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Representative Hambley

Cosponsors: Representatives Duffey, Hill, Riedel, Johnson, G., Miller, Rogers, Brenner, Fedor, Cupp, Galonski, Ingram, Manning, Patterson, Anielski, Antonio, Barnes, Boyd, Brown, Celebrezze, Clyde, Craig, Edwards, Faber, Ginter, Greenspan, Holmes, Howse, Hughes, Johnson, Kelly, Kick, Koehler, Lang, Leland, Lepore-Hagan, Perales, Ramos, Rezabek, Ryan, Schaffer, Sheehy, Smith, K., Smith, R., Stein, Strahorn, Sweeney, West, Young

Senator Manning

A BILL

To amend sections 3301.0711, 3310.522, 3313.612, 1
3314.016, 3314.03, and 3314.11; to enact new 2
section 3301.0713 and section 3781.1010; and to 3
repeal section 3301.0713 of the Revised Code to 4
make changes regarding the verification of 5
community school enrollments, to prescribe an 6
annual public comment period for the community 7
school sponsor evaluation system, to exempt 8
certain chartered nonpublic schools from state 9
testing and graduation requirements, to 10
prescribe a one-year moratorium on the building 11
code requirement for schools to have storm 12
shelters, to eliminate the current Education 13
Management Information System (EMIS) Advisory 14
Board, and to require the Department of 15
Education to establish a new EMIS Advisory 16
Council. 17

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

Section 1. That sections 3301.0711, 3310.522, 3313.612, 18
3314.016, 3314.03, and 3314.11 be amended and new section 19
3301.0713 and section 3781.1010 of the Revised Code be enacted 20
to read as follows: 21

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

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

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

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

adopted under division (A) of this section:	45
(1) Administer the English language arts assessments	46
prescribed under division (A) (1) (a) of section 3301.0710 of the	47
Revised Code twice annually to all students in the third grade	48
who have not attained the score designated for that assessment	49
under division (A) (2) (c) of section 3301.0710 of the Revised	50
Code.	51
(2) Administer the mathematics assessment prescribed under	52
division (A) (1) (a) of section 3301.0710 of the Revised Code at	53
least once annually to all students in the third grade.	54
(3) Administer the assessments prescribed under division	55
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	56
annually to all students in the fourth grade.	57
(4) Administer the assessments prescribed under division	58
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	59
annually to all students in the fifth grade.	60
(5) Administer the assessments prescribed under division	61
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	62
annually to all students in the sixth grade.	63
(6) Administer the assessments prescribed under division	64
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	65
annually to all students in the seventh grade.	66
(7) Administer the assessments prescribed under division	67
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	68
annually to all students in the eighth grade.	69
(8) Except as provided in division (B) (9) of this section,	70
administer any assessment prescribed under division (B) (1) of	71
section 3301.0710 of the Revised Code as follows:	72

(a) At least once annually to all tenth grade students and 73
at least twice annually to all students in eleventh or twelfth 74
grade who have not yet attained the score on that assessment 75
designated under that division; 76

(b) To any person who has successfully completed the 77
curriculum in any high school or the individualized education 78
program developed for the person by any high school pursuant to 79
section 3323.08 of the Revised Code but has not received a high 80
school diploma and who requests to take such assessment, at any 81
time such assessment is administered in the district. 82

(9) In lieu of the board of education of any city, local, 83
or exempted village school district in which the student is also 84
enrolled, the board of a joint vocational school district shall 85
administer any assessment prescribed under division (B) (1) of 86
section 3301.0710 of the Revised Code at least twice annually to 87
any student enrolled in the joint vocational school district who 88
has not yet attained the score on that assessment designated 89
under that division. A board of a joint vocational school 90
district may also administer such an assessment to any student 91
described in division (B) (8) (b) of this section. 92

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

Except as provided in section 3313.614 of the Revised Code 98
for administration of an assessment to a person who has 99
fulfilled the curriculum requirement for a high school diploma 100
but has not passed one or more of the required assessments, the 101
assessments prescribed under division (B) (1) of section 102

3301.0710 of the Revised Code shall not be administered after 103
the date specified in the rules adopted by the state board of 104
education under division (D) (1) of section 3301.0712 of the 105
Revised Code. 106

(11) (a) Except as provided in division (B) (11) (b) of this 107
section, administer the assessments prescribed by division (B) 108
(2) of section 3301.0710 and section 3301.0712 of the Revised 109
Code in accordance with the timeline and plan for implementation 110
of those assessments prescribed by rule of the state board 111
adopted under division (D) (1) of section 3301.0712 of the 112
Revised Code; 113

(b) A student who has presented evidence to the district 114
or school of having satisfied the condition prescribed by 115
division (A) (1) of section 3313.618 of the Revised Code to 116
qualify for a high school diploma prior to the date of the 117
administration of the assessment prescribed under division (B) 118
(1) of section 3301.0712 of the Revised Code shall not be 119
required to take that assessment. However, no board shall 120
prohibit a student who is not required to take such assessment 121
from taking the assessment. 122

(C) (1) (a) In the case of a student receiving special 123
education services under Chapter 3323. of the Revised Code, the 124
individualized education program developed for the student under 125
that chapter shall specify the manner in which the student will 126
participate in the assessments administered under this section, 127
except that a student with significant cognitive disabilities to 128
whom an alternate assessment is administered in accordance with 129
division (C) (1) of this section and a student determined to have 130
a disability that includes an intellectual disability as 131
outlined in guidance issued by the department shall not be 132

required to take the assessment prescribed under division (B) (1) 133
of section 3301.0712 of the Revised Code. The individualized 134
education program may excuse the student from taking any 135
particular assessment required to be administered under this 136
section if it instead specifies an alternate assessment method 137
approved by the department of education as conforming to 138
requirements of federal law for receipt of federal funds for 139
disadvantaged pupils. To the extent possible, the individualized 140
education program shall not excuse the student from taking an 141
assessment unless no reasonable accommodation can be made to 142
enable the student to take the assessment. No board shall 143
prohibit a student who is not required to take an assessment 144
under division (C) (1) of this section from taking the 145
assessment. 146

(b) Any alternate assessment approved by the department 147
for a student under this division shall produce measurable 148
results comparable to those produced by the assessment it 149
replaces in order to allow for the student's results to be 150
included in the data compiled for a school district or building 151
under section 3302.03 of the Revised Code. 152

(c) (i) Any student enrolled in a chartered nonpublic 153
school who has been identified, based on an evaluation conducted 154
in accordance with section 3323.03 of the Revised Code or 155
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 156
29 U.S.C.A. 794, as amended, as a child with a disability shall 157
be excused from taking any particular assessment required to be 158
administered under this section if a plan developed for the 159
student pursuant to rules adopted by the state board excuses the 160
student from taking that assessment. 161

(ii) A student with significant cognitive disabilities to 162

whom an alternate assessment is administered in accordance with 163
division (C) (1) of this section and a student determined to have 164
a disability that includes an intellectual disability as 165
outlined in guidance issued by the department shall not be 166
required to take the assessment prescribed under division (B) (1) 167
of section 3301.0712 of the Revised Code. 168

