by the board to demonstrate the 7360
teacher's continued growth and practice at the accomplished level. 7361

(F) The board shall include in its evaluation policy 7362
procedures for using the evaluation results for retention and 7363
promotion decisions and for removal of poorly performing teachers. 7364
Seniority shall not be the basis for a decision to retain a 7365
teacher, except when making a decision between teachers who have 7366
comparable evaluations. 7367

(G) For purposes of section 3333.0411 of the Revised Code, 7368
the board annually shall report to the department of education the 7369
number of teachers for whom an evaluation was conducted under this 7370
section and the number of teachers assigned each rating prescribed 7371
under division (B)(1) of section 3319.112 of the Revised Code, 7372
aggregated by the teacher preparation programs from which and the 7373
years in which the teachers graduated. The department shall 7374
establish guidelines for reporting the information required by 7375
this division. The guidelines shall not permit or require that the 7376
name of, or any other personally identifiable information about, 7377
any teacher be reported under this division. 7378

(H) Notwithstanding any provision to the contrary in Chapter 7379
4117. of the Revised Code, the requirements of this section 7380
prevail over any conflicting provisions of a collective bargaining 7381
agreement entered into on or after September 24, 2012. 7382

Sec. 3319.112. (A) Not later than December 31, 2011, the 7383
state board of education shall develop a standards-based state 7384

framework for the evaluation of teachers. The state board may 7385
update the framework periodically by adoption of a resolution. The 7386
framework shall establish an evaluation system that does the 7387
following: 7388

(1) Provides for multiple evaluation factors. ~~One~~ 7389

(a) One factor shall be student academic growth which shall 7390
account for ~~fifty~~ thirty-five per cent of each evaluation. A 7391
school district may attribute an additional percentage to the 7392
academic growth factor, not to exceed fifteen per cent of each 7393
evaluation. However, a school district may instead attribute that 7394
additional percentage to any of the factors set forth in division 7395
(A)(1)(b) of this section. When applicable to the grade level or 7396
subject area taught by a teacher, the value-added progress 7397
dimension established under section 3302.021 of the Revised Code 7398
or an alternative student academic progress measure if adopted 7399
under division (C)(1)(e) of section 3302.03 of the Revised Code 7400
shall be used in the student academic growth portion of an 7401
evaluation in proportion to the part of a teacher's schedule of 7402
courses or subjects for which the value-added progress dimension 7403
is applicable. 7404

If a teacher's schedule is comprised only of courses or 7405
subjects for which the value-added progress dimension is 7406
applicable, one of the following applies: 7407

~~(a)~~(i) Beginning with March 22, 2013, until June 30, 2014, 7408
the majority of the student academic growth factor of the 7409
evaluation shall be based on the value-added progress dimension. 7410

~~(b)~~(ii) On or after July 1, 2014, the entire student academic 7411
growth factor of the evaluation shall be based on the value-added 7412
progress dimension. In calculating student academic growth for an 7413
evaluation, a student shall not be included if the student has 7414
forty-five or more excused or unexcused absences during the full 7415

academic year.	7416
<u>(b) The fifteen per cent of each evaluation that a school district may attribute according to division (A)(1)(a) of this section may include a combination of the following factors:</u>	7417
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	7419
<u>(i) Formal observations and reviews as required by division (A)(3) of this section;</u>	7420
	7421
<u>(ii) Student surveys;</u>	7422
<u>(iii) Peer review evaluations;</u>	7423
<u>(iv) Any other factors the board determines necessary and appropriate.</u>	7424
	7425
(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;	7426
	7427
(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs;	7428
	7429
	7430
(4) Assigns a rating on each evaluation in accordance with division (B) of this section;	7431
	7432
(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;	7433
	7434
(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code does not apply;	7435
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	7440
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code;	7441
	7442
	7443
	7444
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(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;

(9) Provides for the allocation of financial resources to support professional development.

(B) For purposes of the framework developed under this section, the state board also shall do the following:

(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:

(a) Accomplished;

(b) Skilled;

(c) Developing;

(d) Ineffective.

(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code, or alternative student academic progress measure, do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.

(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.

(D) To assist school districts in developing evaluation

policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of 7476
the Revised Code, the department shall do both of the following: 7477

(1) Serve as a clearinghouse of promising evaluation 7478
procedures and evaluation models that districts may use; 7479

(2) Provide technical assistance to districts in creating 7480
evaluation policies. 7481

(E) Not later than June 30, 2013, the state board, in 7482
consultation with state agencies that employ teachers, shall 7483
develop a standards-based framework for the evaluation of teachers 7484
employed by those agencies. Each state agency that employs 7485
teachers shall adopt a standards-based teacher evaluation policy 7486
that conforms with the framework developed under this division. 7487
The policy shall become operative at the expiration of any 7488
collective bargaining agreement covering teachers employed by the 7489
agency that is in effect on September 24, 2012, and shall be 7490
included in any renewal or extension of such an agreement. 7491
However, this division does not apply to any person who is 7492
employed as a substitute teacher or as an instructor of adult 7493
education. 7494

Sec. 3319.22. (A)(1) The state board of education shall issue 7495
the following educator licenses: 7496

(a) A resident educator license, which shall be valid for 7497
four years, ~~except that the~~ and shall be renewable for reasons 7498
specified by rules adopted by the state board pursuant to division 7499
(A)(3) of this section. The state board, on a case-by-case basis, 7500
may extend the license's duration as necessary to enable the 7501
license holder to complete the Ohio teacher residency program 7502
established under section 3319.223 of the Revised Code; 7503

(b) A professional educator license, which shall be valid for 7504
five years and shall be renewable; 7505

(c) A senior professional educator license, which shall be 7506
valid for five years and shall be renewable; 7507

(d) A lead professional educator license, which shall be 7508
valid for five years and shall be renewable. 7509

(2) The state board may issue any additional educator 7510
licenses of categories, types, and levels the board elects to 7511
provide. 7512

(3) The state board shall adopt rules establishing the 7513
standards and requirements for obtaining each educator license 7514
issued under this section. The rules shall also include the 7515
reasons for which a resident educator license may be renewed under 7516
division (A)(1)(a) of this section. 7517

(B) The rules adopted under this section shall require at 7518
least the following standards and qualifications for the educator 7519
licenses described in division (A)(1) of this section: 7520

(1) An applicant for a resident educator license shall hold 7521
at least a bachelor's degree from an accredited teacher 7522
preparation program or be a participant in the teach for America 7523
program and meet the qualifications required under section 7524
3319.227 of the Revised Code. 7525

(2) An applicant for a professional educator license shall: 7526

(a) Hold at least a bachelor's degree from an institution of 7527
higher education accredited by a regional accrediting 7528
organization; 7529

(b) Have successfully completed the Ohio teacher residency 7530
program established under section 3319.223 of the Revised Code, if 7531
the applicant's current or most recently issued license is a 7532
resident educator license issued under this section or an 7533
alternative resident educator license issued under section 3319.26 7534
of the Revised Code. 7535

(3) An applicant for a senior professional educator license shall:	7536
	7537
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	7538
	7539
	7540
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	7541
	7542
	7543
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	7544
	7545
	7546
	7547
(4) An applicant for a lead professional educator license shall:	7548
	7549
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	7550
	7551
	7552
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	7553
	7554
	7555
	7556
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	7557
	7558
	7559
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	7560
	7561
	7562
	7563
	7564
(C) The state board shall align the standards and	7565

qualifications for obtaining a principal license with the 7566
standards for principals adopted by the state board under section 7567
3319.61 of the Revised Code. 7568

(D) If the state board requires any examinations for educator 7569
licensure, the department of education shall provide the results 7570
of such examinations received by the department to the chancellor 7571
of the Ohio board of regents, in the manner and to the extent 7572
permitted by state and federal law. 7573

(E) Any rules the state board of education adopts, amends, or 7574
rescinds for educator licenses under this section, division (D) of 7575
section 3301.07 of the Revised Code, or any other law shall be 7576
adopted, amended, or rescinded under Chapter 119. of the Revised 7577
Code except as follows: 7578

(1) Notwithstanding division (D) of section 119.03 and 7579
division (A)(1) of section 119.04 of the Revised Code, in the case 7580
of the adoption of any rule or the amendment or rescission of any 7581
rule that necessitates institutions' offering preparation programs 7582
for educators and other school personnel that are approved by the 7583
chancellor of the Ohio board of regents under section 3333.048 of 7584
the Revised Code to revise the curriculum of those programs, the 7585
effective date shall not be as prescribed in division (D) of 7586
section 119.03 and division (A)(1) of section 119.04 of the 7587
Revised Code. Instead, the effective date of such rules, or the 7588
amendment or rescission of such rules, shall be the date 7589
prescribed by section 3333.048 of the Revised Code. 7590

(2) Notwithstanding the authority to adopt, amend, or rescind 7591
emergency rules in division (F) of section 119.03 of the Revised 7592
Code, this authority shall not apply to the state board of 7593
education with regard to rules for educator licenses. 7594

(F)(1) The rules adopted under this section establishing 7595
standards requiring additional coursework for the renewal of any 7596

educator license shall require a school district and a chartered 7597
nonpublic school to establish local professional development 7598
committees. In a nonpublic school, the chief administrative 7599
officer shall establish the committees in any manner acceptable to 7600
such officer. The committees established under this division shall 7601
determine whether coursework that a district or chartered 7602
nonpublic school teacher proposes to complete meets the 7603
requirement of the rules. The department of education shall 7604
provide technical assistance and support to committees as the 7605
committees incorporate the professional development standards 7606
adopted by the state board of education pursuant to section 7607
3319.61 of the Revised Code into their review of coursework that 7608
is appropriate for license renewal. The rules shall establish a 7609
procedure by which a teacher may appeal the decision of a local 7610
professional development committee. 7611

(2) In any school district in which there is no exclusive 7612
representative established under Chapter 4117. of the Revised 7613
Code, the professional development committees shall be established 7614
as described in division (F)(2) of this section. 7615

Not later than the effective date of the rules adopted under 7616
this section, the board of education of each school district shall 7617
establish the structure for one or more local professional 7618
development committees to be operated by such school district. The 7619
committee structure so established by a district board shall 7620
remain in effect unless within thirty days prior to an anniversary 7621
of the date upon which the current committee structure was 7622
established, the board provides notice to all affected district 7623
employees that the committee structure is to be modified. 7624
Professional development committees may have a district-level or 7625
building-level scope of operations, and may be established with 7626
regard to particular grade or age levels for which an educator 7627
license is designated. 7628

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

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

term. 7662

The initial meeting of any professional development 7663
committee, upon election and appointment of all committee members, 7664
shall be called by a member designated by the district 7665
superintendent. At this initial meeting, the committee shall 7666
select a chairperson and such other officers the committee deems 7667
necessary, and shall adopt rules for the conduct of its meetings. 7668
Thereafter, the committee shall meet at the call of the 7669
chairperson or upon the filing of a petition with the district 7670
superintendent signed by a majority of the committee members 7671
calling for the committee to meet. 7672

(3) In the case of a school district in which an exclusive 7673
representative has been established pursuant to Chapter 4117. of 7674
the Revised Code, professional development committees shall be 7675
established in accordance with any collective bargaining agreement 7676
in effect in the district that includes provisions for such 7677
committees. 7678

If the collective bargaining agreement does not specify a 7679
different method for the selection of teacher members of the 7680
committees, the exclusive representative of the district's 7681
teachers shall select the teacher members. 7682

If the collective bargaining agreement does not specify a 7683
different structure for the committees, the board of education of 7684
the school district shall establish the structure, including the 7685
number of committees and the number of teacher and administrative 7686
members on each committee; the specific administrative members to 7687
be part of each committee; whether the scope of the committees 7688
will be district levels, building levels, or by type of grade or 7689
age levels for which educator licenses are designated; the lengths 7690
of terms for members; the manner of filling vacancies on the 7691
committees; and the frequency and time and place of meetings. 7692
However, in all cases, except as provided in division (F)(4) of 7693

this section, there shall be a majority of teacher members of any professional development committee, there shall be at least five total members of any professional development committee, and the exclusive representative shall designate replacement members in the case of vacancies among teacher members, unless the collective bargaining agreement specifies a different method of selecting such replacements.

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

(G)(1) The department of education, educational service centers, county boards of developmental disabilities, regional professional development centers, special education regional resource centers, college and university departments of education, head start programs, and the Ohio education computer network may establish local professional development committees to determine whether the coursework proposed by their employees who are licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

Local professional development committees established by county boards of developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section, as shall the committees established by any other entity specified in

division (G)(1) of this section that provides educational services 7726
by employing or contracting for services of classroom teachers 7727
licensed or certificated under this section or section 3319.222 of 7728
the Revised Code, or under the former version of either section as 7729
it existed prior to October 16, 2009. All other entities specified 7730
in division (G)(1) of this section shall structure their 7731
committees in accordance with guidelines which shall be issued by 7732
the state board. 7733

(2) Any public agency that is not specified in division 7734
(G)(1) of this section but provides educational services and 7735
employs or contracts for services of classroom teachers licensed 7736
or certificated under this section or section 3319.222 of the 7737
Revised Code, or under the former version of either section as it 7738
existed prior to October 16, 2009, may establish a local 7739
professional development committee, subject to the approval of the 7740
department of education. The committee shall be structured in 7741
accordance with guidelines issued by the state board. 7742

Sec. 3319.26. (A) The state board of education shall adopt 7743
rules establishing the standards and requirements for obtaining an 7744
alternative resident educator license for teaching in grades 7745
kindergarten to twelve, or the equivalent, in a designated subject 7746
area or in the area of intervention specialist, as defined by rule 7747
of the state board. The rules shall also include the reasons for 7748
which an alternative resident educator license may be renewed 7749
under division (D) of this section. 7750

(B) The superintendent of public instruction and the 7751
chancellor of the Ohio board of regents jointly shall develop an 7752
intensive pedagogical training institute to provide instruction in 7753
the principles and practices of teaching for individuals seeking 7754
an alternative resident educator license. The instruction shall 7755
cover such topics as student development and learning, pupil 7756

assessment procedures, curriculum development, classroom 7757
management, and teaching methodology. 7758

(C) The rules adopted under this section shall require 7759
applicants for the alternative resident educator license to 7760
satisfy the following conditions prior to issuance of the license, 7761
but they shall not require applicants to have completed a major in 7762
the subject area for which application is being made: 7763

(1) Hold a minimum of a baccalaureate degree; 7764

(2) Successfully complete the pedagogical training institute 7765
described in division (B) of this section or a summer training 7766
institute provided to participants of a teacher preparation 7767
program that is operated by a nonprofit organization and has been 7768
approved by the chancellor. The chancellor shall approve any such 7769
program that requires participants to hold a bachelor's degree; 7770
have a cumulative undergraduate grade point average of at least 7771
2.5 out of 4.0, or its equivalent; and successfully complete the 7772
program's summer training institute. 7773

(3) Pass an examination in the subject area for which 7774
application is being made. 7775

(D) An alternative resident educator license shall be valid 7776
for four years, ~~except that the~~ and shall be renewable for reasons 7777
specified by rules adopted by the state board pursuant to division 7778
(A) of this section. The state board, on a case-by-case basis, may 7779
extend the license's duration as necessary to enable the license 7780
holder to complete the Ohio teacher residency program established 7781
under section 3319.223 of the Revised Code. 7782

(E) The rules shall require the holder of an alternative 7783
resident educator license, as a condition of continuing to hold 7784
the license, to do all of the following: 7785

(1) Participate in the Ohio teacher residency program; 7786

(2) Show satisfactory progress in taking and successfully completing one of the following:	7787 7788
(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;	7789 7790 7791 7792 7793
(b) Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.	7794 7795 7796
(3) Take an assessment of professional knowledge in the second year of teaching under the license.	7797 7798
(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:	7799 7800 7801 7802
(1) Four years of teaching under the alternative license;	7803
(2) The additional college coursework or professional development described in division (E)(2) of this section;	7804 7805
(3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.	7806 7807 7808 7809 7810 7811
(4) The Ohio teacher residency program;	7812
(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	7813 7814 7815
(G) A person who is assigned to teach in this state as a	7816

participant in the teach for America program or who has completed 7817
two years of teaching in another state as a participant in that 7818
program shall be eligible for a license only under section 7819
3319.227 of the Revised Code and shall not be eligible for a 7820
license under this section. 7821

Sec. 3319.31. (A) As used in this section and sections 7822
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 7823
means a certificate, license, or permit described in this chapter 7824
or in division (B) of section 3301.071 or in section 3301.074 of 7825
the Revised Code. 7826

(B) For any of the following reasons, the state board of 7827
education, in accordance with Chapter 119. and section 3319.311 of 7828
the Revised Code, may refuse to issue a license to an applicant; 7829
may limit a license it issues to an applicant; may suspend, 7830
revoke, or limit a license that has been issued to any person; or 7831
may revoke a license that has been issued to any person and has 7832
expired: 7833