(iii) In the case of any student so excused from taking an 169
assessment under division (C) (1) (c) of this section, the 170
chartered nonpublic school shall not prohibit the student from 171
taking the assessment. 172

(2) A district board may, for medical reasons or other 173
good cause, excuse a student from taking an assessment 174
administered under this section on the date scheduled, but that 175
assessment shall be administered to the excused student not 176
later than nine days following the scheduled date. The district 177
board shall annually report the number of students who have not 178
taken one or more of the assessments required by this section to 179
the state board not later than the thirtieth day of June. 180

(3) As used in this division, "limited English proficient 181
student" has the same meaning as in 20 U.S.C. 7801. 182

No school district board shall excuse any limited English 183
proficient student from taking any particular assessment 184
required to be administered under this section, except as 185
follows: 186

(a) Any limited English proficient student who has been 187
enrolled in United States schools for less than two years and 188
for whom no appropriate accommodations are available based on 189
guidance issued by the department shall not be required to take 190
the assessment prescribed under division (B) (1) of section 191

3301.0712 of the Revised Code.	192
(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.	193 194 195 196
However, no board shall prohibit a limited English proficient student who is not required to take an assessment under division (C) (3) of this section from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.	197 198 199 200 201 202 203 204 205 206
(4) (a) The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section.	207 208 209
(b) No governing authority shall require a limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.	210 211 212 213 214 215
(c) No governing authority shall prohibit a limited English proficient student from taking an assessment from which the student was excused under division (C) (4) of this section.	216 217 218
(D) (1) In the school year next succeeding the school year in which the assessments prescribed by division (A) (1) or (B) (1)	219 220

of section 3301.0710 of the Revised Code or former division (A) 221
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 222
it existed prior to September 11, 2001, are administered to any 223
student, the board of education of any school district in which 224
the student is enrolled in that year shall provide to the 225
student intervention services commensurate with the student's 226
performance, including any intensive intervention required under 227
section 3313.608 of the Revised Code, in any skill in which the 228
student failed to demonstrate at least a score at the proficient 229
level on the assessment. 230

(2) Following any administration of the assessments 231
prescribed by division (D) of section 3301.0710 of the Revised 232
Code to ninth grade students, each school district that has a 233
three-year average graduation rate of not more than seventy-five 234
per cent shall determine for each high school in the district 235
whether the school shall be required to provide intervention 236
services to any students who took the assessments. In 237
determining which high schools shall provide intervention 238
services based on the resources available, the district shall 239
consider each school's graduation rate and scores on the 240
practice assessments. The district also shall consider the 241
scores received by ninth grade students on the English language 242
arts and mathematics assessments prescribed under division (A) 243
(1) (f) of section 3301.0710 of the Revised Code in the eighth 244
grade in determining which high schools shall provide 245
intervention services. 246

Each high school selected to provide intervention services 247
under this division shall provide intervention services to any 248
student whose results indicate that the student is failing to 249
make satisfactory progress toward being able to attain scores at 250
the proficient level on the Ohio graduation tests. Intervention 251

services shall be provided in any skill in which a student 252
demonstrates unsatisfactory progress and shall be commensurate 253
with the student's performance. Schools shall provide the 254
intervention services prior to the end of the school year, 255
during the summer following the ninth grade, in the next 256
succeeding school year, or at any combination of those times. 257

(E) Except as provided in section 3313.608 of the Revised 258
Code and division (N) of this section, no school district board 259
of education shall utilize any student's failure to attain a 260
specified score on an assessment administered under this section 261
as a factor in any decision to deny the student promotion to a 262
higher grade level. However, a district board may choose not to 263
promote to the next grade level any student who does not take an 264
assessment administered under this section or make up an 265
assessment as provided by division (C) (2) of this section and 266
who is not exempt from the requirement to take the assessment 267
under division (C) (3) of this section. 268

(F) No person shall be charged a fee for taking any 269
assessment administered under this section. 270

(G) (1) Each school district board shall designate one 271
location for the collection of assessments administered in the 272
spring under division (B) (1) of this section and those 273
administered under divisions (B) (2) to (7) of this section. Each 274
district board shall submit the assessments to the entity with 275
which the department contracts for the scoring of the 276
assessments as follows: 277

(a) If the district's total enrollment in grades 278
kindergarten through twelve during the first full school week of 279
October was less than two thousand five hundred, not later than 280
the Friday after all of the assessments have been administered; 281

(b) If the district's total enrollment in grades 282
kindergarten through twelve during the first full school week of 283
October was two thousand five hundred or more, but less than 284
seven thousand, not later than the Monday after all of the 285
assessments have been administered; 286

(c) If the district's total enrollment in grades 287
kindergarten through twelve during the first full school week of 288
October was seven thousand or more, not later than the Tuesday 289
after all of the assessments have been administered. 290

However, any assessment that a student takes during the 291
make-up period described in division (C) (2) of this section 292
shall be submitted not later than the Friday following the day 293
the student takes the assessment. 294

(2) The department or an entity with which the department 295
contracts for the scoring of the assessment shall send to each 296
school district board a list of the individual scores of all 297
persons taking a state achievement assessment as follows: 298

(a) Except as provided in division (G) (2) (b) or (c) of 299
this section, within forty-five days after the administration of 300
the assessments prescribed by sections 3301.0710 and 3301.0712 301
of the Revised Code, but in no case shall the scores be returned 302
later than the thirtieth day of June following the 303
administration; 304

(b) In the case of the third-grade English language arts 305
assessment, within forty-five days after the administration of 306
that assessment, but in no case shall the scores be returned 307
later than the fifteenth day of June following the 308
administration; 309

(c) In the case of the writing component of an assessment 310

or end-of-course examination in the area of English language 311
arts, except for the third-grade English language arts 312
assessment, the results may be sent after forty-five days of the 313
administration of the writing component, but in no case shall 314
the scores be returned later than the thirtieth day of June 315
following the administration. 316

(3) For assessments administered under this section by a 317
joint vocational school district, the department or entity shall 318
also send to each city, local, or exempted village school 319
district a list of the individual scores of any students of such 320
city, local, or exempted village school district who are 321
attending school in the joint vocational school district. 322

(H) Individual scores on any assessments administered 323
under this section shall be released by a district board only in 324
accordance with section 3319.321 of the Revised Code and the 325
rules adopted under division (A) of this section. No district 326
board or its employees shall utilize individual or aggregate 327
results in any manner that conflicts with rules for the ethical 328
use of assessments adopted pursuant to division (A) of this 329
section. 330

(I) Except as provided in division (G) of this section, 331
the department or an entity with which the department contracts 332
for the scoring of the assessment shall not release any 333
individual scores on any assessment administered under this 334
section. The state board shall adopt rules to ensure the 335
protection of student confidentiality at all times. The rules 336
may require the use of the data verification codes assigned to 337
students pursuant to division (D)(2) of section 3301.0714 of the 338
Revised Code to protect the confidentiality of student scores. 339

(J) Notwithstanding division (D) of section 3311.52 of the 340

Revised Code, this section does not apply to the board of 341
education of any cooperative education school district except as 342
provided under rules adopted pursuant to this division. 343

(1) In accordance with rules that the state board shall 344
adopt, the board of education of any city, exempted village, or 345
local school district with territory in a cooperative education 346
school district established pursuant to divisions (A) to (C) of 347
section 3311.52 of the Revised Code may enter into an agreement 348
with the board of education of the cooperative education school 349
district for administering any assessment prescribed under this 350
section to students of the city, exempted village, or local 351
school district who are attending school in the cooperative 352
education school district. 353

(2) In accordance with rules that the state board shall 354
adopt, the board of education of any city, exempted village, or 355
local school district with territory in a cooperative education 356
school district established pursuant to section 3311.521 of the 357
Revised Code shall enter into an agreement with the cooperative 358
district that provides for the administration of any assessment 359
prescribed under this section to both of the following: 360

(a) Students who are attending school in the cooperative 361
district and who, if the cooperative district were not 362
established, would be entitled to attend school in the city, 363
local, or exempted village school district pursuant to section 364
3313.64 or 3313.65 of the Revised Code; 365

(b) Persons described in division (B) (8) (b) of this 366
section. 367

Any assessment of students pursuant to such an agreement 368
shall be in lieu of any assessment of such students or persons 369

pursuant to this section. 370

(K) (1) Except as otherwise provided in division (K) (1) or 371
(2) of this section, each chartered nonpublic school for which 372
at least sixty-five per cent of its total enrollment is made up 373
of students who are participating in state scholarship programs 374
shall administer the elementary assessments prescribed by 375
section 3301.0710 of the Revised Code. In accordance with 376
procedures and deadlines prescribed by the department, the 377
parent or guardian of a student enrolled in the school who is 378
not participating in a state scholarship program may submit 379
notice to the chief administrative officer of the school that 380
the parent or guardian does not wish to have the student take 381
the elementary assessments prescribed for the student's grade 382
level under division (A) of section 3301.0710 of the Revised 383
Code. If a parent or guardian submits an opt-out notice, the 384
school shall not administer the assessments to that student. 385
This option does not apply to any assessment required for a high 386
school diploma under section 3313.612 of the Revised Code. 387

(2) A chartered nonpublic school may submit to the 388
superintendent of public instruction a request for a waiver from 389
administering the elementary assessments prescribed by division 390
(A) of section 3301.0710 of the Revised Code. The state 391
superintendent shall approve or disapprove a request for a 392
waiver submitted under division (K) (2) of this section. No 393
waiver shall be approved for any school year prior to the 2015- 394
2016 school year. 395

To be eligible to submit a request for a waiver, a 396
chartered nonpublic school shall meet the following conditions: 397

(a) At least ninety-five per cent of the students enrolled 398
in the school are children with disabilities, as defined under 399

section 3323.01 of the Revised Code, or have received a 400
diagnosis by a school district or from a physician, including a 401
neuropsychiatrist or psychiatrist, or a psychologist who is 402
authorized to practice in this or another state as having a 403
condition that impairs academic performance, such as dyslexia, 404
dyscalculia, attention deficit hyperactivity disorder, or 405
Asperger's syndrome. 406

(b) The school has solely served a student population 407
described in division (K)(1)(a) of this section for at least ten 408
years. 409

(c) The school provides to the department at least five 410
years of records of internal testing conducted by the school 411
that affords the department data required for accountability 412
purposes, including diagnostic assessments and nationally 413
standardized norm-referenced achievement assessments that 414
measure reading and math skills. 415

(3) Any chartered nonpublic school that is not subject to 416
division (K)(1) of this section may participate in the 417
assessment program by administering any of the assessments 418
prescribed by division (A) of section 3301.0710 of the Revised 419
Code. The chief administrator of the school shall specify which 420
assessments the school will administer. Such specification shall 421
be made in writing to the superintendent of public instruction 422
prior to the first day of August of any school year in which 423
assessments are administered and shall include a pledge that the 424
nonpublic school will administer the specified assessments in 425
the same manner as public schools are required to do under this 426
section and rules adopted by the department. 427

(4) The department of education shall furnish the 428
assessments prescribed by section 3301.0710 of the Revised Code 429

to each chartered nonpublic school that is subject to division 430
(K) (1) of this section or participates under division (K) (3) of 431
this section. 432

(L) If a chartered nonpublic school is educating students 433
in grades nine through twelve, the following shall apply: 434

(1) ~~For~~ Except as provided in division (L) (4) of this 435
section, for a student who is enrolled in a chartered nonpublic 436
school that is accredited through the independent schools 437
association of the central states and who is attending the 438
school under a state scholarship program, the student shall 439
either take all of the assessments prescribed by division (B) of 440
section 3301.0712 of the Revised Code or take an alternative 441
assessment approved by the department under section 3313.619 of 442
the Revised Code. However, a student who is excused from taking 443
an assessment under division (C) of this section or has 444
presented evidence to the chartered nonpublic school of having 445
satisfied the condition prescribed by division (A) (1) of section 446
3313.618 of the Revised Code to qualify for a high school 447
diploma prior to the date of the administration of the 448
assessment prescribed under division (B) (1) of section 3301.0712 449
of the Revised Code shall not be required to take that 450
assessment. No governing authority of a chartered nonpublic 451
school shall prohibit a student who is not required to take such 452
assessment from taking the assessment. 453

(2) For a student who is enrolled in a chartered nonpublic 454
school that is accredited through the independent schools 455
association of the central states, and who is not attending the 456
school under a state scholarship program, the student shall not 457
be required to take any assessment prescribed under section 458
3301.0712 or 3313.619 of the Revised Code. 459

(3) (a) Except as provided in ~~division~~ divisions (L) (3) (b) 460
and (4) of this section, for a student who is enrolled in a 461
chartered nonpublic school that is not accredited through the 462
independent schools association of the central states, 463
regardless of whether the student is attending or is not 464
attending the school under a state scholarship program, the 465
student shall do one of the following: 466

(i) Take all of the assessments prescribed by division (B) 467
of section 3301.0712 of the Revised Code; 468

(ii) Take only the assessment prescribed by division (B) 469
(1) of section 3301.0712 of the Revised Code, provided that the 470
student's school publishes the results of that assessment for 471
each graduating class. The published results of that assessment 472
shall include the overall composite scores, mean scores, twenty- 473
fifth percentile scores, and seventy-fifth percentile scores for 474
each subject area of the assessment. 475

(iii) Take an alternative assessment approved by the 476
department under section 3313.619 of the Revised Code. 477

(b) A student who is excused from taking an assessment 478
under division (C) of this section or has presented evidence to 479
the chartered nonpublic school of having satisfied the condition 480
prescribed by division (A) (1) of section 3313.618 of the Revised 481
Code to qualify for a high school diploma prior to the date of 482
the administration of the assessment prescribed under division 483
(B) (1) of section 3301.0712 of the Revised Code shall not be 484
required to take that assessment. No governing authority of a 485
chartered nonpublic school shall prohibit a student who is not 486
required to take such assessment from taking the assessment. 487

(4) The assessments prescribed by sections 3301.0712 and 488

3313.619 of the Revised Code shall not be administered to any 489
student attending the school, if the school meets all of the 490
following conditions: 491