(1) Engaging in an immoral act, incompetence, negligence, or 7834
conduct that is unbecoming to the applicant's or person's 7835
position; 7836

(2) A plea of guilty to, a finding of guilt by a jury or 7837
court of, or a conviction of any of the following: 7838

(a) A felony other than a felony listed in division (C) of 7839
this section; 7840

(b) An offense of violence other than an offense of violence 7841
listed in division (C) of this section; 7842

(c) A theft offense, as defined in section 2913.01 of the 7843
Revised Code, other than a theft offense listed in division (C) of 7844
this section; 7845

(d) A drug abuse offense, as defined in section 2925.01 of 7846

the Revised Code, that is not a minor misdemeanor, other than a 7847
drug abuse offense listed in division (C) of this section; 7848

(e) A violation of an ordinance of a municipal corporation 7849
that is substantively comparable to an offense listed in divisions 7850
(B)(2)(a) to (d) of this section. 7851

(3) A judicial finding of eligibility for intervention in 7852
lieu of conviction under section 2951.041 of the Revised Code, or 7853
agreeing to participate in a pre-trial diversion program under 7854
section 2935.36 of the Revised Code, or a similar diversion 7855
program under rules of a court, for any offense listed in division 7856
(B)(2) or (C) of this section; 7857

(4) Failure to comply with section 3313.536, 3314.40, 7858
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 7859

(C) Upon learning of a plea of guilty to, a finding of guilt 7860
by a jury or court of, or a conviction of any of the offenses 7861
listed in this division by a person who holds a current or expired 7862
license or is an applicant for a license or renewal of a license, 7863
the state board or the superintendent of public instruction, if 7864
the state board has delegated the duty pursuant to division (D) of 7865
this section, shall by a written order revoke the person's license 7866
or deny issuance or renewal of the license to the person. The 7867
state board or the superintendent shall revoke a license that has 7868
been issued to a person to whom this division applies and has 7869
expired in the same manner as a license that has not expired. 7870

Revocation of a license or denial of issuance or renewal of a 7871
license under this division is effective immediately at the time 7872
and date that the board or superintendent issues the written order 7873
and is not subject to appeal in accordance with Chapter 119. of 7874
the Revised Code. Revocation of a license or denial of issuance or 7875
renewal of license under this division remains in force during the 7876
pendency of an appeal by the person of the plea of guilty, finding 7877

of guilt, or conviction that is the basis of the action taken 7878
under this division. 7879

The state board or superintendent shall take the action 7880
required by this division for a violation of division (B)(1), (2), 7881
(3), or (4) of section 2919.22 of the Revised Code; a violation of 7882
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 7883
2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2907.02, 7884
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 7885
2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 7886
2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 7887
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 7888
2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 7889
2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 7890
2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 7891
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 7892
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 7893
of the Revised Code; a violation of section 2905.04 of the Revised 7894
Code as it existed prior to July 1, 1996; a violation of section 7895
2919.23 of the Revised Code that would have been a violation of 7896
section 2905.04 of the Revised Code as it existed prior to July 1, 7897
1996, had the violation been committed prior to that date; 7898
felonious sexual penetration in violation of former section 7899
2907.12 of the Revised Code; or a violation of an ordinance of a 7900
municipal corporation that is substantively comparable to an 7901
offense listed in this paragraph. 7902

(D) The state board may delegate to the superintendent of 7903
public instruction the authority to revoke a person's license or 7904
to deny issuance or renewal of a license to a person under 7905
division (C) or (F) of this section. 7906

(E)(1) If the plea of guilty, finding of guilt, or conviction 7907
that is the basis of the action taken under division (B)(2) or (C) 7908
of this section, or under the version of division (F) of section 7909

3319.311 of the Revised Code in effect prior to September 12, 7910
2008, is overturned on appeal, upon exhaustion of the criminal 7911
appeal, the clerk of the court that overturned the plea, finding, 7912
or conviction or, if applicable, the clerk of the court that 7913
accepted an appeal from the court that overturned the plea, 7914
finding, or conviction, shall notify the state board that the 7915
plea, finding, or conviction has been overturned. Within thirty 7916
days after receiving the notification, the state board shall 7917
initiate proceedings to reconsider the revocation or denial of the 7918
person's license in accordance with division (E)(2) of this 7919
section. In addition, the person whose license was revoked or 7920
denied may file with the state board a petition for 7921
reconsideration of the revocation or denial along with appropriate 7922
court documents. 7923

(2) Upon receipt of a court notification or a petition and 7924
supporting court documents under division (E)(1) of this section, 7925
the state board, after offering the person an opportunity for an 7926
adjudication hearing under Chapter 119. of the Revised Code, shall 7927
determine whether the person committed the act in question in the 7928
prior criminal action against the person that is the basis of the 7929
revocation or denial and may continue the revocation or denial, 7930
may reinstate the person's license, with or without limits, or may 7931
grant the person a new license, with or without limits. The 7932
decision of the board shall be based on grounds for revoking, 7933
denying, suspending, or limiting a license adopted by rule under 7934
division (G) of this section and in accordance with the 7935
evidentiary standards the board employs for all other licensure 7936
hearings. The decision of the board under this division is subject 7937
to appeal under Chapter 119. of the Revised Code. 7938

(3) A person whose license is revoked or denied under 7939
division (C) of this section shall not apply for any license if 7940
the plea of guilty, finding of guilt, or conviction that is the 7941

basis of the revocation or denial, upon completion of the criminal 7942
appeal, either is upheld or is overturned but the state board 7943
continues the revocation or denial under division (E)(2) of this 7944
section and that continuation is upheld on final appeal. 7945

(F) The state board may take action under division (B) of 7946
this section, and the state board or the superintendent shall take 7947
the action required under division (C) of this section, on the 7948
basis of substantially comparable conduct occurring in a 7949
jurisdiction outside this state or occurring before a person 7950
applies for or receives any license. 7951

(G) The state board may adopt rules in accordance with 7952
Chapter 119. of the Revised Code to carry out this section and 7953
section 3319.311 of the Revised Code. 7954

Sec. 3321.07. If any child ~~attends upon~~ receives instruction 7955
elsewhere than in a public school such instruction shall be in a 7956
school which conforms to the minimum standards prescribed by the 7957
state board of education. The hours and term of attendance ~~exacted~~ 7958
of that school shall be equivalent to the hours and term of 7959
attendance required of children in the public schools of the 7960
district. This section does not require a child to attend a high 7961
school instead of a ~~vocational~~ career-technical, commercial, or 7962
other special type of school, provided the successful completion 7963
of instruction therein is for a term and for hours equivalent to 7964
~~those of the high school, and provided his attendance at such~~ 7965
~~school will not interfere with a continuous program of education~~ 7966
for the child to the age of sixteen will result in the child 7967
receiving a high school diploma, an industry-recognized 7968
credential, or a journeyman certification as recognized by the 7969
United States department of labor. 7970

Sec. 3321.08. Every child who has been granted an age and 7971

schooling certificate shall, until the age at which such 7972
certificate is no longer required, attend a part-time school or 7973
class ~~for the number of hours not over eight per week that such~~ 7974
~~school or class is in session~~, Such an education program may be 7975
provided by the board of education of the school district in which 7976
the child resides or is employed ~~has made such school or class~~ 7977
~~available. Such attendance~~ Attendance shall be for the full term 7978
such school or class is in session, and shall begin with the first 7979
week of the school term or within one week after issuance of the 7980
age and schooling certificate. ~~This section does not apply to~~ 7981
~~children who are employed under vacation and part-time~~ 7982
~~certificates only.~~ The superintendent of schools may excuse a 7983
child from such attendance for one of the reasons provided in 7984
section 3321.10 of the Revised Code. A For purposes of this 7985
section, a part-time school or class is one which shall offer, to 7986
those minors who have entered industry, instruction supplemental 7987
to their daily occupations or which will increase their civic and 7988
vocational competence or both ~~and which are taught between the~~ 7989
~~hours of seven in the morning and six in the afternoon of any day~~ 7990
~~except a legal holiday, Saturday, or Sunday, or between the hours~~ 7991
~~of seven in the morning and twelve noon of Saturday and which~~ 7992
grants a high school diploma to the child upon the child's 7993
successful completion of a course of instruction. 7994

Sec. 3324.07. (A) The board of education of each school 7995
district shall develop a plan for the service of gifted students 7996
enrolled in the district that are identified under section 3324.03 7997
of the Revised Code. Services specified in the plan developed by 7998
each board may include such options as the following: 7999

- (1) A differentiated curriculum; 8000
- (2) Cluster grouping; 8001
- (3) Mentorships; 8002

(4) Accelerated course work;	8003
(5) The post secondary enrollment option <u>college credit plus</u> program under Chapter 3365. of the Revised Code;	8004 8005
(6) Advanced placement;	8006
(7) Honors classes;	8007
(8) Magnet schools;	8008
(9) Self-contained classrooms;	8009
(10) Independent study;	8010
(11) Other options identified in rules adopted by the department of education.	8011 8012
(B) Each board shall file the plan developed under division	8013
(A) of this section with the department of education by December	8014
15, 2000. The department shall review and analyze each plan to	8015
determine if it is adequate and to make funding estimates.	8016
(C) Unless otherwise required by law, rule, or as a condition	8017
for receipt of funds, school boards may implement the plans	8018
developed under division (A) of this section, but shall not be	8019
required to do so until further action by the general assembly or	8020
the state superintendent of public instruction.	8021
Sec. 3325.02. (A) As used in this chapter, "visual	8022
<u>impairment" means blindness, partial blindness, deaf-blindness, or</u>	8023
<u>multiple disabilities if one of the disabilities is vision</u>	8024
<u>related.</u>	8025
(B) Subject to the regulations adopted by the state board of	8026
education, the state school for the blind shall be open to receive	8027
such blind and partially blind persons, <u>who are</u> residents of this	8028
state, <u>whose disabilities are visual impairments, and</u> who, in the	8029
judgment of the superintendent of public instruction and the	8030
superintendent of the school for the blind, due to such	8031

disability, cannot be educated in the public school system and are 8032
suitable persons to receive instructions according to the methods 8033
employed in ~~such~~ the school. 8034

Sec. 3325.06. (A) The state board of education shall 8035
institute and establish a program of education by the department 8036
of education to train parents of deaf or hard of hearing children 8037
of preschool age. The object and purpose of the educational 8038
program shall be to aid and assist the parents of deaf or hard of 8039
hearing children of preschool age in affording to the children the 8040
means of optimum communicational facilities. 8041

(B) The state board of education shall institute and 8042
establish a program of education to train and assist parents of 8043
children of preschool age whose disabilities are visual 8044
impairments. The object and purpose of the educational program 8045
shall be to enable the parents of children of preschool age whose 8046
disabilities are visual impairments to provide their children with 8047
learning experiences that develop early literacy, communication, 8048
mobility, and daily living skills so the children can function 8049
independently in their living environments. 8050

Sec. 3325.07. The state board of education in carrying out 8051
this section and division (A) of section 3325.06 of the Revised 8052
Code shall, insofar as practicable, plan, present, and carry into 8053
effect an educational program by means of any of the following 8054
methods of instruction: 8055

(A) Classes for parents of deaf or hard of hearing children 8056
of preschool age; 8057

(B) A nursery school where parent and child would enter the 8058
nursery school as a unit; 8059

(C) Correspondence course; 8060

(D) Personal consultations and interviews; 8061

(E) Day-care or child development courses; 8062

(F) Summer enrichment courses; 8063

(G) By such other means or methods as the superintendent of 8064
the state school for the deaf deems advisable that would permit a 8065
deaf or hard of hearing child of preschool age to construct a 8066
pattern of communication at an early age. 8067

The superintendent may allow children who are not deaf or 8068
hard of hearing to participate in the methods of instruction 8069
described in divisions (A) to (G) of this section as a means to 8070
assist deaf or hard of hearing children to construct a pattern of 8071
communication. The superintendent shall establish policies and 8072
procedures regarding the participation of children who are not 8073
deaf or hard of hearing. 8074

The superintendent may establish reasonable fees for 8075
participation in the methods of instruction described in divisions 8076
(A) to (G) of this section to defray the costs of carrying them 8077
out. The superintendent shall determine the manner by which any 8078
such fees shall be collected. All fees shall be deposited in the 8079
even start fees and gifts fund, which is hereby created in the 8080
state treasury. The money in the fund shall be used to implement 8081
this section. 8082

Sec. 3325.071. The state board of education in carrying out 8083
this section and division (B) of section 3325.06 of the Revised 8084
Code shall, insofar as practicable, plan, present, and carry into 8085
effect an educational program by means of any of the following 8086
methods of instruction: 8087

(A) Classes for parents of children of preschool age whose 8088
disabilities are visual impairments, independently or in 8089
cooperation with community agencies; 8090

(B) Periodic interactive parent-child classes for infants and 8091

<u>toddlers whose disabilities are visual impairments;</u>	8092
<u>(C) Correspondence course;</u>	8093
<u>(D) Personal consultations and interviews;</u>	8094
<u>(E) Day-care or child development courses for children and parents;</u>	8095 8096
<u>(F) Summer enrichment courses;</u>	8097
<u>(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age.</u>	8098 8099 8100 8101 8102
<u>The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments.</u>	8103 8104 8105 8106 8107 8108 8109 8110 8111
<u>The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the state school for the blind even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.</u>	8112 8113 8114 8115 8116 8117 8118 8119
<u>Sec. 3325.09. (A) The state board of education shall institute and establish career-technical education and work</u>	8120 8121

training programs for secondary and post-secondary students whose 8122
disabilities are visual impairments. These programs shall develop 8123
communication, mobility, and work skills and assist students in 8124
becoming productive members of society so that they can contribute 8125
to their communities and living environments. 8126

(B) The state school for the blind may use any gifts, 8127
donations, or bequests it receives under section 3325.10 of the 8128
Revised Code for one or more of the following purposes that are 8129
related to career-technical and work training programs for 8130
secondary and post-secondary students whose disabilities are 8131
visual impairments: 8132

(1) Room and board; 8133

(2) Training in mobility and orientation; 8134

(3) Activities that teach daily living skills; 8135

(4) Rehabilitation technology; 8136

(5) Activities that teach group and individual social and 8137
interpersonal skills; 8138

(6) Work placement in the community by the school or a 8139
community agency; 8140

(7) Transportation to and from work sites or locations of 8141
community interaction; 8142

(8) Supervision and management of programs and services. 8143

Sec. 3325.10. The state school for the blind may receive and 8144
administer any federal funds relating to the education of ~~blind or~~ 8145
~~visually impaired~~ students whose disabilities are visual 8146
impairments, including secondary and post-secondary students. The 8147
school for the blind also may accept and administer any gifts, 8148
donations, or bequests made to it for programs or services 8149
relating to the education of ~~blind or visually impaired~~ students 8150

whose disabilities are visual impairments, including secondary and 8151
post-secondary students. 8152

Sec. 3325.17. There is hereby created in the state treasury 8153
the state school for the blind educational program expense fund. 8154
Moneys received by the school from donations, bequests, student 8155
fundraising activities, fees charged for camps, workshops, and 8156
summer work and learn cooperative programs, gate receipts from 8157
school activities, and any other moneys designated for deposit in 8158
the fund by the superintendent of the school, shall be credited to 8159
the fund. Notwithstanding section 3325.01 of the Revised Code, the 8160
approval of the state board of education is not required to 8161
designate money for deposit into the fund. The state school for 8162
the blind shall use moneys in the fund for educational programs, 8163
after-school activities, and expenses associated with student 8164
activities. 8165

Sec. 3326.11. Each science, technology, engineering, and 8166
mathematics school established under this chapter and its 8167
governing body shall comply with sections 9.90, 9.91, 109.65, 8168
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 8169
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 8170
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 8171
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 8172
3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 3313.615, 8173
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 8174
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 8175
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 8176
3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 8177
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 8178
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 8179
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 8180

102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 8181
4123., 4141., and 4167. of the Revised Code as if it were a school 8182
district. 8183

Sec. 3326.29. A STEM school established under this chapter 8184
may submit to the superintendent of public administration a 8185
request for a waiver from administering the state achievement 8186
assessments required under sections 3301.0710 and 3301.0712 of the 8187
Revised Code and related requirements specified under division 8188
(C)(2) of section 3302.15 of the Revised Code in the manner 8189
prescribed by that section as if it were a school district. A STEM 8190
school that obtains a waiver under section 3302.15 of the Revised 8191
Code shall comply with all provisions of that section as if it 8192
were a school district. A STEM school is presumptively eligible to 8193
request such a waiver. 8194

Sec. 3326.36. The department of education shall reduce the 8195
amounts paid to a science, technology, engineering, and 8196
mathematics school under section 3326.33 of the Revised Code to 8197
reflect payments made to colleges under ~~division (B) of section~~ 8198
3365.07 of the Revised Code ~~or through alternative funding~~ 8199
~~agreements entered into under rules adopted under section 3365.12~~ 8200
~~of the Revised Code.~~ A student shall be considered enrolled in the 8201
school for any portion of the school year the student is attending 8202
a college under Chapter 3365. of the Revised Code. 8203

Sec. 3328.24. A college-preparatory boarding school 8204
established under this chapter and its board of trustees shall 8205
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 8206
3301.0714, 3313.6013, 3313.6411, 3319.39, and 3319.391 and Chapter 8207
3365. of the Revised Code as if the school were a school district 8208
and the school's board of trustees were a district board of 8209
education. 8210

Sec. 3328.25. (A) The board of trustees of a 8211
college-preparatory boarding school established under this chapter 8212
shall grant a diploma to any student enrolled in the school to 8213
whom all of the following apply: 8214

(1) The student has successfully completed the school's high 8215
school curriculum or the IEP developed for the student by the 8216
school pursuant to section 3323.08 of the Revised Code or has 8217
qualified under division (D) or (F) of section 3313.603 of the 8218
Revised Code, provided that the school shall not require a student 8219
to remain in school for any specific number of semesters or other 8220
terms if the student completes the required curriculum early. 8221

(2) Subject to section 3313.614 of the Revised Code, the 8222
student has met the assessment requirements of division (A)(2)(a) 8223
or (b) of this section, as applicable. 8224

(a) If the student entered ninth grade prior to the date 8225
prescribed by rule of the state board of education under division 8226
(D)(2) of section 3301.0712 of the Revised Code, the student 8227
either: 8228

(i) Has attained at least the applicable scores designated 8229
under division (B)(1) of section 3301.0710 of the Revised Code on 8230
all the assessments prescribed by that division unless division 8231
(L) of section 3313.61 of the Revised Code applies to the student; 8232

(ii) Has satisfied the alternative conditions prescribed in 8233
section 3313.615 of the Revised Code. 8234

(b) If the person entered ninth grade on or after the date 8235
prescribed by rule of the state board under division (D)(2) of 8236
section 3301.0712 of the Revised Code, the student has met the 8237
requirements of the entire assessment system prescribed under 8238
division (B)(2) of section 3301.0710 of the Revised Code, except 8239
to the extent that the student is excused from some portion of 8240

that assessment system pursuant to division (L) of section 3313.61 8241
of the Revised Code. 8242

(3) The student is not eligible to receive an honors diploma 8243
granted under division (B) of this section. 8244

No diploma shall be granted under this division to anyone 8245
except as provided in this division. 8246

(B) In lieu of a diploma granted under division (A) of this 8247
section, the board of trustees shall grant an honors diploma, in 8248
the same manner that boards of education of school districts grant 8249
honors diplomas under division (B) of section 3313.61 of the 8250
Revised Code, to any student enrolled in the school who 8251
accomplishes all of the following: 8252

(1) Successfully completes the school's high school 8253
curriculum or the IEP developed for the student by the school 8254
pursuant to section 3323.08 of the Revised Code; 8255

(2) Subject to section 3313.614 of the Revised Code, has met 8256
the assessment requirements of division (B)(2)(a) or (b) of this 8257
section, as applicable. 8258

(a) If the student entered ninth grade prior to the date 8259
prescribed by rule of the state board under division (D)(2) of 8260
section 3301.0712 of the Revised Code, the student either: 8261

(i) Has attained at least the applicable scores designated 8262
under division (B)(1) of section 3301.0710 of the Revised Code on 8263
all the assessments prescribed under that division; 8264

(ii) Has satisfied the alternative conditions prescribed in 8265
section 3313.615 of the Revised Code. 8266

(b) If the person entered ninth grade on or after the date 8267
prescribed by rule of the state board under division (D)(2) of 8268
section 3301.0712 of the Revised Code, the student has met the 8269
requirements of the entire assessment system prescribed under 8270

division (B)(2) of section 3301.0710 of the Revised Code. 8271

(3) Has met the additional criteria for granting an honors 8272
diploma prescribed by the state board under division (B) of 8273
section 3313.61 of the Revised Code for the granting of honors 8274
diplomas by school districts. 8275

An honors diploma shall not be granted to a student who is 8276
subject to the ~~Ohio core curriculum~~ requirements prescribed in 8277
division (C) of section 3313.603 of the Revised Code but elects 8278
the option of division (D) or (F) of that section. No honors 8279
diploma shall be granted to anyone failing to comply with this 8280
division, and not more than one honors diploma shall be granted to 8281
any student under this division. 8282

(C) A diploma or honors diploma awarded under this section 8283
shall be signed by the presiding officer of the board of trustees. 8284
Each diploma shall bear the date of its issue and be in such form 8285
as the board of trustees prescribes. 8286

(D) Upon granting a diploma to a student under this section, 8287
the presiding officer of the board of trustees shall provide 8288
notice of receipt of the diploma to the board of education of the 8289
city, exempted village, or local school district where the student 8290
is entitled to attend school when not residing at the 8291
college-preparatory boarding school. The notice shall indicate the 8292
type of diploma granted. 8293

Sec. 3331.04. Whenever an age and schooling certificate is 8294
applied for by a child over sixteen years of age who is ~~unable to~~ 8295
~~pass a test for the completion of the work of the seventh grade~~ 8296
~~and who is not so below the normal in mental development that the~~ 8297
~~child cannot profit from further schooling~~ participating in a 8298
program that, upon successful completion of instruction, will 8299
result in the child receiving an industry-recognized credential, a 8300
journeyman certification as recognized by the United States 8301

department of labor, or full-time employment, an age and schooling 8302
certificate may be issued by the superintendent of schools to such 8303
child upon proof acceptable to such superintendent of the 8304
following facts and upon agreement to the respective conditions 8305
made in writing by the child and by the parents, guardian, or 8306
custodian in charge of such child: 8307

(A) That the child is addicted to no habit which is likely to 8308
detract from the child's reliability or effectiveness as a worker, 8309
or proper use of the child's earnings or leisure, or the 8310
probability of the child's faithfully carrying out the conditions 8311
to which the child agrees as specified in division (B) of this 8312
section, and in addition any one of the following groups of facts: 8313

(1) That the child has been a resident of the school district 8314
for the last two years, has diligently attended upon instruction 8315
at school for the last two years, and is able to read, write, and 8316
perform the fundamental operations of arithmetic. These abilities 8317
shall be judged by the superintendent. 8318

(2) That the child having been a resident of the school 8319
district less than two years, ~~diligently attended upon instruction~~ 8320
~~in~~ school in the district in which the child was a resident ~~next~~ 8321
~~preceding the child's residence in the present district~~ for the 8322
last school year preceding the child's ~~removal to~~ residence in the 8323
present district, and has diligently attended ~~upon instruction in~~ 8324
the schools of the present district for the period that the child 8325
has been a resident thereof; 8326

(3) That the child has ~~removed to~~ resided in the present 8327
school district since the beginning of the last annual school 8328
session, and that instruction adapted to the child's needs is not 8329
provided in the regular day schools in the district; 8330

(4) ~~That the child is not sufficiently familiar with the~~ 8331
~~English language to be properly instructed in the full-time day~~ 8332

~~schools of the district;~~ 8333

(5) That conditions are such that the child must provide for 8334
the child's own support or the support of the child's own child or 8335
that the child is needed for the support or care of parents or for 8336
the support or care of brothers or sisters for whom the parents 8337
are unable to provide and that the child is desirous of working 8338
for the support or care of self or of the child's own child or of 8339
such parents or siblings and that such child cannot render such 8340
needed support or care by a reasonable effort outside of school 8341
hours; but no age and schooling certificate shall be granted to a 8342
child of this group upon proof of such facts without written 8343
consent given to the superintendent by the juvenile judge and by 8344
the department of job and family services. 8345

(B)~~(1)~~ In case the certificate is granted under division 8346
(A)~~(1), (2), (3), or (5)~~ of this section, that until reaching the 8347
age of eighteen years the child will diligently attend in addition 8348
to part-time classes, such evening classes as will add to the 8349
child's education for literacy, citizenship, or vocational 8350
preparation which may be made available to the child in the school 8351
district and which the child may be directed to attend by the 8352
superintendent, or in case no such classes are available, that the 8353
child will pursue such reading and study and report monthly 8354
thereon as may be directed by the superintendent. 8355

~~(2) In case the certificate is granted under division (A)(4)~~ 8356
~~of this section, that until the age of eighteen years the child~~ 8357
~~will attend in addition to part time classes, such evening classes~~ 8358
~~as will assist the child to learn the English language or advance~~ 8359
~~in Americanization which may be made available to the child in the~~ 8360
~~school district and which the child may be directed to attend by~~ 8361
~~the superintendent.~~ 8362

Sec. 3333.041. (A) On or before the last day of December of 8363

each year, the chancellor of the Ohio board of regents shall 8364
submit to the governor and, in accordance with section 101.68 of 8365
the Revised Code, the general assembly a report or reports 8366
concerning all of the following: 8367

(1) The status of graduates of Ohio school districts at state 8368
institutions of higher education during the twelve-month period 8369
ending on the thirtieth day of September of the current calendar 8370
year. The report shall list, by school district, the number of 8371
graduates of each school district who attended a state institution 8372
of higher education and the percentage of each district's 8373
graduates enrolled in a state institution of higher education 8374
during the reporting period who were required during such period 8375
by the college or university, as a prerequisite to enrolling in 8376
those courses generally required for first-year students, to 8377
enroll in a remedial course in English, including composition or 8378
reading, mathematics, and any other area designated by the 8379
chancellor. The chancellor also shall make the information 8380
described in division (A)(1) of this section available to the 8381
board of education of each city, exempted village, and local 8382
school district. 8383

Each state institution of higher education shall, by the 8384
first day of November of each year, submit to the chancellor in 8385
the form specified by the chancellor the information the 8386
chancellor requires to compile the report. 8387

(2) Aggregate academic growth data for students assigned to 8388
graduates of teacher preparation programs approved under section 8389
3333.048 of the Revised Code who teach English language arts or 8390
mathematics in any of grades four to eight in a public school in 8391
Ohio. For this purpose, the chancellor shall use the value-added 8392
progress dimension prescribed by section 3302.021 of the Revised 8393
Code or the alternative student academic progress measure if 8394
adopted under division (C)(1)(e) of section 3302.03 of the Revised 8395

Code. The chancellor shall aggregate the data by graduating class 8396
for each approved teacher preparation program, except that if a 8397
particular class has ten or fewer graduates to which this section 8398
applies, the chancellor shall report the data for a group of 8399
classes over a three-year period. In no case shall the report 8400
identify any individual graduate. The department of education 8401
shall share any data necessary for the report with the chancellor. 8402

(3) The following information with respect to the Ohio 8403
tuition trust authority: 8404

(a) The name of each investment manager that is a minority 8405
business enterprise or a women's business enterprise with which 8406
the chancellor contracts; 8407

(b) The amount of assets managed by investment managers that 8408
are minority business enterprises or women's business enterprises, 8409
expressed as a percentage of assets managed by investment managers 8410
with which the chancellor has contracted; 8411

(c) Efforts by the chancellor to increase utilization of 8412
investment managers that are minority business enterprises or 8413
women's business enterprises. 8414

(4) A description of ~~dual enrollment~~ advanced standing 8415
programs, as defined in section 3313.6013 of the Revised Code, 8416
that are offered by school districts, community schools 8417
established under Chapter 3314. of the Revised Code, STEM schools 8418
established under Chapter 3326. of the Revised Code, 8419
college-preparatory boarding schools established under Chapter 8420
3328. of the Revised Code, and chartered nonpublic high schools. 8421
The chancellor also shall post the information on the chancellor's 8422
web site. 8423

(5) The chancellor's strategy in assigning choose Ohio first 8424
scholarships, as established under section 3333.61 of the Revised 8425
Code, among state universities and colleges and how the actual 8426

awards fit that strategy. 8427

(6) The academic and economic impact of the Ohio 8428
co-op/internship program established under section 3333.72 of the 8429
Revised Code. At a minimum, the report shall include the 8430
following: 8431

(a) Progress and performance metrics for each initiative that 8432
received an award in the previous fiscal year; 8433

(b) Economic indicators of the impact of each initiative, and 8434
all initiatives as a whole, on the regional economies and the 8435
statewide economy; 8436

(c) The chancellor's strategy in allocating awards among 8437
state institutions of higher education and how the actual awards 8438
fit that strategy. 8439

(B) As used in this section: 8440

(1) "Minority business enterprise" has the same meaning as in 8441
section 122.71 of the Revised Code. 8442

(2) "State institution of higher education" and "state 8443
university" have the same meanings as in section 3345.011 of the 8444
Revised Code. 8445

(3) "State university or college" has the same meaning as in 8446
section 3345.12 of the Revised Code. 8447

(4) "Women's business enterprise" means a business, or a 8448
partnership, corporation, limited liability company, or joint 8449
venture of any kind, that is owned and controlled by women who are 8450
United States citizens and residents of this state. 8451

Sec. 3333.35. The state board of education and the chancellor 8452
of the Ohio board of regents shall strive to reduce unnecessary 8453
student remediation costs incurred by colleges and universities in 8454
this state, increase overall access for students to higher 8455

education, enhance the ~~post-secondary enrollment options~~ college credit plus program in accordance with Chapter 3365. of the Revised Code, and enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code.

Sec. 3333.43. This section does not apply to any baccalaureate degree program that is a cooperative education program, as defined in section 3333.71 of the Revised Code.

(A) The chancellor of the Ohio board of regents shall require all state institutions of higher education that offer baccalaureate degrees, as a condition of reauthorization for certification of each baccalaureate program offered by the institution, to submit a statement describing how each major for which the school offers a baccalaureate degree may be completed within three academic years. The chronology of the statement shall begin with the fall semester of a student's first year of the baccalaureate program.

(B) The statement required under this section may include, but not be limited to, any of the following methods to contribute to earning a baccalaureate degree in three years:

(1) Advanced placement credit;

(2) International baccalaureate program credit;

(3) A waiver of degree and credit-hour requirements by completion of courses that are widely available at community colleges in the state or through online programs offered by state institutions of higher education or private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and through courses taken by the student through the ~~post-secondary enrollment options~~ college credit plus program under Chapter 3365. of the Revised Code;

(4) Completion of coursework during summer sessions;	8486
(5) A waiver of foreign-language degree requirements based on a proficiency examination specified by the institution.	8487 8488
(C)(1) Not later than October 15, 2012, each state institution of higher education shall provide statements required under this section for ten per cent of all baccalaureate degree programs offered by the institution.	8489 8490 8491 8492
(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution.	8493 8494 8495 8496
(D) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education. The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code.	8497 8498 8499 8500 8501 8502 8503 8504 8505
(E) Nothing in this section requires an institution to take any action that would violate the requirements of any independent association accrediting baccalaureate degree programs.	8506 8507 8508
Sec. 3333.86. The chancellor of the Ohio board of regents may determine the manner in which a course included in the clearinghouse may be offered as a dual enrollment <u>an advanced standing</u> program as defined in section 3313.6013 of the Revised Code, may be offered to students who are enrolled in nonpublic schools or are instructed at home pursuant to section 3321.04 of the Revised Code, or may be offered at times outside the normal	8509 8510 8511 8512 8513 8514 8515

school day or school week, including any necessary additional fees 8516
and methods of payment for a course so offered. 8517

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 8518
section, a graduate of the twelfth grade shall be entitled to 8519
admission without examination to any college or university which 8520
is supported wholly or in part by the state, but for unconditional 8521
admission may be required to complete such units not included in 8522
the graduate's high school course as may be prescribed, not less 8523
than two years prior to the graduate's entrance, by the faculty of 8524
the institution. 8525

(B) Beginning with the 2014-2015 academic year, each state 8526
university listed in section 3345.011 of the Revised Code, except 8527
for Central state university, Shawnee state university, and 8528
Youngstown state university, shall permit a resident of this state 8529
who entered ninth grade for the first time on or after July 1, 8530
2010, to begin undergraduate coursework at the university only if 8531
the person has successfully completed the ~~Ohio core curriculum~~ 8532
requirements for high school graduation prescribed in division (C) 8533
of section 3313.603 of the Revised Code, unless one of the 8534
following applies: 8535

(1) The person has earned at least ten semester hours, or the 8536
equivalent, at a community college, state community college, 8537
university branch, technical college, or another post-secondary 8538
institution except a state university to which division (B) of 8539
this section applies, in courses that are college-credit-bearing 8540
and may be applied toward the requirements for a degree. The 8541
university shall grant credit for successful completion of those 8542
courses pursuant to any applicable articulation and transfer 8543
policy of the Ohio board of regents or any agreements the 8544
university has entered into in accordance with policies and 8545
procedures adopted under section 3333.16, ~~3313.161~~ 3333.161, or 8546