(a) At least ninety-five per cent of the students enrolled 492
in the school are children with disabilities, as defined under 493
section 3323.01 of the Revised Code, or have received a 494
diagnosis by a school district or from a physician, including a 495
neuropsychologist or psychiatrist, or a psychologist who is 496
authorized to practice in this or another state as having a 497
condition that impairs academic performance, such as dyslexia, 498
dyscalculia, attention deficit hyperactivity disorder, or 499
Asperger's syndrome. 500

(b) The school has solely served a student population 501
described in division (L) (4) (a) of this section for at least ten 502
years. 503

(c) The school makes available to the department at least 504
five years of records of internal testing conducted by the 505
school that affords the department data required for 506
accountability purposes, including growth in student achievement 507
in reading or mathematics, or both, as measured by nationally 508
norm-referenced assessments that have developed appropriate 509
standards for students. 510

Division (L) (4) of this section applies to any student 511
attending such school regardless of whether the student receives 512
special education or related services and regardless of whether 513
the student is attending the school under a state scholarship 514
program. 515

(M) (1) The superintendent of the state school for the 516
blind and the superintendent of the state school for the deaf 517

shall administer the assessments described by sections 3301.0710 518
and 3301.0712 of the Revised Code. Each superintendent shall 519
administer the assessments in the same manner as district boards 520
are required to do under this section and rules adopted by the 521
department of education and in conformity with division (C) (1) 522
(a) of this section. 523

(2) The department of education shall furnish the 524
assessments described by sections 3301.0710 and 3301.0712 of the 525
Revised Code to each superintendent. 526

(N) Notwithstanding division (E) of this section, a school 527
district may use a student's failure to attain a score in at 528
least the proficient range on the mathematics assessment 529
described by division (A) (1) (a) of section 3301.0710 of the 530
Revised Code or on an assessment described by division (A) (1) 531
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 532
Code as a factor in retaining that student in the current grade 533
level. 534

(O) (1) In the manner specified in divisions (O) (3), (4), 535
(6), and (7) of this section, the assessments required by 536
division (A) (1) of section 3301.0710 of the Revised Code shall 537
become public records pursuant to section 149.43 of the Revised 538
Code on the thirty-first day of July following the school year 539
that the assessments were administered. 540

(2) The department may field test proposed questions with 541
samples of students to determine the validity, reliability, or 542
appropriateness of questions for possible inclusion in a future 543
year's assessment. The department also may use anchor questions 544
on assessments to ensure that different versions of the same 545
assessment are of comparable difficulty. 546

Field test questions and anchor questions shall not be 547
considered in computing scores for individual students. Field 548
test questions and anchor questions may be included as part of 549
the administration of any assessment required by division (A) (1) 550
or (B) of section 3301.0710 and division (B) of section 551
3301.0712 of the Revised Code. 552

(3) Any field test question or anchor question 553
administered under division (O) (2) of this section shall not be 554
a public record. Such field test questions and anchor questions 555
shall be redacted from any assessments which are released as a 556
public record pursuant to division (O) (1) of this section. 557

(4) This division applies to the assessments prescribed by 558
division (A) of section 3301.0710 of the Revised Code. 559

(a) The first administration of each assessment, as 560
specified in former section 3301.0712 of the Revised Code, shall 561
be a public record. 562

(b) For subsequent administrations of each assessment 563
prior to the 2011-2012 school year, not less than forty per cent 564
of the questions on the assessment that are used to compute a 565
student's score shall be a public record. The department shall 566
determine which questions will be needed for reuse on a future 567
assessment and those questions shall not be public records and 568
shall be redacted from the assessment prior to its release as a 569
public record. However, for each redacted question, the 570
department shall inform each city, local, and exempted village 571
school district of the statewide academic standard adopted by 572
the state board under section 3301.079 of the Revised Code and 573
the corresponding benchmark to which the question relates. The 574
preceding sentence does not apply to field test questions that 575
are redacted under division (O) (3) of this section. 576

(c) The administrations of each assessment in the 2011- 577
2012, 2012-2013, and 2013-2014 school years shall not be a 578
public record. 579

(5) Each assessment prescribed by division (B) (1) of 580
section 3301.0710 of the Revised Code shall not be a public 581
record. 582

(6) (a) Except as provided in division (O) (6) (b) of this 583
section, for the administrations in the 2014-2015, 2015-2016, 584
and 2016-2017 school years, questions on the assessments 585
prescribed under division (A) of section 3301.0710 and division 586
(B) (2) of section 3301.0712 of the Revised Code and the 587
corresponding preferred answers that are used to compute a 588
student's score shall become a public record as follows: 589

(i) Forty per cent of the questions and preferred answers 590
on the assessments on the thirty-first day of July following the 591
administration of the assessment; 592

(ii) Twenty per cent of the questions and preferred 593
answers on the assessment on the thirty-first day of July one 594
year after the administration of the assessment; 595

(iii) The remaining forty per cent of the questions and 596
preferred answers on the assessment on the thirty-first day of 597
July two years after the administration of the assessment. 598

The entire content of an assessment shall become a public 599
record within three years of its administration. 600

The department shall make the questions that become a 601
public record under this division readily accessible to the 602
public on the department's web site. Questions on the spring 603
administration of each assessment shall be released on an annual 604
basis, in accordance with this division. 605

(b) No questions and corresponding preferred answers shall 606
become a public record under division (O) (6) of this section 607
after July 31, 2017. 608

(7) Division (O) (7) of this section applies to the 609
assessments prescribed by division (A) of section 3301.0710 and 610
division (B) (2) of section 3301.0712 of the Revised Code. 611

Beginning with the assessments administered in the spring 612
of the 2017-2018 school year, not less than forty per cent of 613
the questions on each assessment that are used to compute a 614
student's score shall be a public record. The department shall 615
determine which questions will be needed for reuse on a future 616
assessment and those questions shall not be public records and 617
shall be redacted from the assessment prior to its release as a 618
public record. However, for each redacted question, the 619
department shall inform each city, local, and exempted village 620
school district of the corresponding statewide academic standard 621
adopted by the state board under section 3301.079 of the Revised 622
Code and the corresponding benchmark to which the question 623
relates. The department is not required to provide corresponding 624
standards and benchmarks to field test questions that are 625
redacted under division (O) (3) of this section. 626

(P) As used in this section: 627

(1) "Three-year average" means the average of the most 628
recent consecutive three school years of data. 629

(2) "Dropout" means a student who withdraws from school 630
before completing course requirements for graduation and who is 631
not enrolled in an education program approved by the state board 632
of education or an education program outside the state. 633
"Dropout" does not include a student who has departed the 634

country. 635

(3) "Graduation rate" means the ratio of students 636
receiving a diploma to the number of students who entered ninth 637
grade four years earlier. Students who transfer into the 638
district are added to the calculation. Students who transfer out 639
of the district for reasons other than dropout are subtracted 640
from the calculation. If a student who was a dropout in any 641
previous year returns to the same school district, that student 642
shall be entered into the calculation as if the student had 643
entered ninth grade four years before the graduation year of the 644
graduating class that the student joins. 645

(4) "State scholarship programs" means the educational 646
choice scholarship pilot program established under sections 647
3310.01 to 3310.17 of the Revised Code, the autism scholarship 648
program established under section 3310.41 of the Revised Code, 649
the Jon Peterson special needs scholarship program established 650
under sections 3310.51 to 3310.64 of the Revised Code, and the 651
pilot project scholarship program established under sections 652
3313.974 to 3313.979 of the Revised Code. 653