3333.162 of the Revised Code. The university may count college 8547
credit that the student earned while in high school through the 8548
~~post-secondary enrollment options~~ college credit plus program 8549
under Chapter 3365. of the Revised Code, or through other ~~dual~~ 8550
~~enrollment~~ advanced standing programs, toward the requirements of 8551
division (B)(1) of this section if the credit may be applied 8552
toward a degree. 8553

(2) The person qualified to graduate from high school under 8554
division (D) or (F) of section 3313.603 of the Revised Code and 8555
has successfully completed the topics or courses that the person 8556
lacked to graduate under division (C) of that section at any 8557
post-secondary institution or at a summer program at the state 8558
university. A state university may admit a person for enrollment 8559
contingent upon completion of such topics or courses or summer 8560
program. 8561

(3) The person met the high school graduation requirements by 8562
successfully completing the person's individualized education 8563
program developed under section 3323.08 of the Revised Code. 8564

(4) The person is receiving or has completed the final year 8565
of instruction at home as authorized under section 3321.04 of the 8566
Revised Code, or has graduated from a nonchartered, nonpublic 8567
school in Ohio, and demonstrates mastery of the academic content 8568
and skills in reading, writing, and mathematics needed to 8569
successfully complete introductory level coursework at an 8570
institution of higher education and to avoid remedial coursework. 8571

(5) The person is a high school student participating in the 8572
~~post-secondary enrollment options~~ college credit plus program 8573
under Chapter 3365. of the Revised Code or another ~~dual-enrollment~~ 8574
advanced standing program. 8575

(C) A state university subject to division (B) of this 8576
section may delay admission for or admit conditionally an 8577

undergraduate student who has successfully completed the ~~Ohio core~~ 8578
curriculum requirements prescribed in division (C) of section 8579
3313.603 of the Revised Code if the university determines the 8580
student requires academic remedial or developmental coursework. 8581
The university may delay admission pending, or make admission 8582
conditional upon, the student's successful completion of the 8583
academic remedial or developmental coursework at a university 8584
branch, community college, state community college, or technical 8585
college. 8586

(D)(1) For the purposes of consideration for admission to the 8587
institution, each state institution of higher education, as 8588
defined in section 3345.011 of the Revised Code, shall accept a 8589
sworn affidavit verifying the successful completion of a student's 8590
high school curriculum from either of the following: 8591

(a) If the student was enrolled in a nonchartered nonpublic 8592
school, the chief administrator of that school; 8593

(b) If the student was excused from attendance at school for 8594
the purpose of home instruction under section 3321.04 of the 8595
Revised Code, the student's parent or guardian. 8596

Any affidavit submitted pursuant to this section shall also 8597
include a record of the student's completed coursework and the 8598
grade received in each course. Notwithstanding anything in the 8599
Revised Code to the contrary, the affidavit shall fulfill any 8600
admission criteria requiring proof of the successful completion of 8601
that student's applicable high school curriculum. 8602

(2) For the purposes of consideration for admission to a 8603
state institution of higher education, no institution shall 8604
discriminate against any student to which division (D) of this 8605
section applies solely on the manner in which the student received 8606
instruction in order to successfully fulfill the high school 8607
curriculum applicable to that student. 8608

(E) This section does not deny the right of a college of law, 8609
medicine, or other specialized education to require college 8610
training for admission, or the right of a department of music or 8611
other art to require particular preliminary training or talent. 8612

Sec. 3345.061. (A) Ohio's two-year institutions of higher 8613
education are respected points of entry for students embarking on 8614
post-secondary careers and courses completed at those institutions 8615
are transferable to state universities in accordance with 8616
articulation and transfer agreements developed under sections 8617
3333.16, 3333.161, and 3333.162 of the Revised Code. 8618

(B) Beginning with undergraduate students who commence 8619
undergraduate studies in the 2014-2015 academic year, no state 8620
university listed in section 3345.011 of the Revised Code, except 8621
Central state university, Shawnee state university, and Youngstown 8622
state university, shall receive any state operating subsidies for 8623
any academic remedial or developmental courses for undergraduate 8624
students, including courses prescribed in ~~the Ohio core curriculum~~ 8625
~~for high school graduation under~~ division (C) of section 3313.603 8626
of the Revised Code, offered at its main campus, except as 8627
provided in divisions (B)(1) to (4) of this section. 8628

(1) In the 2014-2015 and 2015-2016 academic years, a state 8629
university may receive state operating subsidies for academic 8630
remedial or developmental courses for not more than three per cent 8631
of the total undergraduate credit hours provided by the university 8632
at its main campus. 8633

(2) In the 2016-2017 academic year, a state university may 8634
receive state operating subsidies for academic remedial or 8635
developmental courses for not more than fifteen per cent of the 8636
first-year students who have graduated from high school within the 8637
previous twelve months and who are enrolled in the university at 8638
its main campus, as calculated on a full-time-equivalent basis. 8639

(3) In the 2017-2018 academic year, a state university may 8640
receive state operating subsidies for academic remedial or 8641
developmental courses for not more than ten per cent of the 8642
first-year students who have graduated from high school within the 8643
previous twelve months and who are enrolled in the university at 8644
its main campus, as calculated on a full-time-equivalent basis. 8645

(4) In the 2018-2019 academic year, a state university may 8646
receive state operating subsidies for academic remedial or 8647
developmental courses for not more than five per cent of the 8648
first-year students who have graduated from high school within the 8649
previous twelve months and who are enrolled in the university at 8650
its main campus, as calculated on a full-time-equivalent basis. 8651

Each state university may continue to offer academic remedial 8652
and developmental courses at its main campus beyond the extent for 8653
which state operating subsidies may be paid under this division 8654
and may continue to offer such courses beyond the 2018-2019 8655
academic year. However, the university shall not receive any state 8656
operating subsidies for such courses above the maximum amounts 8657
permitted in this division. 8658

(C) Except as otherwise provided in division (B) of this 8659
section, beginning with students who commence undergraduate 8660
studies in the 2014-2015 academic year, state operating subsidies 8661
for academic remedial or developmental courses offered by state 8662
institutions of higher education may be paid only to Central state 8663
university, Shawnee state university, Youngstown state university, 8664
any university branch, any community college, any state community 8665
college, or any technical college. 8666

(D) Each state university shall grant credit for academic 8667
remedial or developmental courses successfully completed at an 8668
institution described in division (C) of this section pursuant to 8669
any applicable articulation and transfer agreements the university 8670
has entered into in accordance with policies and procedures 8671

adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. 8672
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(E) The chancellor of the Ohio board of regents shall do all of the following: 8674
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(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a state university as required in order to conform to divisions (B) and (C) of this section; 8676
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(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education; 8680
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8682

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education; 8683
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8685

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code; 8686
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(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 8688
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(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the 8693
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presidents. The board of trustees or managing authority of each 8703
state institution of higher education shall adopt the 8704
remediation-free status standard, and any related assessments, 8705
into the institution's policies. 8706

The chancellor shall assist in coordinating the work of the 8707
presidents under this division. 8708

(G) Each year, not later than a date established by the 8709
chancellor, each state institution of higher education shall 8710
report to the governor, the general assembly, the chancellor, and 8711
the superintendent of public instruction all of the following for 8712
the prior academic year: 8713

(1) The institution's aggregate costs for providing academic 8714
remedial or developmental courses; 8715

(2) The amount of those costs disaggregated according to the 8716
city, local, or exempted village school districts from which the 8717
students taking those courses received their high school diplomas; 8718

(3) Any other information with respect to academic remedial 8719
and developmental courses that the chancellor considers 8720
appropriate. 8721

(H) Not later than December 31, 2011, and the thirty-first 8722
day of each December thereafter, the chancellor and the 8723
superintendent of public instruction shall issue a report 8724
recommending policies and strategies for reducing the need for 8725
academic remediation and developmental courses at state 8726
institutions of higher education. 8727

(I) As used in this section, "state institution of higher 8728
education" has the same meaning as in section 3345.011 of the 8729
Revised Code. 8730

Sec. 3365.01. As used in this chapter: 8731

(A) "Articulated credit" means post-secondary credit that is 8732

reflected on the official record of a student at an institution of 8733
higher education only upon enrollment at that institution after 8734
graduation from a secondary school. 8735

(B) "Default ceiling amount" means one of the following 8736
amounts, whichever is applicable: 8737

(1) For a participant enrolled in a college operating on a 8738
semester schedule, the amount calculated according to the 8739
following formula: 8740

((0.83 X formula amount) / 30) 8741

X number of enrolled credit hours 8742

(2) For a participant enrolled in a college operating on a 8744
quarter schedule, the amount calculated according to the following 8745
formula: 8746

((0.83 X formula amount) / 45) 8747

X number of enrolled credit hours 8748

(C) "Default floor amount" means twenty-five per cent of the 8750
default ceiling amount. 8751

(D) "Eligible out-of-state college" means any institution of 8752
higher education that is located outside of Ohio and is approved 8753
by the chancellor of the Ohio board of regents to participate in 8754
the college credit plus program. 8755

(E) "Fee" means any course-related fee and any other fee 8756
imposed by the college, but not included in tuition, for 8757
participation in the program established by this chapter. 8758

(F) "Formula amount" has the same meaning as in section 8759
3317.02 of the Revised Code. 8760

(G) "Governing entity" means a board of education of a school 8761
district, a governing authority of a community school established 8762

under Chapter 3314., a governing body of a STEM school established 8763
under Chapter 3326., or a board of trustees of a 8764
college-preparatory boarding school established under Chapter 8765
3328. of the Revised Code. 8766

(H) "Home-instructed participant" means a student who has 8767
been excused from the compulsory attendance law for the purpose of 8768
home instruction under section 3321.04 of the Revised Code, and is 8769
participating in the program established by this chapter. 8770

(I) "Maximum per participant charge amount" means one of the 8771
following amounts, whichever is applicable: 8772

(1) For a participant enrolled in a college operating on a 8773
semester schedule, the amount calculated according to the 8774
following formula: 8775

((formula amount / 30) 8776
X number of enrolled credit hours) 8777

(2) For a participant enrolled in a college operating on a 8778
quarter schedule, the amount calculated according to the following 8779
formula: 8780

((formula amount / 45) 8781
X number of enrolled credit hours) 8782

(J) "Nonpublic secondary school" means a chartered school for 8783
which minimum standards are prescribed by the state board of 8784
education pursuant to division (D) of section 3301.07 of the 8785
Revised Code. 8786

(K) "Number of enrolled credit hours" means the number of 8787
credit hours for a course in which a participant is enrolled 8788
during the previous term after the date on which a withdrawal from 8789
a course would have negatively affected the participant's 8790
transcripted grade, as prescribed by the college's established 8791
withdrawal policy. 8792

(L) "Parent" has the same meaning as in section 3313.64 of 8793

<u>the Revised Code.</u>	8794
<u>(M) "Participant" means any student enrolled in a college under the program established by this chapter.</u>	8795 8796
<u>(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.</u>	8797 8798 8799
<u>(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.</u>	8800 8801 8802 8803
<u>(P) "Private college" means any of the following:</u>	8804
<u>(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;</u>	8805 8806
<u>(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;</u>	8807 8808 8809 8810
<u>(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.</u>	8811 8812 8813
<u>(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.</u>	8814 8815 8816
<u>(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.</u>	8817 8818 8819 8820 8821 8822
<u>(S) "School year" has the same meaning as in section 3313.62</u>	8823

of the Revised Code. 8824

(T) "Secondary grade" means any of grades nine through 8825
twelve. 8826

(U) "Transcripted credit" means post-secondary credit that is 8827
conferred by an institution of higher education and is reflected 8828
on a student's official record at that institution upon completion 8829
of a course. 8830

Sec. 3365.02. (A) There is hereby established the college 8831
credit plus program under which, beginning with the 2015-2016 8832
school year, a secondary grade student who is a resident of this 8833
state may enroll at a college, on a full- or part-time basis, and 8834
complete nonsectarian, nonremedial courses for high school and 8835
college credit. The program shall govern arrangements in which a 8836
secondary grade student enrolls in a college and, upon successful 8837
completion of coursework taken under the program, receives 8838
transcripted credit from the college, except for any of the 8839
following: 8840

(1) An agreement governing an early college high school 8841
program that meets any of the exemption criteria under division 8842
(E) of section 3313.6013 of the Revised Code; 8843

(2) An advanced placement course or international 8844
baccalaureate diploma course, as described in divisions (A)(2) and 8845
(3) of section 3313.6013 of the Revised Code; 8846

(3) Until July 1, 2016, a career-technical education program 8847
that is approved by the department of education under section 8848
3317.161 of the Revised Code and grants articulated credit to 8849
students participating in that program. 8850

(B) Any student enrolled in a public or nonpublic secondary 8851
school in the student's ninth, tenth, eleventh, or twelfth grade; 8852
any student enrolled in a nonchartered nonpublic secondary school 8853

in the student's ninth, tenth, eleventh, or twelfth grade; and any 8854
student who has been excused from the compulsory attendance law 8855
for the purpose of home instruction under section 3321.04 of the 8856
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 8857
twelfth grade student, may participate in the program, if the 8858
student meets the applicable eligibility criteria in section 8859
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 8860
school student chooses to participate in the program, that student 8861
shall be subject to the same requirements as a home-instructed 8862
student who chooses to participate in the program under this 8863
chapter. 8864

(C) All public secondary schools and all public colleges 8865
shall participate in the program and are subject to the 8866
requirements of this chapter. Any nonpublic secondary school or 8867
private college that chooses to participate in the program shall 8868
also be subject to the requirements of this chapter. 8869

(D) The state board of education, in accordance with Chapter 8870
119. of the Revised Code and in consultation with the chancellor 8871
of the Ohio board of regents, shall adopt rules governing the 8872
program. 8873

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 8874
secondary school during the student's ninth, tenth, eleventh, or 8875
twelfth grade school year; a student enrolled in a nonchartered 8876
nonpublic secondary school in the student's ninth, tenth, 8877
eleventh, or twelfth grade school year; or a student who has been 8878
excused from the compulsory attendance law for the purpose of home 8879
instruction under section 3321.04 of the Revised Code and is the 8880
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 8881
may apply to and enroll in a college under the college credit plus 8882
program. 8883

(1) In order for a public secondary school student to 8884

participate in the program, all of the following criteria shall be met: 8885
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(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the state board of education. Not later than thirty days after the notification of the appeal, the state board shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. 8887
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(b) The student shall both: 8903

(i) Apply to a public or a participating private college, or an eligible out-of-state college participating in the program, in accordance with the college's established procedures for admission, pursuant to section 3365.05 of the Revised Code; 8904
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(ii) Meet the college's established standards for admission and for course placement, including course-specific capacity limitations, pursuant to section 3365.05 of the Revised Code. 8908
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(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program. 8911
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(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the 8914
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counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program. 8916
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(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate in the program, both of the following criteria shall be met: 8919
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(a) The student shall meet the criteria in divisions (A)(1)(b) and (c) of this section. 8923
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(b)(i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department of education a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the state board of education and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt. 8925
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(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate. 8935
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(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code: 8940
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(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A)(1) of this section. 8942
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(2) No participating nonpublic secondary school shall 8946

prohibit a student enrolled in that school from participating in 8947
the program if the student meets all of the criteria in division 8948
(A)(2) of this section and, if the student is enrolled under 8949
division (B) of section 3365.06 of the Revised Code, the student 8950
is awarded funding from the department in accordance with rules 8951
adopted by the state board, in consultation with the chancellor, 8952
pursuant to section 3365.071 of the Revised Code. 8953

(C) For purposes of this section, during the period of an 8954
expulsion imposed by a public secondary school, a student is 8955
ineligible to apply to enroll in a college under this section, 8956
unless the student is admitted to another public secondary or 8957
participating nonpublic secondary school. If a student is enrolled 8958
in a college under this section at the time the student is 8959
expelled, the student's status for the remainder of the college 8960
term in which the expulsion is imposed shall be determined under 8961
section 3365.032 of the Revised Code. 8962

(D) Upon a student's graduation from high school, 8963
participation in the college credit plus program shall not affect 8964
the student's eligibility at any public college for scholarships 8965
or for other benefits or opportunities that are available to 8966
first-time college students and are awarded by that college, 8967
regardless of the number of credit hours that the student 8968
completed under the program. 8969

Sec. ~~3365.06~~ 3365.031. (A) A student in grade nine may not 8970
enroll in courses under this chapter for which the student elects 8971
under division (B) of section ~~3365.04~~ 3365.06 of the Revised Code 8972
to receive credit toward high school graduation for more than the 8973
equivalent of four academic school years. A student enrolling in 8974
courses under this chapter may not enroll in courses in which the 8975
student elects to receive credit toward high school graduation for 8976
more than the equivalent of: 8977

(1) Three academic school years, if the student so enrolls 8978
for the first time in grade ten; 8979

(2) Two academic school years, if the student so enrolls for 8980
the first time in grade eleven; 8981

(3) One academic school year, if the student so enrolls for 8982
the first time in grade twelve. 8983

~~These (B) The~~ restrictions prescribed in division (A) of this 8984
section shall be reduced proportionately for any such student who 8985
enrolls in the program during the course of a school year in 8986
accordance with rules adopted under section 3365.02 of the Revised 8987
Code. 8988

~~(B) In considering the admission of any secondary student, a~~ 8989
~~college shall give priority to its other students regarding~~ 8990
~~enrollment in courses. However, once a student has been accepted~~ 8991
~~in a course as a participant, the institution shall not displace~~ 8992
~~the participant for another student.~~ 8993

Sec. ~~3365.041~~ 3365.032. (A) When a ~~school district~~ 8994
~~superintendent, the governing authority of a community school, or~~ 8995
~~the chief administrative officer of a STEM~~ public secondary school 8996
expels a student under division (B) of section 3313.66 of the 8997
Revised Code or, for a college-preparatory boarding school 8998
established under Chapter 3328. of the Revised Code, in accordance 8999
with the school's bylaws adopted pursuant to section 3328.13 of 9000
the Revised Code, the ~~district~~ superintendent, ~~governing~~ 9001
~~authority, or chief administrative officer~~ or equivalent, shall 9002
send a written notice of the expulsion to any college in which the 9003
expelled student is enrolled under section 3365.03 of the Revised 9004
Code at the time the expulsion is imposed. The notice shall 9005
indicate the date the expulsion is scheduled to expire. The notice 9006
also shall indicate whether the ~~district board of education,~~ 9007
~~community school governing authority, or the STEM school has~~ 9008

adopted a policy under section 3313.613 of the Revised Code or, 9009
for a college-preparatory boarding school, in accordance with the 9010
school's bylaws adopted pursuant to section 3328.13 of the Revised 9011
Code to deny high school credit for ~~post-secondary~~ courses taken 9012
under the college credit plus program during an expulsion. If the 9013
expulsion is extended under division (F) of section 3313.66 of the 9014
Revised Code or, for a college-preparatory boarding school, in 9015
accordance with the school's bylaws adopted pursuant to section 9016
3328.13 of the Revised Code, the ~~district~~ superintendent, 9017
~~community school governing authority, or STEM school chief~~ 9018
~~administrative officer~~ or equivalent, shall notify the college of 9019
the extension. 9020

(B) A college may withdraw its acceptance under section 9021
3365.03 of the Revised Code of a student who is expelled from 9022
school under division (B) of section 3313.66 of the Revised Code 9023
or, for a college-preparatory boarding school, in accordance with 9024
the school's bylaws adopted pursuant to section 3328.13 of the 9025
Revised Code. As provided in section 3365.03 of the Revised Code, 9026
regardless of whether the college withdraws its acceptance of the 9027
student for the college term in which the student is expelled, the 9028
student is ineligible to enroll in a college under that section 9029
for subsequent college terms during the period of the expulsion, 9030
unless the student enrolls in another public school ~~district or~~ 9031
~~community school,~~ or a participating nonpublic school during that 9032
period. 9033

If a college withdraws its acceptance of an expelled student 9034
who elected either option of division (A)(1) or (2) of section 9035
~~3365.04~~ 3365.06 of the Revised Code, the college shall refund 9036
tuition and fees paid by the student in the same proportion that 9037
it refunds tuition and fees to students who voluntarily withdraw 9038
from the college at the same time in the term. 9039

If a college withdraws its acceptance of an expelled student 9040

who elected the option of division (B) of section ~~3365.04~~ 3365.06 9041
of the Revised Code, the public school district, ~~community school,~~ 9042
~~or STEM school~~ shall not award high school credit for the college 9043
courses in which the student was enrolled at the time the college 9044
withdrew its acceptance, and any reimbursement under section 9045
3365.07 of the Revised Code ~~or through alternative funding~~ 9046
~~agreements entered into under rules adopted under section 3365.12~~ 9047
~~of the Revised Code~~ for the student's attendance prior to the 9048
withdrawal shall be the same as would be paid for a student who 9049
voluntarily withdrew from the college at the same time in the 9050
term. If the withdrawal results in the college's receiving no 9051
reimbursement, the college or secondary school may require the 9052
student to return or pay for the any textbooks and materials it 9053
provided the student free of charge ~~under section 3365.08 of the~~ 9054
~~Revised Code.~~ 9055

(C) When a student who elected the option of division (B) of 9056
section ~~3365.04~~ 3365.06 of the Revised Code is expelled under 9057
division (B) of section 3313.66 of the Revised Code or, for a 9058
college-preparatory boarding school, in accordance with the 9059
school's bylaws adopted pursuant to section 3328.13 of the Revised 9060
Code from a public school district, community school, or STEM 9061
school that has adopted a policy under section 3313.613 of the 9062
Revised Code or, for a college-preparatory boarding school, in 9063
accordance with the school's bylaws adopted pursuant to section 9064
3328.13 of the Revised Code to deny high school credit for courses 9065
taken under the college credit plus program during an expulsion, 9066
that election is automatically revoked for all college courses in 9067
which the student is enrolled during the college term in which the 9068
expulsion is imposed. Any reimbursement under section 3365.07 of 9069
the Revised Code ~~or through alternative funding agreements entered~~ 9070
~~into under rules adopted under section 3365.12 of the Revised Code~~ 9071
for the student's attendance prior to the expulsion shall be the 9072
same as would be paid for a student who voluntarily withdrew from 9073

the college at the same time in the term. If the revocation 9074
results in the college's receiving no reimbursement, the college 9075
or secondary school may require the student to return or pay for 9076
~~the~~ any textbooks and materials it provided the student free of 9077
charge ~~under section 3365.08 of the Revised Code.~~ 9078

~~No~~ Not later than five days after receiving an expulsion 9079
notice from the superintendent ~~of a district, the governing~~ 9080
~~authority of a community school, or the chief administrative~~ 9081
~~officer of a STEM, or equivalent, of a public school that has~~ 9082
adopted a policy under section 3313.613 of the Revised Code or, 9083
for a college-preparatory boarding school, in accordance with the 9084
school's bylaws adopted pursuant to section 3328.13 of the Revised 9085
Code, the college shall send a written notice to the expelled 9086
student that the student's election of division (B) of section 9087
~~3365.04~~ 3365.06 of the Revised Code is revoked. If the college 9088
elects not to withdraw its acceptance of the student, the student 9089
shall pay all applicable tuition and fees for the college courses 9090
and shall pay for ~~the~~ any textbooks and materials that the college 9091
or secondary school provided ~~under section 3365.08 of the Revised~~ 9092
Code to the student. 9093

Sec. 3365.033. (A) Notwithstanding anything to the contrary 9094
in Chapter 3365. of the Revised Code, any student enrolled in a 9095
public or nonpublic secondary school in the student's seventh or 9096
eighth grade; any student enrolled in a nonchartered nonpublic 9097
secondary school in the student's seventh or eighth grade; and any 9098
student who has been excused from the compulsory attendance law 9099
for the purpose of home instruction under section 3321.04 of the 9100
Revised Code and is the equivalent of a seventh or eighth grade 9101
student, may participate in the college credit plus program, if 9102
the student meets the applicable eligibility criteria required of 9103
secondary grade students for participation. Participants under 9104
this section shall be subject to the same requirements as 9105

secondary grade participants under this chapter. 9106

(B) Participants under this section shall receive high school and college credit for courses taken under the program, in accordance with the option elected under section 3365.06 of the Revised Code. High school credit earned under the program shall be awarded in the same manner as for secondary grade participants. 9107
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(C) If a participant under this section elects to have the college reimbursed under section 3365.07 of the Revised Code for courses taken under the program, the department shall reimburse the college in the same manner as for secondary grade participants in accordance with that section. 9112
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(D) Notwithstanding section 3327.01 of the Revised Code, the parent or guardian of a participant under this section shall be responsible for any transportation for the participant related to participation in the program. 9117
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Sec. 3365.04. Each public and participating nonpublic secondary school shall do all of the following with respect to the college credit plus program: 9121
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(A) Provide information about the program prior to the first day of March of each year to all students enrolled in grades six through eleven; 9124
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(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include: 9127
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(1) Program eligibility; 9133

(2) The process for granting academic credits; 9134

(3) Any necessary financial arrangements for tuition, 9135

<u>textbooks, and fees;</u>	9136
<u>(4) Criteria for any transportation aid;</u>	9137
<u>(5) Available support services;</u>	9138
<u>(6) Scheduling;</u>	9139
<u>(7) Communicating the possible consequences and benefits of participation, including all of the following:</u>	9140
<u>(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;</u>	9141
<u>(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;</u>	9142
<u>(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;</u>	9143
<u>(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;</u>	9144
<u>(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;</u>	9145
<u>(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;</u>	9146
<u>(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;</u>	9147
<u>(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.</u>	9148
<u>(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.</u>	9149
<u>(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.</u>	9150
<u>(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.</u>	9151
<u>(8) The academic and social responsibilities of students and parents under the program;</u>	9152
<u>(8) The academic and social responsibilities of students and parents under the program;</u>	9153
<u>(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;</u>	9154
<u>(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;</u>	9155
<u>(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;</u>	9156
<u>(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;</u>	9157
<u>(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;</u>	9158
<u>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.</u>	9159
<u>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.</u>	9160
<u>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.</u>	9161
<u>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.</u>	9162
<u>(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering</u>	9163
<u>(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering</u>	9164

colleges; 9165

(D) Schedule at least one informational session per school 9166
year to allow each partnering college that is located within 9167
thirty miles of the school to meet with interested students and 9168
parents. The session shall include the benefits and consequences 9169
of participation and shall outline any changes or additions to the 9170
requirements of the program. If there are no partnering colleges 9171
located within thirty miles of the school, the school shall 9172
coordinate with the closest partnering college to offer an 9173
informational session. 9174

(E) Implement a policy for the awarding of grades and the 9175
calculation of class standing for courses taken under division 9176
(A)(2) or (B) of section 3365.06 of the Revised Code. The policy 9177
adopted under this division shall be equivalent to the school's 9178
policy for courses taken under the advanced standing programs 9179
described in divisions (A)(2) and (3) of section 3313.6013 of the 9180
Revised Code or for other courses designated as honors courses by 9181
the school. If the policy includes awarding a weighted grade or 9182
enhancing a student's class standing for these courses, the policy 9183
adopted under this section shall also provide for these procedures 9184
to be applied to courses taken under the college credit plus 9185
program. 9186

(F) Develop model course pathways, pursuant to section 9187
3365.13 of the Revised Code, and publish the course pathways among 9188
the school's official list of course offerings for the program. 9189

(G) Annually collect, report, and track specified data 9190
related to the program according to data reporting guidelines 9191
adopted by the chancellor and the superintendent of public 9192
instruction pursuant to section 3365.15 of the Revised Code. 9193

Sec. 3365.05. Each public and participating private college 9194
shall do all of the following with respect to the college credit 9195

<u>plus program:</u>	9196
<u>(A) Apply established standards and procedures for admission to the college and for course placement for participants. When determining admission and course placement, the college shall do all of the following:</u>	9197 9198 9199 9200
<u>(1) Consider all available student data that may be an indicator of college readiness, including grade point average and end-of-course examination scores, if applicable;</u>	9201 9202 9203
<u>(2) Give priority to its current students regarding enrollment in courses. However, once a participant has been accepted into a course, the college shall not displace the participant for another student.</u>	9204 9205 9206 9207
<u>(3) Adhere to any capacity limitations that the college has established for specified courses.</u>	9208 9209
<u>(B) Send written notice to a participant, the participant's parent, the participant's secondary school, and the superintendent of public instruction, not later than fourteen calendar days prior to the first day of classes for that term, of the participant's admission to the college and to specified courses under the program.</u>	9210 9211 9212 9213 9214 9215
<u>(C) Provide both of the following, not later than twenty-one calendar days after the first day of classes for that term, to each participant, participant's secondary school, and the superintendent of public instruction:</u>	9216 9217 9218 9219
<u>(1) The courses and hours of enrollment of the participant;</u>	9220
<u>(2) The option elected by the participant under division (A) or (B) of section 3365.06 of the Revised Code for each course.</u>	9221 9222
<u>The college shall also provide to each partnering school a roster of participants from that school that are enrolled in the college and a list of course assignments for each participant.</u>	9223 9224 9225

(D) Promote the program on the college's web site, including the details of the college's current agreements with partnering secondary schools. 9226
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(E) Coordinate with each partnering secondary school that is located within thirty miles of the college to present at least one informational session per school year for 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 schools located within thirty miles of the college, the college shall coordinate with the closest partnering school to offer an informational session. 9229
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(F) Assign an academic advisor that is employed by the college to each participant enrolled in that college. Prior to the date on which a withdrawal from a course would negatively affect a participant's transcribed grade, as prescribed by the college's established withdrawal policy, the college shall ensure that the academic advisor and the participant meet at least once to discuss the program and the courses in which the participant is enrolled. 9238
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(G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program: 9245
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(1) Provide at least one professional development session per school year; 9248
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(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course. 9250
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(H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public 9254
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9256

instruction pursuant to section 3365.15 of the Revised Code. 9257

(I) With the exception of divisions (D) and (E) of this 9258
section, any eligible out-of-state college participating in the 9259
college credit plus program shall be subject to the same 9260
requirements as a participating private college under this 9261
section. 9262

Sec. ~~3365.04~~ 3365.06. The rules adopted under section 3365.02 9263
of the Revised Code shall provide for ~~students~~ participants to 9264
enroll in courses under either of the following options: 9265
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(A) The ~~student~~ participant may elect at the time of 9267
enrollment to be responsible for payment of all tuition and the 9268
cost of all textbooks, materials, and fees associated with the 9269
course. The college shall notify the ~~student~~ participant about 9270
payment of tuition and fees in the customary manner followed by 9271
the college. A ~~student~~ participant electing this option also shall 9272
elect, at the time of enrollment, whether to receive only college 9273
credit or high school credit and college credit for the course. 9274

(1) The ~~student~~ participant may elect to receive only college 9275
credit for the course. Except as provided in section ~~3365.041~~ 9276
3365.032 of the Revised Code, if the ~~student~~ participant 9277
successfully completes the course, the college shall award the 9278
~~student participant~~ full credit for the course, but the ~~board of~~ 9279
~~education, community school governing authority, STEM governing~~ 9280
~~entity of a public secondary school,~~ or ~~nonpublic~~ the governing 9281
body of a participating nonpublic secondary school shall not award 9282
the high school credit. 9283

(2) The ~~student~~ participant may elect to receive both high 9284
school credit and college credit for the course. Except as 9285
provided in section ~~3365.041~~ 3365.032 of the Revised Code, if the 9286
~~student participant~~ successfully completes the course, the college 9287

shall award the ~~student~~ participant full credit for the course and 9288
the ~~board of education, community school governing authority, STEM~~ 9289
governing entity of a public school, or the governing body of a 9290
participating nonpublic school shall award the ~~student~~ participant 9291
high school credit. 9292

(B) The ~~student~~ participant may elect at the time of 9293
enrollment for each course to have the college reimbursed under 9294
section 3365.07 of the Revised Code ~~or as provided in alternative~~ 9295
~~funding agreements entered into under rules adopted under section~~ 9296
~~3365.12 of the Revised Code.~~ Except as provided in section 9297
~~3365.041~~ 3365.032 of the Revised Code, if the ~~student~~ participant 9298
successfully completes the course, the college shall award the 9299
~~student~~ participant full credit for the course, and the ~~board of~~ 9300
~~education, community school governing authority, STEM~~ governing 9301
entity of a public school, or the governing body of a 9302
participating nonpublic school shall award the ~~student~~ participant 9303
high school credit, ~~and the college shall be reimbursed in~~ 9304
~~accordance with section 3365.07 of the Revised Code or alternative~~ 9305
~~funding agreements entered into under rules adopted under section~~ 9306
~~3365.12 of the Revised Code.~~ If the participant elects to have the 9307
college reimbursed under this division, the department shall 9308
reimburse the college for the number of enrolled credit hours in 9309
accordance with section 3365.07 of the Revised Code. 9310

When determining a school district's ~~formula-ADM~~ enrollment 9311
under section 3317.03 of the Revised Code, the time a participant 9312
is attending courses under division (A) of this section shall be 9313
considered as time the participant is not attending or enrolled in 9314
school anywhere, and the time a participant is attending courses 9315
under division (B) of this section shall be considered as time the 9316
participant is attending or enrolled in the district's schools. 9317

Sec. 3365.07. The department of education shall calculate and 9318

pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the state board of education, in consultation with the chancellor of the Ohio board of regents, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn college-level credit while enrolled in a secondary school, with the exception of the programs listed in division (A) of section 3365.02 of the Revised Code.