Sec. 3301.0713. The department of education shall 654
establish an education management information system advisory 655
council. The council shall make recommendations to the 656
superintendent of public instruction to improve the operation of 657
the education management information system established under 658
section 3301.0714 of the Revised Code and shall provide a forum 659
for communication and collaboration between the department and 660
parties affected by the collection, reporting, and use of the 661
system's data. Members of the council shall include department 662
staff and representatives of school districts and other entities 663
that regularly interact with data from the education management 664

information system. 665

Sec. 3310.522. In order to maintain eligibility for a 666
scholarship, a student shall take each assessment prescribed by 667
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 668
as applicable, in accordance with section 3301.0711 of the 669
Revised Code, unless the student is excused from taking that 670
assessment under federal law or the student's individualized 671
education program or the student is enrolled in a chartered 672
nonpublic school that meets the conditions specified in division 673
(K) (2) or (L) (4) of section 3301.0711 of the Revised Code. 674

Each registered private provider that is not subject to 675
division (K) (1) of section 3301.0711 of the Revised Code and 676
enrolls a student who is awarded a scholarship shall administer 677
each assessment prescribed by section 3301.0710, 3301.0712, or 678
3313.619 of the Revised Code, as applicable, to that student in 679
accordance with section 3301.0711 of the Revised Code, unless 680
the student is excused from taking that assessment or the 681
student is enrolled in a chartered nonpublic school that meets 682
the conditions specified in division (K) (2) or (L) (4) of section 683
3301.0711 of the Revised Code, and shall report to the 684
department the results of each assessment so administered. 685

Nothing in this section requires any chartered nonpublic 686
school that is a registered private provider to administer any 687
achievement assessment, except for an Ohio graduation test 688
prescribed by division (B) (1) of section 3301.0710 or the 689
college and work ready assessment system prescribed by division 690
(B) of section 3301.0712 of the Revised Code to any student 691
enrolled in the school who is not a scholarship student. 692

Sec. 3313.612. (A) No nonpublic school chartered by the 693
state board of education shall grant a high school diploma to 694

any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A) (1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1, 2014, the person 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, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

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

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

(2) ~~Any~~ Except as provided in division (B) (4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code-;i

(3) Any person with regard to the social studies assessment under division (B) (1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D) (3) of section 3301.0712 of the Revised Code,

or the citizenship test under former division (B) of section 724
3301.0710 of the Revised Code as it existed prior to September 725
11, 2001, if all of the following apply: 726

(a) The person is not a citizen of the United States; 727

(b) The person is not a permanent resident of the United 728
States; 729

(c) The person indicates no intention to reside in the 730
United States after completion of high school. 731

(4) Any person who attends a chartered nonpublic school 732
that satisfies the requirements of division (L)(4) of section 733
3301.0711 of the Revised Code. In the case of such a student, 734
the student's chartered nonpublic school shall determine the 735
student's eligibility for graduation based on the standards of 736
the school's accrediting body. 737

(C) As used in this division, "limited English proficient 738
student" has the same meaning as in division (C)(3) of section 739
3301.0711 of the Revised Code. 740

Notwithstanding division (C)(3) of section 3301.0711 of 741
the Revised Code, no limited English proficient student who has 742
not either attained the applicable scores designated under 743
division (B)(1) of section 3301.0710 of the Revised Code on all 744
the assessments required by that division, or met the 745
requirement prescribed by section 3313.618 or 3313.619 of the 746
Revised Code, shall be awarded a diploma under this section. 747

(D) The state board shall not impose additional 748
requirements or assessments for the granting of a high school 749
diploma under this section that are not prescribed by this 750
section. 751

(E) The department of education shall furnish the 752
assessment administered by a nonpublic school pursuant to 753
division (B) (1) of section 3301.0712 of the Revised Code. 754

Sec. 3314.016. This section applies to any entity that 755
sponsors a community school, regardless of whether section 756
3314.021 or 3314.027 of the Revised Code exempts the entity from 757
the requirement to be approved for sponsorship under divisions 758
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 759
office of Ohio school sponsorship established under section 760
3314.029 of the Revised Code shall be rated under division (B) 761
of this section, but divisions (A) and (C) of this section do 762
not apply to the office. 763

(A) An entity that sponsors a community school shall be 764
permitted to enter into contracts under section 3314.03 of the 765
Revised Code to sponsor additional community schools only if the 766
entity meets all of the following criteria: 767

(1) The entity is in compliance with all provisions of 768
this chapter requiring sponsors of community schools to report 769
data or information to the department of education. 770

(2) The entity is not rated as "ineffective" under 771
division (B) (6) of this section. 772

(3) Except as set forth in sections 3314.021 and 3314.027 773
of the Revised Code, the entity has received approval from and 774
entered into an agreement with the department of education 775
pursuant to section 3314.015 of the Revised Code. 776

(B) (1) ~~Beginning with the 2015-2016 school year, the~~ The 777
department shall develop and implement an evaluation system that 778
annually rates and assigns an overall rating to each entity that 779
sponsors a community school. ~~That~~ The department, not later than 780

the first day of February of each year, shall post on the 781
department's web site the framework for the evaluation system, 782
including technical documentation that the department intends to 783
use to rate sponsors for the next school year. The department 784
shall solicit public comment on the evaluation system for thirty 785
consecutive days. Not later than the first day of April of each 786
year, the department shall compile and post on the department's 787
web site all public comments that were received during the 788
public comment period. The evaluation system shall be developed 789
~~and~~ posted on the department's web site by the fifteenth day of 790
July of each school year. Any changes to the evaluation system 791
after that date shall take effect the following year. The 792
evaluation system shall be based on the following components: 793

(a) Academic performance of students enrolled in community 794
schools sponsored by the same entity. The academic performance 795
component shall be derived from the performance measures 796
prescribed for the state report cards under section 3302.03 or 797
3314.017 of the Revised Code, and shall be based on the 798
performance of the schools for the school year for which the 799
evaluation is conducted. In addition to the academic performance 800
for a specific school year, the academic performance component 801
shall also include year-to-year changes in the overall sponsor 802
portfolio. For a community school for which no graded 803
performance measures are applicable or available, the department 804
shall use nonreport card performance measures specified in the 805
contract between the community school and the sponsor under 806
division (A) (4) of section 3314.03 of the Revised Code. 807

(b) Adherence by a sponsor to the quality practices 808
prescribed by the department under division (B) (3) of this 809
section. For a sponsor that was rated "effective" or "exemplary" 810
on its most recent rating, the department may evaluate that 811

sponsor's adherence to quality practices once over a period of 812
three years. If the department elects to evaluate a sponsor once 813
over a period of three years, the most recent rating for a 814
sponsor's adherence to quality practices shall be used when 815
determining an annual overall rating conducted under this 816
section. 817

(c) Compliance with all applicable laws and administrative 818
rules by an entity that sponsors a community school. 819