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

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

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

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

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

(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, the default floor amount. 9349

(b) The participant's secondary school shall pay for 9350
textbooks, and the college shall waive payment of all other fees 9351
related to participation in the program. 9352

(2) The governing entity of a participant's secondary school 9353
and the college may enter into an agreement to establish an 9354
alternative payment structure for tuition, textbooks, and fees. 9355
Under such an agreement, payments for each participant made by the 9356
department shall be not less than the default floor amount and not 9357
more than the default ceiling amount. If no agreement is entered 9358
into under division (A)(2) of this section, both of the following 9359
shall apply: 9360

(a) The department shall pay to the college the applicable 9361
default amounts prescribed by division (A)(1)(a) of this section, 9362
depending upon the method of delivery and instruction. 9363

(b) In accordance with division (A)(1)(b) of this section, 9364
the participant's secondary school shall pay for textbooks, and 9365
the college shall waive payment of all other fees related to 9366
participation in the program. 9367

(3) No participant that is enrolled in a public college shall 9368
be charged for any tuition, textbooks, or other fees related to 9369
participation in the program. 9370

(B) For each public secondary school participant enrolled in 9371
a private college: 9372

(1) If no agreement has been entered into under division 9373
(B)(2) of this section, the department shall pay to the college 9374
the applicable amount calculated in the same manner as in division 9375
(A)(1)(a) of this section. 9376

(2) The governing entity of a participant's secondary school 9377
and the college may enter into an agreement to establish an 9378

alternative payment structure for tuition, textbooks, and fees. 9379
Under such an agreement, payments shall be not less than the 9380
default floor amount and not more than the default ceiling amount. 9381

If an agreement is entered into under division (B)(2) of this 9382
section, both of the following shall apply: 9383

(a) The department shall make a payment to the college for 9384
each participant that is equal to the default floor amount. 9385

(b) Payment for costs for the participant that exceed the 9386
default floor amount paid by the department pursuant to division 9387
(B)(2)(a) of this section shall be negotiated by the school and 9388
the college. The agreement may include a stipulation permitting 9389
the charging of a participant. 9390

However, under no circumstances shall: 9391

(i) Payments for a participant made by the department under 9392
this division (B)(2) of this section exceed the default ceiling 9393
amount; 9394

(ii) The amount charged to a participant under division 9395
(B)(2) of this section exceed the difference between the maximum 9396
per participant charge amount and the default floor amount; 9397

(iii) The sum of the payments made by the department for a 9398
participant and the amount charged to that participant under 9399
division (B)(2) of this section exceed the maximum per participant 9400
charge amount; 9401

(iv) A participant that is identified as economically 9402
disadvantaged according to rules adopted by the department be 9403
charged under division (B)(2) of this section for any tuition, 9404
textbooks, or other fees related to participation in the program. 9405

(C) For each nonpublic secondary school participant enrolled 9406
in a private or eligible out-of-state college, the department 9407
shall pay to the college the applicable amount calculated in the 9408

same manner as in division (A)(1)(a) of this section. Payment for 9409
costs for the participant that exceed the amount paid by the 9410
department shall be negotiated by the governing body of the 9411
nonpublic secondary school and the college. 9412

However, under no circumstances shall: 9413

(1) The payments for a participant made by the department 9414
under this division exceed the default ceiling amount. 9415

(2) Any nonpublic secondary school participant, who is 9416
enrolled in that secondary school with a scholarship awarded under 9417
either the educational choice scholarship pilot program, as 9418
prescribed by sections 3310.01 to 3310.17, or the pilot project 9419
scholarship program, as prescribed by sections 3313.974 to 9420
3313.979 of the Revised Code, and who qualifies as a low-income 9421
student under either of those programs, be charged for any 9422
tuition, textbooks, or other fees related to participation in the 9423
college credit plus program. 9424

(D) For each nonchartered nonpublic secondary school 9425
participant and each home-instructed participant enrolled in a 9426
public, private, or eligible out-of-state college, the department 9427
shall pay to the college the default ceiling amount, if that 9428
participant is enrolled in a college course delivered on the 9429
college campus, at another location operated by the college, or 9430
online. 9431

(E) Not later than thirty days after the end of each term, 9432
each college expecting to receive payment for the costs of a 9433
participant under this section shall notify the department of the 9434
number of enrolled credit hours for each participant. 9435

(F) Each January and July, or as soon as possible thereafter, 9436
the department shall make the applicable payments under this 9437
section to each college, which provided proper notification to the 9438
department under division (E) of this section, for the number of 9439

enrolled credit hours for participants enrolled in the college 9440
under division (B) of section 3365.06 of the Revised Code. The 9441
department shall not make any payments to a college under this 9442
section if a participant withdrew from a course prior to the date 9443
on which a withdrawal from the course would have negatively 9444
affected the participant's transcribed grade, as prescribed by 9445
the college's established withdrawal policy. 9446

(1) Payments made for public secondary school participants 9447
under this section shall be deducted from the school foundation 9448
payments made to the participant's school district or, if the 9449
participant is enrolled in a community school, a STEM school, or a 9450
college-preparatory boarding school, from the payments made to 9451
that school under section 3314.08, 3326.33, or 3328.34 of the 9452
Revised Code. If the participant is enrolled in a joint vocational 9453
school district, a portion of the amount shall be deducted from 9454
the payments to the joint vocational school district and a portion 9455
shall be deducted from the payments to the participant's city, 9456
local, or exempted village school district in accordance with the 9457
full-time equivalency of the student's enrollment in each 9458
district. Amounts deducted under division (F)(1) of this section 9459
shall be calculated in accordance with rules adopted by the state 9460
board of education, pursuant to division (B) of section 3365.071 9461
of the Revised Code. 9462

(2) Payments made for nonpublic secondary school 9463
participants, nonchartered nonpublic secondary school 9464
participants, and home-instructed participants under this section 9465
shall be deducted from moneys appropriated by the general assembly 9466
for such purpose. Payments shall be allocated and distributed in 9467
accordance with rules adopted by the state board, in consultation 9468
with the chancellor of the Ohio board of regents, pursuant to 9469
division (A) of section 3365.071 of the Revised Code. 9470

(G) Any public college that enrolls a student under division 9471

(B) of section 3365.06 of the Revised Code may include that 9472
student in the calculation used to determine its state share of 9473
instruction funds appropriated to the Ohio board of regents by the 9474
general assembly. 9475

Sec. 3365.071. (A) The state board of education, in 9476
accordance with Chapter 119. of the Revised Code and in 9477
consultation with the chancellor of the Ohio board of regents, 9478
shall adopt rules prescribing a method to allocate and distribute 9479
payments under section 3365.07 of the Revised Code for nonpublic 9480
secondary school participants, nonchartered nonpublic secondary 9481
school participants, and home-instructed participants. The rules 9482
shall include that payments made for nonchartered nonpublic 9483
secondary school participants be made in the same manner as 9484
payments for home-instructed participants under that section. 9485

(B) The state board shall also adopt rules establishing a 9486
method to calculate the amounts deducted from a joint vocational 9487
school district and from a participant's city, local, or exempted 9488
village school district for payments under section 3365.07 of the 9489
Revised Code. 9490

Sec. 3365.08. (A) ~~A college that expects to receive or~~ 9491
~~receives reimbursement under section 3365.07 of the Revised Code~~ 9492
~~or through alternative funding agreements entered into under rules~~ 9493
~~adopted under section 3365.12 of the Revised Code shall furnish to~~ 9494
~~a participant all textbooks and materials directly related to a~~ 9495
~~course taken by the participant under division (B) of section~~ 9496
~~3365.04 of the Revised Code. No college shall charge such~~ 9497
~~participant for tuition, textbooks, materials, or other fees~~ 9498
~~directly related to any such course.~~ 9499

~~(B) No student participant enrolled under this chapter in a~~ 9500
~~course for which credit toward high school graduation is awarded~~ 9501

shall receive direct financial aid through any state or federal 9502
program. 9503

~~(C)~~(B) If a school district provides transportation for 9504
resident school students in grades eleven and twelve under section 9505
3327.01 of the Revised Code, a parent of a ~~pupil~~ participant 9506
enrolled in a course under division (A)(2) or (B) of section 9507
~~3365.04~~ 3365.06 of the Revised Code may apply to the board of 9508
education for full or partial reimbursement for the necessary 9509
costs of transporting the ~~student~~ participant between the 9510
secondary school the ~~student~~ participant attends and the college 9511
in which the ~~student~~ participant is enrolled. Reimbursement may be 9512
paid solely from funds received by the district for ~~pupil~~ student 9513
transportation under section 3317.0212 of the Revised Code or 9514
other provisions of law. The state board of education shall 9515
establish guidelines, based on financial need, under which a 9516
district may provide such reimbursement. 9517

~~(D)~~(C) If a community school provides or arranges 9518
transportation for its ~~pupils~~ students in grades nine through 9519
twelve under section 3314.091 of the Revised Code, a parent of a 9520
~~pupil~~ participant of the community school who is enrolled in a 9521
course under division (A)(2) or (B) of section ~~3365.04~~ 3365.06 of 9522
the Revised Code may apply to the governing authority of the 9523
community school for full or partial reimbursement of the 9524
necessary costs of transporting the ~~student~~ participant between 9525
the community school and the college. The governing authority may 9526
pay the reimbursement in accordance with the state board's rules 9527
adopted under division ~~(C)~~(B) of this section solely from funds 9528
paid to it under section 3314.091 of the Revised Code. 9529

Sec. ~~3365.11~~ 3365.09. (A) ~~If~~ Except as provided for in 9530
division (C) of this section, if the superintendent ~~of the school~~ 9531
~~district or the chief administrator of the community school or~~ 9532

~~STEM, or equivalent, of a public secondary school in which a~~ 9533
participant is enrolled determines that the participant has not 9534
attained a passing final grade in a college course in which the 9535
participant enrolled under this chapter, the superintendent, ~~or~~ 9536
~~chief administrator shall equivalent, may~~ seek reimbursement from 9537
the participant or the participant's parent for the amount of 9538
state funds paid to the college on behalf of the participant for 9539
that college course. The ~~board of education of the school~~ 9540
~~district, the governing authority of the community school, or the~~ 9541
~~STEM governing entity of a public school,~~ in accordance with 9542
division (C) of section 3313.642 of the Revised Code, may withhold 9543
grades and credits received by the participant for ~~district or~~ 9544
~~community high~~ school courses taken by the participant until the 9545
participant or the participant's parent provides reimbursement. 9546

(B) ~~If~~ Except as provided for in division (C) of this 9547
section, if the chief administrator of ~~the~~ a participating 9548
nonpublic school in which a participant is enrolled determines 9549
that the participant has not attained a passing final grade in a 9550
college course in which the participant enrolled under this 9551
chapter, the chief administrator ~~shall~~ may seek reimbursement from 9552
the participant or the participant's parent for the amount of 9553
state funds paid to the college on behalf of the participant for 9554
enrollment in that college course. Upon the collection of any 9555
funds from a participant or participant's parent under this 9556
division, the chief administrator of a nonpublic school shall send 9557
an amount equal to the funds collected to the superintendent of 9558
public instruction. The superintendent of public instruction shall 9559
credit that amount to the general revenue fund. 9560

(C) Unless the participant was expelled by the school, the 9561
superintendent, or equivalent, or chief administrator shall not 9562
seek reimbursement from a participant or a participant's parent 9563
under division (A) or (B) of this section, if the participant is 9564

identified as economically disadvantaged according to rules 9565
adopted by the department of education. 9566

Sec. 3365.10. (A) Any public or participating nonpublic 9567
secondary school or any public or participating private college, 9568
including a secondary school and an associated college operating 9569
an early college high school program, may apply to the chancellor 9570
of the Ohio board of regents and the superintendent of public 9571
instruction for a waiver from the requirements of the college 9572
credit plus program. The chancellor and the superintendent may 9573
grant a waiver under this section for an agreement governing an 9574
early college high school program or for a proposed agreement 9575
between a public or participating nonpublic secondary school and a 9576
public or participating private or out-of-state college, only if 9577
the agreement does both of the following: 9578

(1) Includes innovative programming proposed to exclusively 9579
address the needs of underrepresented student subgroups; 9580

(2) Meets all criteria set forth in rules adopted by the 9581
chancellor and the superintendent pursuant to division (C) of this 9582
section. 9583

(B) Any waiver granted under this section shall apply only to 9584
the agreement for which the waiver is granted and shall not apply 9585
to any other agreement that the school or college enters into 9586
under this chapter. 9587

(C) The chancellor and the superintendent of public 9588
instruction shall jointly adopt rules, in accordance with Chapter 9589
119. of the Revised Code, regarding the granting of waivers under 9590
this section. 9591

(D) As used in this section, "associated college" and "early 9592
college high school program" have the same meanings as in section 9593
3313.6013 of the Revised Code. 9594

Sec. 3365.11. Each instructor teaching a course under the 9595
college credit plus program shall meet the credential requirements 9596
set forth in guidelines and procedures established by the 9597
chancellor of the Ohio board of regents. If the guidelines require 9598
high school teachers to take any additional graduate-level 9599
coursework in order to meet the credential requirements, that 9600
coursework shall be applicable to continuing education and 9601
professional development requirements for the renewal of the 9602
teacher's educator license. 9603

~~Sec. 3365.05~~ 3365.12. (A) All courses offered under the 9604
college credit plus program shall be the same courses that are 9605
included in the partnering college's course catalogue for 9606
college-level, nonremedial courses and shall apply to at least one 9607
degree or professional certification at the partnering college. 9608

(B)(1) High school credit awarded for courses successfully 9609
completed under this chapter shall count toward the graduation 9610
requirements and subject area requirements of the ~~school district,~~ 9611
~~community school,~~ STEM public secondary school, or participating 9612
nonpublic secondary school. If a course comparable to one a 9613
~~student participant~~ completed at a college is offered by the 9614
~~district or school,~~ the board or school governing entity or 9615
governing body shall award comparable credit for the course 9616
completed at the college. If no comparable course is offered by 9617
the ~~district or school,~~ the board or school governing entity or 9618
governing body shall grant an appropriate number of elective 9619
~~credits in a similar subject area~~ to the student participant. 9620

(2) If there is a dispute between a ~~school district board, a~~ 9621
~~community school governing authority, or a STEM participant's~~ 9622
school and a ~~student participant~~ regarding high school credits 9623
granted for a course, the ~~student participant~~ may appeal the 9624
decision to the state board of education. The state board's 9625

decision regarding any high school credits granted under this 9626
section is final. 9627

(C) Evidence of successful completion of each course and the 9628
high school credits awarded by the ~~district or~~ school shall be 9629
included in the student's record. The record shall indicate that 9630
the credits were earned as a participant under this chapter and 9631
shall include the name of the college at which the credits were 9632
earned. ~~The district or school shall determine whether and the~~ 9633
~~manner in which the grade achieved in a course completed at a~~ 9634
~~college under division (A)(2) or (B) of section 3365.04 of the~~ 9635
~~Revised Code will be counted in any cumulative grade point average~~ 9636
~~maintained for the student.~~ 9637

Sec. 3365.13. (A) Each public secondary school shall develop, 9638
in consultation with at least one public partnering college, two 9639
model pathways for courses offered under the college credit plus 9640
program. One of the model pathways shall be a fifteen-credit hour 9641
pathway and one shall be a thirty-credit hour pathway. Each 9642
pathway shall include courses which, once completed, all apply to 9643
at least one degree or professional certification offered at the 9644
college. The pathways may be organized by desired major or career 9645
path or may include various core courses required for a degree or 9646
professional certification by the college. The school shall 9647
publish the pathways among the school's official list of course 9648
offerings from which a participant may select. 9649

(B) No participant shall be required to enroll only in the 9650
courses included in a model pathway developed under division (A) 9651
of this section. Instead, the pathways shall serve as samples of 9652
the courses that a participant may take, if desired, to earn 9653
multiple credits toward a specified degree or certification. 9654

Sec. 3365.15. The chancellor of the Ohio board of regents and 9655

the superintendent of public instruction jointly shall do all of 9656
the following: 9657

(A) Adopt data reporting guidelines specifying the types of 9658
data that public and participating nonpublic secondary schools and 9659
public and participating private colleges, including eligible 9660
out-of-state colleges participating in the program, must annually 9661
collect, report, and track under division (G) of section 3365.04 9662
and division (H) of section 3365.05 of the Revised Code. The types 9663
of data shall include all of the following: 9664

(1) For each secondary school and college: 9665

(a) The number of participants disaggregated by grade level, 9666
socioeconomic status, race, gender, and disability; 9667

(b) The number of completed courses and credit hours, 9668
disaggregated by the college in which participants were enrolled; 9669

(c) The number of courses in which participants enrolled, 9670
disaggregated by subject area and level of difficulty. 9671

(2) For each secondary school, the number of students who 9672
were denied participation in the program under division (A)(1)(a) 9673
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 9674
Revised Code. Each participating nonpublic secondary school shall 9675
also include the number of students who were denied participation 9676
due to the student not being awarded funding by the department of 9677
education pursuant to section 3365.071 of the Revised Code. 9678

(3) For each college: 9679

(a) The number of students who applied to enroll in the 9680
college under the program but were not granted admission; 9681

(b) The average number of completed courses per participant; 9682

(c) The average grade point average for participants in 9683
college courses under the program. 9684

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data. 9685
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(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the board of regents' and the department of education's web sites. 9688
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(C) Submit a biennial report detailing the status of the college credit plus program to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. The first report shall be submitted not later than December 31, 2017, and each subsequent report shall be submitted not later than the thirty-first day of December every two years thereafter. 9693
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(D) Establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At least one member of the advisory committee shall be a school guidance counselor. 9701
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The chancellor shall also, in consultation with the superintendent, create a standard packet of information for the college credit plus program directed toward students and parents that are interested in the program. 9705
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Sec. 3707.511. (A) As used in this section, "physician": 9709

(1) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 9710
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(2) "Licensed health care professional" means an individual, other than a physician, who is authorized under Title XLVII of the 9713
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Revised Code to practice a health care profession. 9715

(B) A youth sports organization shall provide to the parent, 9716
guardian, or other person having care or charge of an individual 9717
who wishes to practice for or compete in an athletic activity 9718
organized by a youth sports organization the concussion and head 9719
injury information sheet required by section 3707.52 of the 9720
Revised Code. The organization shall provide the information sheet 9721
annually for each sport or other category of athletic activity for 9722
or in which the individual practices or competes. 9723

(C)(1) No individual shall act as a coach or referee for a 9724
youth sports organization unless the individual holds a 9725
pupil-activity program permit issued under section 3319.303 of the 9726
Revised Code for coaching interscholastic athletics or presents 9727
evidence that the individual has successfully completed, within 9728
the previous three years, a training program in recognizing the 9729
symptoms of concussions and head injuries to which the department 9730
of health has provided a link on its internet web site under 9731
section 3707.52 of the Revised Code. 9732

(2) The youth sports organization for which the individual 9733
intends to act as a coach or referee shall inform the individual 9734
of the requirement described in division (C)(1) of this section. 9735

(D) If an individual practicing for or competing in an 9736
athletic event organized by a youth sports organization exhibits 9737
signs, symptoms, or behaviors consistent with having sustained a 9738
concussion or head injury while participating in the practice or 9739
competition, the individual shall be removed from the practice or 9740
competition by one of the following: 9741

(1) The individual who is serving as the individual's coach 9742
during that practice or competition; 9743

(2) An individual who is serving as a referee during that 9744
practice or competition; 9745

(3) An official of the youth sports organization who is supervising that practice or competition.

(E)(1) If an individual is removed from practice or competition under division (D) of this section, the coach, referee, or official who removed the individual shall not allow the individual, on the same day the individual is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible. Thereafter, the coach, referee, or official shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible until both of the following conditions are satisfied:

(a) The individual's condition is assessed by ~~either~~ any of the following who has complied with the requirements in division (E)(4) of this section:

(i) A physician;

(ii) ~~Any other~~ A licensed health care provider professional the youth sports organization, pursuant to division (E)(2) of this section, authorizes to assess an individual who has been removed from practice or competition under division (D) of this section;

(iii) A licensed health care professional who meets the minimum education and continuing education requirements established by rules adopted under section 3707.521 of the Revised Code.

(b) The individual receives written clearance that it is safe for the individual to return to practice or competition from ~~a~~ the physician or ~~from another~~ licensed health care ~~provider~~ authorized pursuant to division (E)(2) of this section to grant the clearance professional who assessed the individual's condition.

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(2) A youth sports organization may authorize a licensed health care ~~provider who is not a physician~~ professional to make an assessment or grant a clearance for purposes of division (E)(1) of this section only if the ~~provider~~ professional is acting in accordance with one of the following, as applicable to the ~~provider's~~ professional's authority to practice in this state:

- (a) In consultation with a physician;
- (b) Pursuant to the referral of a physician;
- (c) In collaboration with a physician;
- (d) Under the supervision of a physician.

(3) A physician or ~~other~~ licensed health care ~~provider~~ professional who makes an assessment or grants a clearance for purposes of division (E)(1) of this section may be a volunteer.

(4) Beginning one hundred eighty days after the effective date of this amendment, all physicians and licensed health care professionals who conduct assessments and clearances under division (E)(1) of this section must meet the minimum education and continuing education requirements established by rules adopted under section 3707.521 of the Revised Code.

(F)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

Sec. 3707.521. (A) The director of health, in consultation with a representative of the state medical board, a representative of the state chiropractic board, and any additional representatives of licensed health care professions the director considers appropriate, shall do both of the following not later than one hundred eighty days after the effective date of this section: 9807
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(1) Develop and publish guidelines addressing both of the following with regard to athletes exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in an interscholastic athletic event or an athletic activity organized by a youth sports organization: 9814
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(a) The diagnosis and treatment of concussions and head injuries; 9819
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(b) The conditions under which an athlete may be granted clearance to return to practice or competition under section 3313.539 or 3707.511 of the Revised Code. 9821
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(2) Adopt rules in accordance with Chapter 119. of the Revised Code governing both of the following: 9824
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(a) The minimum education requirements necessary to qualify a licensed health care professional to assess and clear an athlete for return to practice or competition under section 3313.539 or 3707.511 of the Revised Code; 9826
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(b) The minimum continuing education curriculum necessary to qualify a licensed health care professional to continue to assess and clear athletes for return to practice or competition under section 3313.539 or 3707.511 of the Revised Code. 9830
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(B) In developing guidelines under division (A)(1) of this section, the director shall consider nationally recognized standards for the treatment and care of concussions and the scope 9834
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of practice of any licensed health care professional as it relates 9837
to qualifications to assess and clear student athletes under 9838
sections 3313.539 or 3707.511 of the Revised Code. 9839

Sec. 5705.10. (A) All revenue derived from the general levy 9840
for current expense within the ten-mill limitation, from any 9841
general levy for current expense authorized by vote in excess of 9842
the ten-mill limitation, and from sources other than the general 9843
property tax, unless its use for a particular purpose is 9844
prescribed by law, shall be paid into the general fund. 9845

(B) All revenue derived from general or special levies for 9846
debt charges, whether within or in excess of the ten-mill 9847
limitation, which is levied for the debt charges on serial bonds, 9848
notes, or certificates of indebtedness having a life less than 9849
five years, shall be paid into the bond retirement fund; and all 9850
such revenue which is levied for the debt charges on all other 9851
bonds, notes, or certificates of indebtedness shall be paid into 9852
the sinking fund. 9853

(C) All revenue derived from a special levy shall be credited 9854
to a special fund for the purpose for which the levy was made. 9855

(D) Except as otherwise provided by resolution adopted 9856
pursuant to section 3315.01 of the Revised Code, all revenue 9857
derived from a source other than the general property tax and 9858
which the law prescribes shall be used for a particular purpose, 9859
shall be paid into a special fund for such purpose. Except as 9860
otherwise provided by resolution adopted pursuant to section 9861
3315.01 of the Revised Code or as otherwise provided by section 9862
3315.40 of the Revised Code, all revenue derived from a source 9863
other than the general property tax, for which the law does not 9864
prescribe use for a particular purpose, including interest earned 9865
on the principal of any special fund, regardless of the source or 9866
purpose of the principal, shall be paid into the general fund. 9867

(E) All proceeds from the sale of public obligations or 9868
fractionalized interests in public obligations as defined in 9869
section 133.01 of the Revised Code, except premium and accrued 9870
interest, shall be paid into a special fund for the purpose of 9871
such issue, and any interest and other income earned on money in 9872
such special fund may be used for the purposes for which the 9873
indebtedness was authorized or may be credited to the general fund 9874
or other fund or account as the taxing authority authorizes and 9875
used for the purposes of that fund or account. The premium and 9876
accrued interest received from such sale shall be paid into the 9877
sinking fund or the bond retirement fund of the subdivision. 9878

(F) Except as provided in divisions (G) and (H) of this 9879
section, if a permanent improvement of the subdivision is sold, 9880
the amount received from the sale shall be paid into the sinking 9881
fund, the bond retirement fund, or a special fund for the 9882
construction or acquisition of permanent improvements; provided 9883
that the proceeds from the sale of a public utility shall be paid 9884
into the sinking fund or bond retirement fund to the extent 9885
necessary to provide for the retirement of the outstanding 9886
indebtedness incurred in the construction or acquisition of such 9887
utility. Proceeds from the sale of property other than a permanent 9888
improvement shall be paid into the fund from which such property 9889
was acquired or is maintained or, if there is no such fund, into 9890
the general fund. 9891

(G) A township that has a population greater than fifteen 9892
thousand according to the most recent federal decennial census and 9893
that has declared one or more improvements in the township to be a 9894
public purpose under section 5709.73 of the Revised Code may pay 9895
proceeds from the sale of a permanent improvement of the township 9896
into its general fund if both of the following conditions are 9897
satisfied: 9898

(1) The township fiscal officer determines that all 9899

foreseeable public infrastructure improvements, as defined in 9900
section 5709.40 of the Revised Code, to be made in the township in 9901
the ten years immediately following the date the permanent 9902
improvement is sold will have been financed through resolutions 9903
adopted under section 5709.73 of the Revised Code on or before the 9904
date of the sale. The fiscal officer shall provide written 9905
certification of this determination for the township's records. 9906

(2) The permanent improvement being sold was financed 9907
entirely from moneys in the township's general fund. 9908

(H) If a board of education of a school district disposes of 9909
real property under section 3313.41 of the Revised Code, the 9910
proceeds received from the sale shall be used ~~to retire~~ for either 9911
of the following purposes: 9912

(1) The retirement of any debt that was incurred by the 9913
district with respect to that real property. Proceeds in excess of 9914
the funds necessary to retire that debt may be paid into the 9915
school district's capital and maintenance fund and used only to 9916
pay for the costs of nonoperating capital expenses related to 9917
technology infrastructure and equipment to be used for instruction 9918
and assessment. 9919

(2) Payment into a special fund for the construction or 9920
acquisition of permanent improvements. 9921

(I) Money paid into any fund shall be used only for the 9922
purposes for which such fund is established. 9923

Section 2. That existing sections 133.06, 149.433, 921.06, 9924
3301.079, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.03, 9925
3302.10, 3310.03, 3310.031, 3310.13, 3310.14, 3310.522, 3311.24, 9926
3311.25, 3311.38, 3311.86, 3313.372, 3313.537, 3313.539, 3313.603, 9927
3313.6013, 3313.6014, 3313.6016, 3313.61, 3313.612, 3313.843, 9928
3313.90, 3314.02, 3314.029, 3314.03, 3314.08, 3317.03, 3318.70, 9929

3319.111, 3319.112, 3319.22, 3319.26, 3319.31, 3321.07, 3321.08, 9930
3324.07, 3325.02, 3325.06, 3325.07, 3325.10, 3326.11, 3326.36, 9931
3328.24, 3328.25, 3331.04, 3333.041, 3333.35, 3333.43, 3333.86, 9932
3345.06, 3345.061, 3365.04, 3365.041, 3365.05, 3365.06, 3365.08, 9933
3365.11, 3707.511, and 5705.10 and sections 3313.536, 3345.062, 9934
3365.01, 3365.02, 3365.021, 3365.022, 3365.03, 3365.07, 3365.09, 9935
3365.10, 3365.12, and 3365.15 of the Revised Code are hereby 9936
repealed. 9937

Section 3. That the versions of sections 3314.03 and 3326.11 9938
of the Revised Code that result from Section 1 of this act be 9939
amended to read as follows: 9940

Sec. 3314.03. A copy of every contract entered into under 9941
this section shall be filed with the superintendent of public 9942
instruction. The department of education shall make available on 9943
its web site a copy of every approved, executed contract filed 9944
with the superintendent under this section. 9945

(A) Each contract entered into between a sponsor and the 9946
governing authority of a community school shall specify the 9947
following: 9948

(1) That the school shall be established as either of the 9949
following: 9950

(a) A nonprofit corporation established under Chapter 1702. 9951
of the Revised Code, if established prior to April 8, 2003; 9952

(b) A public benefit corporation established under Chapter 9953
1702. of the Revised Code, if established after April 8, 2003. 9954

(2) The education program of the school, including the 9955
school's mission, the characteristics of the students the school 9956
is expected to attract, the ages and grades of students, and the 9957
focus of the curriculum; 9958

- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 9959
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- (4) Performance standards by which the success of the school will be evaluated by the sponsor; 9962
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 9964
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- (6)(a) Dismissal procedures; 9966
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 9967
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 9973
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- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 9975
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- (9) The facilities to be used and their locations; 9981
- (10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code. 9982
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- (11) That the school will comply with the following 9988

requirements:	9989
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	9990 9991 9992
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	9993 9994 9995
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	9996 9997 9998 9999
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015 , 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.	10000 10001 10002 10003 10004 10005 10006 10007 10008 10009 10010 10011 10012 10013 10014
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	10015 10016
(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the	10017 10018 10019

requirement in sections 3313.61 and 3313.611 of the Revised Code 10020
that a person must successfully complete the curriculum in any 10021
high school prior to receiving a high school diploma may be met by 10022
completing the curriculum adopted by the governing authority of 10023
the community school rather than the curriculum specified in Title 10024
XXXIII of the Revised Code or any rules of the state board of 10025
education. Beginning with students who enter ninth grade for the 10026
first time on or after July 1, 2010, the requirement in sections 10027
3313.61 and 3313.611 of the Revised Code that a person must 10028
successfully complete the curriculum of a high school prior to 10029
receiving a high school diploma shall be met by completing the 10030
requirements prescribed in division (C) of section 3313.603 of the 10031
Revised Code, unless the person qualifies under division (D) or 10032
(F) of that section. Each school shall comply with the plan for 10033
awarding high school credit based on demonstration of subject area 10034
competency, adopted by the state board of education under division 10035
(J) of section 3313.603 of the Revised Code. 10036

(g) The school governing authority will submit within four 10037
months after the end of each school year a report of its 10038
activities and progress in meeting the goals and standards of 10039
divisions (A)(3) and (4) of this section and its financial status 10040
to the sponsor and the parents of all students enrolled in the 10041
school. 10042

(h) The school, unless it is an internet- or computer-based 10043
community school, will comply with section 3313.801 of the Revised 10044
Code as if it were a school district. 10045

(i) If the school is the recipient of moneys from a grant 10046
awarded under the federal race to the top program, Division (A), 10047
Title XIV, Sections 14005 and 14006 of the "American Recovery and 10048
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 10049
school will pay teachers based upon performance in accordance with 10050
section 3317.141 and will comply with section 3319.111 of the 10051

Revised Code as if it were a school district.	10052
(12) Arrangements for providing health and other benefits to employees;	10053 10054
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	10055 10056 10057 10058
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	10059 10060
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	10061 10062 10063
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	10064 10065 10066
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	10067 10068 10069 10070 10071 10072 10073 10074 10075 10076 10077
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	10078 10079 10080
(19) A provision requiring the governing authority to adopt a	10081

policy regarding the admission of students who reside outside the 10082
district in which the school is located. That policy shall comply 10083
with the admissions procedures specified in sections 3314.06 and 10084
3314.061 of the Revised Code and, at the sole discretion of the 10085
authority, shall do one of the following: 10086

(a) Prohibit the enrollment of students who reside outside 10087
the district in which the school is located; 10088

(b) Permit the enrollment of students who reside in districts 10089
adjacent to the district in which the school is located; 10090

(c) Permit the enrollment of students who reside in any other 10091
district in the state. 10092

(20) A provision recognizing the authority of the department 10093
of education to take over the sponsorship of the school in 10094
accordance with the provisions of division (C) of section 3314.015 10095
of the Revised Code; 10096

(21) A provision recognizing the sponsor's authority to 10097
assume the operation of a school under the conditions specified in 10098
division (B) of section 3314.073 of the Revised Code; 10099

(22) A provision recognizing both of the following: 10100

(a) The authority of public health and safety officials to 10101
inspect the facilities of the school and to order the facilities 10102
closed if those officials find that the facilities are not in 10103
compliance with health and safety laws and regulations; 10104

(b) The authority of the department of education as the 10105
community school oversight body to suspend the operation of the 10106
school under section 3314.072 of the Revised Code if the 10107
department has evidence of conditions or violations of law at the 10108
school that pose an imminent danger to the health and safety of 10109
the school's students and employees and the sponsor refuses to 10110
take such action. 10111

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

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

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

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

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to

teach in the school or building after conversion;	10143
(4) The instructional program and educational philosophy of the school;	10144 10145
(5) Internal financial controls.	10146
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	10147 10148 10149 10150 10151 10152 10153 10154 10155
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	10156 10157 10158 10159 10160
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	10161 10162
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	10163 10164 10165
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	10166 10167 10168 10169
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	10170 10171 10172