(2) In calculating an academic performance component, the 820
department shall exclude all community schools that have been in 821
operation for not more than two full school years and all 822
community schools described in division (A) (4) (b) of section 823
3314.35 of the Revised Code. However, the academic performance 824
of the community schools described in division (A) (4) (b) of 825
section 3314.35 of the Revised Code shall be reported, but shall 826
not be used as a factor when determining a sponsoring entity's 827
rating under this section. 828

(3) The department, in consultation with entities that 829
sponsor community schools, shall prescribe quality practices for 830
community school sponsors and develop an instrument to measure 831
adherence to those quality practices. The quality practices 832
shall be based on standards developed by the national 833
association of charter school authorizers or any other 834
nationally organized community school organization. 835

(4) (a) The department may permit peer review of a 836
sponsor's adherence to the quality practices prescribed under 837
division (B) (3) of this section. Peer reviewers shall be limited 838
to individuals employed by sponsors rated "effective" or 839
"exemplary" on the most recent ratings conducted under this 840
section. 841

(b) The department shall require individuals participating 842
in peer review under division (B) (4) (a) of this section to 843
complete training approved or established by the department. 844

(c) The department may enter into an agreement with 845
another entity to provide training to individuals conducting 846
peer review of sponsors. Prior to entering into an agreement 847
with an entity, the department shall review and approve of the 848
entity's training program. 849

(5) Not later than July 1, 2013, the state board of 850
education shall adopt rules in accordance with Chapter 119. of 851
the Revised Code prescribing standards for measuring compliance 852
with applicable laws and rules under division (B) (1) (c) of this 853
section. 854

(6) The department annually shall rate all entities that 855
sponsor community schools as either "exemplary," "effective," 856
"ineffective," or "poor," based on the components prescribed by 857
division (B) of this section, where each component is weighted 858
equally. A separate rating shall be given by the department for 859
each component of the evaluation system. 860

The department shall publish the ratings between the first 861
day of October and the fifteenth day of November. 862

Prior to the publication of the final ratings, the 863
department shall designate and provide notice of a period of at 864
least ten business days during which each sponsor may review the 865
information used by the department to determine the sponsor's 866
rating on the components prescribed by divisions (B) (1) (b) and 867
(c) of this section. If the sponsor believes there is an error 868
in the department's evaluation, the sponsor may request 869
adjustments to the rating of either of those components based on 870

documentation previously submitted as part of an evaluation. The 871
sponsor shall provide to the department any necessary evidence 872
or information to support the requested adjustments. The 873
department shall review the evidence and information, determine 874
whether an adjustment is valid, and promptly notify the sponsor 875
of its determination and reasons. If any adjustments to the data 876
could result in a change to the rating on the applicable 877
component or to the overall rating, the department shall 878
recalculate the ratings prior to publication. 879

The department shall provide training on an annual basis 880
regarding the evaluation system prescribed under this section. 881
The training shall, at a minimum, describe methodology, 882
timelines, and data required for the evaluation system. The 883
first training session shall occur not later than March 2, 2016. 884
Beginning in 2018, the training shall be made available to each 885
entity that sponsors a community school by the fifteenth day of 886
July of each year and shall include guidance on any changes made 887
to the evaluation system. 888

(7) (a) Entities with an overall rating of "exemplary" for 889
at least two consecutive years may take advantage of the 890
following incentives: 891

(i) Renewal of the written agreement with the department, 892
not to exceed ten years, provided that the entity consents to 893
continued evaluation of adherence to quality practices as 894
described in division (B) (1) (b) of this section; 895

(ii) The ability to extend the term of the contract 896
between the sponsoring entity and the community school beyond 897
the term described in the written agreement with the department; 898

(iii) An exemption from the preliminary agreement and 899

contract adoption and execution deadline requirements prescribed	900
in division (D) of section 3314.02 of the Revised Code;	901
(iv) An exemption from the automatic contract expiration	902
requirement, should a new community school fail to open by the	903
thirtieth day of September of the calendar year in which the	904
community school contract is executed;	905
(v) No limit on the number of community schools the entity	906
may sponsor;	907
(vi) No territorial restrictions on sponsorship.	908
An entity may continue to sponsor any community schools	909
with which it entered into agreements under division (B) (7) (a)	910
(v) or (vi) of this section while rated "exemplary,"	911
notwithstanding the fact that the entity later receives a lower	912
overall rating.	913
(b) (i) Entities that receive an overall rating of	914
"ineffective" shall be prohibited from sponsoring any new or	915
additional community schools during the time in which the	916
sponsor is rated as "ineffective" and shall be subject to a	917
quality improvement plan based on correcting the deficiencies	918
that led to the "ineffective" rating, with timelines and	919
benchmarks that have been established by the department.	920
(ii) Entities that receive an overall rating of	921
"ineffective" on their three most recent ratings shall have all	922
sponsorship authority revoked. Within thirty days after	923
receiving its third rating of "ineffective," the entity may	924
appeal the revocation of its sponsorship authority to the	925
superintendent of public instruction, who shall appoint an	926
independent hearing officer to conduct a hearing in accordance	927
with Chapter 119. of the Revised Code. The hearing shall be	928

conducted within thirty days after receipt of the notice of 929
appeal. Within forty-five days after the hearing is completed, 930
the state board of education shall determine whether the 931
revocation is appropriate based on the hearing conducted by the 932
independent hearing officer, and if determined appropriate, the 933
revocation shall be confirmed. 934

(c) Entities that receive an overall rating of "poor" 935
shall have all sponsorship authority revoked. Within thirty days 936
after receiving a rating of "poor," the entity may appeal the 937
revocation of its sponsorship authority to the superintendent of 938
public instruction, who shall appoint an independent hearing 939
officer to conduct a hearing in accordance with Chapter 119. of 940
the Revised Code. The hearing shall be conducted within thirty 941
days after receipt of the notice of appeal. Within forty-five 942
days after the hearing is completed, the state board of 943
education shall determine whether the revocation is appropriate 944
based on the hearing conducted by the independent hearing 945
officer, and if determined appropriate, the revocation shall be 946
confirmed. 947

(8) For the 2014-2015 school year and each school year 948
thereafter, student academic performance prescribed under 949
division (B)(1)(a) of this section shall include student 950
academic performance data from community schools that primarily 951
serve students enrolled in a dropout prevention and recovery 952
program. 953

(C) If the governing authority of a community school 954
enters into a contract with a sponsor prior to the date on which 955
the sponsor is prohibited from sponsoring additional schools 956
under division (A) of this section and the school has not opened 957
for operation as of that date, that contract shall be void and 958

the school shall not open until the governing authority secures 959
a new sponsor by entering into a contract with the new sponsor 960
under section 3314.03 of the Revised Code. However, the 961
department's office of Ohio school sponsorship, established 962
under section 3314.029 of the Revised Code, may assume the 963
sponsorship of the school until the earlier of the expiration of 964
two school years or until a new sponsor is secured by the 965
school's governing authority. A community school sponsored by 966
the department under this division shall not be included when 967
calculating the maximum number of directly authorized community 968
schools permitted under division (A) (3) of section 3314.029 of 969
the Revised Code. 970

(D) When an entity's authority to sponsor schools is 971
revoked pursuant to division (B) (7) (b) or (c) of this section, 972
the office of Ohio school sponsorship shall assume sponsorship 973
of any schools with which the original sponsor has contracted 974
for the remainder of that school year. The office may continue 975
sponsoring those schools until the earlier of: 976