(5) Take steps to intervene in the school's operation to 10173
correct problems in the school's overall performance, declare the 10174
school to be on probationary status pursuant to section 3314.073 10175
of the Revised Code, suspend the operation of the school pursuant 10176
to section 3314.072 of the Revised Code, or terminate the contract 10177
of the school pursuant to section 3314.07 of the Revised Code as 10178
determined necessary by the sponsor; 10179

(6) Have in place a plan of action to be undertaken in the 10180
event the community school experiences financial difficulties or 10181
closes prior to the end of a school year. 10182

(E) Upon the expiration of a contract entered into under this 10183
section, the sponsor of a community school may, with the approval 10184
of the governing authority of the school, renew that contract for 10185
a period of time determined by the sponsor, but not ending earlier 10186
than the end of any school year, if the sponsor finds that the 10187
school's compliance with applicable laws and terms of the contract 10188
and the school's progress in meeting the academic goals prescribed 10189
in the contract have been satisfactory. Any contract that is 10190
renewed under this division remains subject to the provisions of 10191
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 10192

(F) If a community school fails to open for operation within 10193
one year after the contract entered into under this section is 10194
adopted pursuant to division (D) of section 3314.02 of the Revised 10195
Code or permanently closes prior to the expiration of the 10196
contract, the contract shall be void and the school shall not 10197
enter into a contract with any other sponsor. A school shall not 10198
be considered permanently closed because the operations of the 10199
school have been suspended pursuant to section 3314.072 of the 10200
Revised Code. 10201

Sec. 3326.11. Each science, technology, engineering, and 10202
mathematics school established under this chapter and its 10203

governing body shall comply with sections 9.90, 9.91, 109.65, 10204
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 10205
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 10206
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 10207
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 10208
~~3313.6015~~, 3313.6020, 3313.61, 3313.611, 3313.614, 3313.615, 10209
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 10210
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 10211
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 10212
3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 10213
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 10214
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 10215
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 10216
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 10217
4123., 4141., and 4167. of the Revised Code as if it were a school 10218
district. 10219

Section 4. That the existing versions of sections 3314.03 and 10220
3326.11 of the Revised Code that result from Section 1 of this act 10221
and section 3313.6015 of the Revised Code are hereby repealed. 10222

Section 5. Sections 3 and 4 of this act take effect July 1, 10223
2015. 10224

Section 6. (A) There is hereby created the School Based 10225
Health Care Advisory Workgroup. The Workgroup shall consist of the 10226
following members: 10227

(1) The Superintendent of Public Instruction or the 10228
Superintendent's designee; 10229

(2) The Director of Developmental Disabilities or the 10230
Director's designee; 10231

(3) The Director of Health or the Director's designee; 10232

(4) The Director of Job and Family Services or the Director's designee;	10233 10234
(5) The Director of Medicaid or the Director's designee;	10235
(6) The Director of Mental Health and Addiction Services or the Director's designee;	10236 10237
(7) The Director of the Office of Health Transformation or the Director's designee, who shall serve as chairperson;	10238 10239
(8) One representative from each of the following organizations, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization:	10240 10241 10242 10243
(a) The Association of Ohio Health Commissioners;	10244
(b) The Buckeye Association of School Administrators;	10245
(c) The County Commissioners Association of Ohio;	10246
(d) The Greater Cincinnati Community Learning Institute;	10247
(e) The Ohio Association of Community Health Centers;	10248
(f) The Ohio Association of Health Plans;	10249
(g) The Ohio Association of School Nurses;	10250
(h) The Ohio Business Roundtable;	10251
(i) The Ohio Chamber of Commerce;	10252
(j) The Ohio Chapter of the American Academy of Pediatrics;	10253
(k) The Ohio Children's Hospital Association;	10254
(l) The Ohio Commission on Minority Health;	10255
(m) The Ohio Council of Behavioral Health and Family Services Providers;	10256 10257
(n) The Ohio Dental Association;	10258
(o) The Ohio Optometric Association;	10259

(p) The Ohio Parent Teacher Association;	10260
(q) The Ohio State Medical Association;	10261
(r) The Public Children Services Association of Ohio;	10262
(s) Voices for Ohio's Children;	10263
(t) The Ohio Federation of Teachers;	10264
(u) The Ohio Association of County Behavioral Health Authorities;	10265 10266
(v) The Ohio School Psychologists Association.	10267
(9) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House of Representatives;	10268 10269 10270
(10) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the President of the Senate.	10271 10272 10273
(B) The Workgroup shall do all of the following:	10274
(1) Review evidence of the correlation between student health and academic achievement;	10275 10276
(2) Identify existing best practices to improve academic achievement through better student health;	10277 10278
(3) Based on existing best practices, recommend one or more models for communities that want to improve academic achievement through better student health;	10279 10280 10281
(4) Recommend financial strategies to sustain the models over time, with an emphasis on health coverage through commercial insurance and Medicaid, not other governmental subsidies;	10282 10283 10284
(5) Recommend health care service delivery strategies that are known to improve health outcomes, such as patient-centered medical homes;	10285 10286 10287

(6) Explore the community learning center model delivery of student health care services;	10288 10289
(7) Ensure that all recommendations adhere to state and federal law.	10290 10291
(C)(1) Appointments to the Workgroup shall be made not later than fifteen days after the effective date of this section. Vacancies shall be filled in the same manner as the original appointments.	10292 10293 10294 10295
(2) Members of the Workgroup shall serve without compensation or reimbursement for expenses incurred while serving on the Workgroup, except to the extent that serving on the Workgroup is considered to be among the member's employment duties.	10296 10297 10298 10299
(D) The Workgroup shall prepare a report of its findings and recommendations and, not later than December 31, 2014, submit the report to the General Assembly. Upon submission of the report, the Workgroup shall cease to exist.	10300 10301 10302 10303
Section 7. (A) Notwithstanding anything to the contrary in Chapter 3365. of the Revised Code, for the 2014-2015 school year, the program established under that chapter shall continue to operate as the Post-Secondary Enrollment Options Program, as it existed under that chapter prior to the effective date of this section. All rules for the Post-Secondary Enrollment Options Program in effect on the effective date of this section shall continue to govern that program for the 2014-2015 school year. The College Credit Plus Program, as codified in Chapter 3365. of the Revised Code, as it is revised by this act, shall begin operation for the 2015-2016 school year. Beginning on the effective date of this section, the Department of Education, State Board of Education, and Chancellor of the Ohio Board of Regents shall take the necessary steps to adopt rules, guidelines, and procedures and to create any necessary forms and documents so that the College	10304 10305 10306 10307 10308 10309 10310 10311 10312 10313 10314 10315 10316 10317 10318

Credit Plus Program is fully operational for the 2015-2016 school year in accordance with Chapter 3365. of the Revised Code, as it is revised by this act.

(B) In accordance with division (A) of this section, all participants who enroll, or who have taken preliminary action to enroll, in an institution of higher education for the 2014-2015 school year pursuant to Chapter 3365. of the Revised Code, as it existed prior to the effective date of this section, or rules adopted under that version of that chapter, shall participate in the Post-Secondary Enrollment Options Program, as it existed prior to the effective date of this section. Participants enrolled in an institution of higher education under the Post-Secondary Enrollment Options Program during the 2014-2015 school year shall continue to be subject to the provisions of Chapter 3365. of the Revised Code, as it existed prior to the effective date of this section.

(C) For the 2014-2015 school year, all participants who enroll, or who have taken preliminary action to enroll, in a dual enrollment program as defined in section 3313.6013 of the Revised Code, as it existed prior to the effective date of this section, to participate during that school year in the dual enrollment program shall participate under the specified dual enrollment program in which the student enrolled and shall continue to be subject to the provisions of section 3313.6013 of the Revised Code, as it existed prior to the effective date of this section.

(D) Any agreement entered into for the 2014-2015 school year regarding either the Post-Secondary Enrollment Options Program under Chapter 3365. of the Revised Code, as it existed prior to the effective date of this section, or any dual enrollment program, as defined in section 3313.6013 of the Revised Code as it existed prior to the effective date of this section, shall

continue in force, pursuant to the terms of that agreement, for 10350
the 2014-2015 school year. 10351

(E) For the 2013-2014 and 2014-2015 school years, the 10352
Department of Education shall make all payments that the 10353
Department is obligated to pay pursuant to section 3365.07 of the 10354
Revised Code, as it existed prior to the effective date of this 10355
section, for participants who enroll in an institution of higher 10356
education under Chapter 3365. of the Revised Code, as it existed 10357
prior to the effective date of this section. 10358

(F) For the 2014-2015 school year only, whenever the term 10359
"College Credit Plus Program" is used, referred to, or designated 10360
in any provision of the Revised Code outside of Chapter 3365. of 10361
the Revised Code, the use, reference, or designation shall be 10362
construed to mean the "Post-Secondary Enrollment Options Program." 10363

Section 8. (A) As used in this section: 10364

(1) An "eligible school district" is a city, local, or 10365
exempted village school district that satisfies either of the 10366
following conditions: 10367

(a) The district has fewer than five hundred students, and 10368
the entire territory of the district is transferred to a 10369
contiguous school district under section 3311.22 of the Revised 10370
Code not later than June 30, 2015; 10371

(b) The district has fewer than five hundred students, and 10372
the district receives the entire territory of a contiguous school 10373
district pursuant to a transfer under section 3311.22 of the 10374
Revised Code not later than June 30, 2015. 10375

(2) An eligible school district's "amount owed to the 10376
solvency assistance fund" is either of the following: 10377

(a) In the case of a school district described in division 10378
(A)(1)(a) of this section, the amount owed by the district to the 10379

solvency assistance fund created under section 3316.20 of the 10380
Revised Code on the date that the district's territory is 10381
transferred to a contiguous school district under section 3311.22 10382
of the Revised Code; 10383

(b) In the case of a school district described in division 10384
(A)(1)(b) of this section, the amount owed by the district to the 10385
solvency assistance fund created under section 3316.20 of the 10386
Revised Code on the date that the district receives the entire 10387
territory of a contiguous school district pursuant to a transfer 10388
under section 3311.22 of the Revised Code. 10389

(B) The amount owed to the solvency assistance fund by an 10390
eligible school district shall be canceled. 10391

(C) Nothing in this section shall prohibit an eligible school 10392
district from receiving assistance from the Ohio school facilities 10393
commission under Chapter 3318. of the Revised Code. 10394

Section 9. If a board of education of a school district 10395
disposed of real property under section 3313.41 of the Revised 10396
Code on or after September 29, 2013, that district may use the 10397
proceeds received from the sale for either of the purposes 10398
described in division (H) of section 5705.10 of the Revised Code 10399
as amended by this act. 10400

Section 10. Not later than March 15, 2015, the Department of 10401
Education shall select and approve at least two empirically tested 10402
and validated student survey instruments for use by school 10403
districts that elect to conduct student surveys in accordance with 10404
division (A)(1)(b)(ii) of section 3319.112 of the Revised Code, as 10405
amended by this act. 10406

Section 11. Not later than January 15, 2015, the 10407
Superintendent of Public Instruction shall submit a report to the 10408

Governor and the General Assembly, in accordance with section 10409
101.68 of the Revised Code, regarding the state achievement 10410
assessments prescribed by divisions (A)(1) and (B)(1) and (2) of 10411
section 3301.0710 of the Revised Code. The report shall include a 10412
review of the number of elementary and secondary assessments 10413
administered and the Superintendent's recommendations for 10414
decreasing the number of assessments and decreasing the number of 10415
designated dates for and the duration of the administration of 10416
such assessments, to ensure that the extent of testing is 10417
reasonable. 10418

Section 12. (A) For the 2014-2015 school year, each school 10419
district, community school established under Chapter 3314., or 10420
STEM school established under Chapter 3326. of the Revised Code 10421
shall administer the English language arts assessment required 10422
under division (A)(1)(a) of section 3301.0710 of the Revised Code 10423
to third grade students for purposes of section 3313.608 of the 10424
Revised Code as follows: 10425

(1) For the fall administration of the assessment, each 10426
district or school shall administer the English language arts 10427
assessment for third graders that the school administered for the 10428
previous year under section 3301.0710 of the Revised Code. 10429

(2) For the spring administration of the assessment to any 10430
student who fails to attain at least the score range prescribed by 10431
division (A)(3) of section 3301.0710 of the Revised Code, each 10432
district or school shall administer the English language arts 10433
assessment for third graders that the school administered for the 10434
previous year under section 3301.0710 of the Revised Code. 10435

(3) For the spring administration of the assessment to any 10436
student who has attained at least the score range prescribed by 10437
division (A)(3) of section 3301.0710 of the Revised Code, each 10438

district or school may choose to administer either the English 10439
language arts assessment developed by the Partnership for 10440
Assessment of Readiness for College and Careers (PARCC) or the 10441
assessment described in divisions (A)(1) and (2) of this section. 10442

(B) Each district or school shall notify the Department of 10443
Education of which assessment or assessments it shall administer 10444
in accordance with the guidelines set by the Department. 10445

(C) The Department shall develop a method to determine the 10446
equivalence between the scores from each assessment prescribed and 10447
administered under division (A) of this section for purposes of 10448
calculating a district's or school's grades on the state report 10449
card prescribed by section 3302.03 of the Revised Code. 10450

Section 13. For the 2014-2015 school year, no school 10451
district, community school, STEM school, college-preparatory 10452
boarding school, or chartered nonpublic school shall be required 10453
to administer in an online format any assessments prescribed by 10454
sections 3301.0710 and 3301.0712 of the Revised Code. However, a 10455
district or school may administer any of those assessments in an 10456
online format at the discretion of the district board or school 10457
governing authority, or in any combination of online and paper 10458
formats. The department of education shall furnish, free of 10459
charge, all such assessments for that school year regardless of 10460
the format selected by the district or school. 10461

Section 14. (A) There is hereby created a committee to make 10462
recommendations regarding graduation requirements and other 10463
state-mandated testing requirements for students who attend 10464
chartered nonpublic schools. The committee shall consist of the 10465
following members: 10466

(1) The Superintendent of Public Instruction or the 10467
Superintendent's designee, who shall act as the chairperson; 10468

(2) The President of the state Board of Education or the President's designee; 10469
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(3) Three individuals, appointed by the Speaker of the House of Representatives, one of which shall be recommended by the Minority Leader of the House of Representatives; 10471
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(4) Three individuals, appointed by the President of the Senate, one of which shall be recommended by the Minority Leader of the Senate; 10474
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(5) Three individuals, appointed by the Superintendent of Public Instruction, representing each of the following entities: 10477
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(a) The Catholic Conference of Ohio; 10479

(b) A nonpublic school accredited through the Independent School Association of the Central States; 10480
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(c) A nonpublic school that is not a member of the Catholic Conference of Ohio or accredited through the Independent School Association of the Central States. 10482
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(B) Not later than January 15, 2015, the committee shall prepare a report of its recommendations and submit the report to the chairpersons of the standing committees of the House of Representatives and the Senate that are principally responsible for education policy. 10485
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Section 15. In accordance with section 3301.0711 of the Revised Code, as amended by this act, the entirety of the questions and corresponding preferred answers of the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code administered in the spring of the 2014-2015 school year shall be released within three years of its administration. 10490
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Section 16. Notwithstanding anything in the Revised Code to 10497

the contrary, the board of education of a school district, the 10498
governing authority of a community school established under 10499
Chapter 3314. of the Revised Code, or the governing body of a STEM 10500
school established under Chapter 3326. of the Revised Code that 10501
has entered into a collective bargaining agreement with its 10502
teachers under Chapter 4117. of the Revised Code may enter into a 10503
separate memorandum of understanding with the exclusive 10504
representative of its teachers stipulating that the value-added 10505
progress dimension rating issued for the 2014-2015 school year to 10506
assess student academic growth for purposes of teacher evaluations 10507
under sections 3311.80, 3319.111, and 3319.112 of the Revised Code 10508
will not be used when making decisions regarding the dismissal, 10509
retention, tenure, or compensation of the district's or school's 10510
teachers. 10511

As used in this section, "value-added progress dimension" 10512
means the value-added progress dimension prescribed by 3302.021 of 10513
the Revised Code or an alternative student academic progress 10514
measure if adopted under division (C)(1)(e) of section 3303.03 of 10515
the Revised Code. 10516

Section 17. Section 3318.70 of the Revised Code is presented 10517
in this act as a composite of the section as amended by both Am. 10518
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. 10519
The General Assembly, applying the principle stated in division 10520
(B) of section 1.52 of the Revised Code that amendments are to be 10521
harmonized if reasonably capable of simultaneous operation, finds 10522
that the composite is the resulting version of the section in 10523
effect prior to the effective date of the section as presented in 10524
this act. 10525