(1) The expiration of two school years from the time that 977
sponsorship is revoked; 978

(2) When a new sponsor is secured by the governing 979
authority pursuant to division (C) (1) of section 3314.02 of the 980
Revised Code. 981

Any community school sponsored under this division shall 982
not be counted for purposes of directly authorized community 983
schools under division (A) (3) of section 3314.029 of the Revised 984
Code. 985

Sec. 3314.03. A copy of every contract entered into under 986
this section shall be filed with the superintendent of public 987

instruction. The department of education shall make available on 988
its web site a copy of every approved, executed contract filed 989
with the superintendent under this section. 990

(A) Each contract entered into between a sponsor and the 991
governing authority of a community school shall specify the 992
following: 993

(1) That the school shall be established as either of the 994
following: 995

(a) A nonprofit corporation established under Chapter 996
1702. of the Revised Code, if established prior to April 8, 997
2003; 998

(b) A public benefit corporation established under Chapter 999
1702. of the Revised Code, if established after April 8, 2003. 1000

(2) The education program of the school, including the 1001
school's mission, the characteristics of the students the school 1002
is expected to attract, the ages and grades of students, and the 1003
focus of the curriculum; 1004

(3) The academic goals to be achieved and the method of 1005
measurement that will be used to determine progress toward those 1006
goals, which shall include the statewide achievement 1007
assessments; 1008

(4) Performance standards, including but not limited to 1009
all applicable report card measures set forth in section 3302.03 1010
or 3314.017 of the Revised Code, by which the success of the 1011
school will be evaluated by the sponsor; 1012

(5) The admission standards of section 3314.06 of the 1013
Revised Code and, if applicable, section 3314.061 of the Revised 1014
Code; 1015

(6) (a) Dismissal procedures;	1016
(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.	1017 1018 1019 1020 1021 1022
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1023 1024
(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.	1025 1026 1027 1028 1029 1030
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	1031 1032
(a) A detailed description of each facility used for instructional purposes;	1033 1034
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	1035 1036
(c) The annual mortgage principal and interest payments that are paid by the school;	1037 1038
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	1039 1040 1041
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance	1042 1043

with sections 3319.22 to 3319.31 of the Revised Code, except 1044
that a community school may engage noncertificated persons to 1045
teach up to twelve hours per week pursuant to section 3319.301 1046
of the Revised Code. 1047

(11) That the school will comply with the following 1048
requirements: 1049

(a) The school will provide learning opportunities to a 1050
minimum of twenty-five students for a minimum of nine hundred 1051
twenty hours per school year. 1052

(b) The governing authority will purchase liability 1053
insurance, or otherwise provide for the potential liability of 1054
the school. 1055

(c) The school will be nonsectarian in its programs, 1056
admission policies, employment practices, and all other 1057
operations, and will not be operated by a sectarian school or 1058
religious institution. 1059

(d) The school will comply with sections 9.90, 9.91, 1060
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1061
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 1062
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 1063
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 1064
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1065
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 1066
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 1067
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 1068
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 1069
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 1070
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 1071
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 1072

4123., 4141., and 4167. of the Revised Code as if it were a 1073
school district and will comply with section 3301.0714 of the 1074
Revised Code in the manner specified in section 3314.17 of the 1075
Revised Code. 1076

(e) The school shall comply with Chapter 102. and section 1077
2921.42 of the Revised Code. 1078

(f) The school will comply with sections 3313.61, 1079
3313.611, and 3313.614 of the Revised Code, except that for 1080
students who enter ninth grade for the first time before July 1, 1081
2010, the requirement in sections 3313.61 and 3313.611 of the 1082
Revised Code that a person must successfully complete the 1083
curriculum in any high school prior to receiving a high school 1084
diploma may be met by completing the curriculum adopted by the 1085
governing authority of the community school rather than the 1086
curriculum specified in Title XXXVIII of the Revised Code or any 1087
rules of the state board of education. Beginning with students 1088
who enter ninth grade for the first time on or after July 1, 1089
2010, the requirement in sections 3313.61 and 3313.611 of the 1090
Revised Code that a person must successfully complete the 1091
curriculum of a high school prior to receiving a high school 1092
diploma shall be met by completing the requirements prescribed 1093
in division (C) of section 3313.603 of the Revised Code, unless 1094
the person qualifies under division (D) or (F) of that section. 1095
Each school shall comply with the plan for awarding high school 1096
credit based on demonstration of subject area competency, and 1097
beginning with the 2017-2018 school year, with the updated plan 1098
that permits students enrolled in seventh and eighth grade to 1099
meet curriculum requirements based on subject area competency 1100
adopted by the state board of education under divisions (J) (1) 1101
and (2) of section 3313.603 of the Revised Code. Beginning with 1102
the 2018-2019 school year, the school shall comply with the 1103

framework for granting units of high school credit to students 1104
who demonstrate subject area competency through work-based 1105
learning experiences, internships, or cooperative education 1106
developed by the department under division (J) (3) of section 1107
3313.603 of the Revised Code. 1108

(g) The school governing authority will submit within four 1109
months after the end of each school year a report of its 1110
activities and progress in meeting the goals and standards of 1111
divisions (A) (3) and (4) of this section and its financial 1112
status to the sponsor and the parents of all students enrolled 1113
in the school. 1114

(h) The school, unless it is an internet- or computer- 1115
based community school, will comply with section 3313.801 of the 1116
Revised Code as if it were a school district. 1117

(i) If the school is the recipient of moneys from a grant 1118
awarded under the federal race to the top program, Division (A), 1119
Title XIV, Sections 14005 and 14006 of the "American Recovery 1120
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1121
the school will pay teachers based upon performance in 1122
accordance with section 3317.141 and will comply with section 1123
3319.111 of the Revised Code as if it were a school district. 1124

(j) If the school operates a preschool program that is 1125
licensed by the department of education under sections 3301.52 1126
to 3301.59 of the Revised Code, the school shall comply with 1127
sections 3301.50 to 3301.59 of the Revised Code and the minimum 1128
standards for preschool programs prescribed in rules adopted by 1129
the state board under section 3301.53 of the Revised Code. 1130

(k) The school will comply with sections 3313.6021 and 1131
3313.6023 of the Revised Code as if it were a school district 1132

unless it is either of the following: 1133

(i) An internet- or computer-based community school; 1134

(ii) A community school in which a majority of the 1135
enrolled students are children with disabilities as described in 1136
division (A) (4) (b) of section 3314.35 of the Revised Code. 1137

(12) Arrangements for providing health and other benefits 1138
to employees; 1139

(13) The length of the contract, which shall begin at the 1140
beginning of an academic year. No contract shall exceed five 1141
years unless such contract has been renewed pursuant to division 1142
(E) of this section. 1143

(14) The governing authority of the school, which shall be 1144
responsible for carrying out the provisions of the contract; 1145

(15) A financial plan detailing an estimated school budget 1146
for each year of the period of the contract and specifying the 1147
total estimated per pupil expenditure amount for each such year. 1148

(16) Requirements and procedures regarding the disposition 1149
of employees of the school in the event the contract is 1150
terminated or not renewed pursuant to section 3314.07 of the 1151
Revised Code; 1152

(17) Whether the school is to be created by converting all 1153
or part of an existing public school or educational service 1154
center building or is to be a new start-up school, and if it is 1155
a converted public school or service center building, 1156
specification of any duties or responsibilities of an employer 1157
that the board of education or service center governing board 1158
that operated the school or building before conversion is 1159
delegating to the governing authority of the community school 1160

with respect to all or any specified group of employees provided 1161
the delegation is not prohibited by a collective bargaining 1162
agreement applicable to such employees; 1163

(18) Provisions establishing procedures for resolving 1164
disputes or differences of opinion between the sponsor and the 1165
governing authority of the community school; 1166

(19) A provision requiring the governing authority to 1167
adopt a policy regarding the admission of students who reside 1168
outside the district in which the school is located. That policy 1169
shall comply with the admissions procedures specified in 1170
sections 3314.06 and 3314.061 of the Revised Code and, at the 1171
sole discretion of the authority, shall do one of the following: 1172

(a) Prohibit the enrollment of students who reside outside 1173
the district in which the school is located; 1174

(b) Permit the enrollment of students who reside in 1175
districts adjacent to the district in which the school is 1176
located; 1177

(c) Permit the enrollment of students who reside in any 1178
other district in the state. 1179

(20) A provision recognizing the authority of the 1180
department of education to take over the sponsorship of the 1181
school in accordance with the provisions of division (C) of 1182
section 3314.015 of the Revised Code; 1183

(21) A provision recognizing the sponsor's authority to 1184
assume the operation of a school under the conditions specified 1185
in division (B) of section 3314.073 of the Revised Code; 1186

(22) A provision recognizing both of the following: 1187

(a) The authority of public health and safety officials to 1188

inspect the facilities of the school and to order the facilities 1189
closed if those officials find that the facilities are not in 1190
compliance with health and safety laws and regulations; 1191

(b) The authority of the department of education as the 1192
community school oversight body to suspend the operation of the 1193
school under section 3314.072 of the Revised Code if the 1194
department has evidence of conditions or violations of law at 1195
the school that pose an imminent danger to the health and safety 1196
of the school's students and employees and the sponsor refuses 1197
to take such action. 1198

(23) A description of the learning opportunities that will 1199
be offered to students including both classroom-based and non- 1200
classroom-based learning opportunities that is in compliance 1201
with criteria for student participation established by the 1202
department under division (H) (2) of section 3314.08 of the 1203
Revised Code; 1204

(24) The school will comply with sections 3302.04 and 1205
3302.041 of the Revised Code, except that any action required to 1206
be taken by a school district pursuant to those sections shall 1207
be taken by the sponsor of the school. However, the sponsor 1208
shall not be required to take any action described in division 1209
(F) of section 3302.04 of the Revised Code. 1210

(25) Beginning in the 2006-2007 school year, the school 1211
will open for operation not later than the thirtieth day of 1212
September each school year, unless the mission of the school as 1213
specified under division (A) (2) of this section is solely to 1214
serve dropouts. In its initial year of operation, if the school 1215
fails to open by the thirtieth day of September, or within one 1216
year after the adoption of the contract pursuant to division (D) 1217
of section 3314.02 of the Revised Code if the mission of the 1218

school is solely to serve dropouts, the contract shall be void. 1219

(26) Whether the school's governing authority is planning 1220
to seek designation for the school as a STEM school equivalent 1221
under section 3326.032 of the Revised Code; 1222

(27) That the school's attendance and participation 1223
policies will be available for public inspection; 1224

(28) That the school's attendance and participation 1225
records shall be made available to the department of education, 1226
auditor of state, and school's sponsor to the extent permitted 1227
under and in accordance with the "Family Educational Rights and 1228
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 1229
and any regulations promulgated under that act, and section 1230
3319.321 of the Revised Code; 1231

(29) If a school operates using the blended learning 1232
model, as defined in section 3301.079 of the Revised Code, all 1233
of the following information: 1234

(a) An indication of what blended learning model or models 1235
will be used; 1236

(b) A description of how student instructional needs will 1237
be determined and documented; 1238

(c) The method to be used for determining competency, 1239
granting credit, and promoting students to a higher grade level; 1240

(d) The school's attendance requirements, including how 1241
the school will document participation in learning 1242
opportunities; 1243

(e) A statement describing how student progress will be 1244
monitored; 1245

(f) A statement describing how private student data will be protected;	1246
	1247
(g) A description of the professional development activities that will be offered to teachers.	1248
	1249
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	1250
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(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	1254
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<u>(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.</u>	1259
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<u>(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.</u>	1264
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	1266
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	1267
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(1) The process by which the governing authority of the school will be selected in the future;	1270
	1271
(2) The management and administration of the school;	1272
(3) If the community school is a currently existing public	1273

school or educational service center building, alternative 1274
arrangements for current public school students who choose not 1275
to attend the converted school and for teachers who choose not 1276
to teach in the school or building after conversion; 1277

(4) The instructional program and educational philosophy 1278
of the school; 1279

(5) Internal financial controls. 1280

When submitting the plan under this division, the school 1281
shall also submit copies of all policies and procedures 1282
regarding internal financial controls adopted by the governing 1283
authority of the school. 1284

(C) A contract entered into under section 3314.02 of the 1285
Revised Code between a sponsor and the governing authority of a 1286
community school may provide for the community school governing 1287
authority to make payments to the sponsor, which is hereby 1288
authorized to receive such payments as set forth in the contract 1289
between the governing authority and the sponsor. The total 1290
amount of such payments for monitoring, oversight, and technical 1291
assistance of the school shall not exceed three per cent of the 1292
total amount of payments for operating expenses that the school 1293
receives from the state. 1294

(D) The contract shall specify the duties of the sponsor 1295
which shall be in accordance with the written agreement entered 1296
into with the department of education under division (B) of 1297
section 3314.015 of the Revised Code and shall include the 1298
following: 1299

(1) Monitor the community school's compliance with all 1300
laws applicable to the school and with the terms of the 1301
contract; 1302

- (2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 1303
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- (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; 1306
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- (4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 1310
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1312
- (5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 1313
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- (6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 1320
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- (E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division 1323
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remains subject to the provisions of sections 3314.07, 3314.072, 1332
and 3314.073 of the Revised Code. 1333

(F) If a community school fails to open for operation 1334
within one year after the contract entered into under this 1335
section is adopted pursuant to division (D) of section 3314.02 1336
of the Revised Code or permanently closes prior to the 1337
expiration of the contract, the contract shall be void and the 1338
school shall not enter into a contract with any other sponsor. A 1339
school shall not be considered permanently closed because the 1340
operations of the school have been suspended pursuant to section 1341
3314.072 of the Revised Code. 1342

Sec. 3314.11. (A) ~~The board of education of each city, 1343
exempted village, and local school district governing authority 1344
of each community school established under this chapter monthly 1345
shall review enrollment for the residency records of students 1346
enrolled in community schools established under this chapter and 1347
entitled to attend school in the district under section 3313.64 1348
or 3313.65 of the Revised Code that community school. For Upon 1349
the enrollment of each student and on an annual basis, the 1350
district governing authority shall verify to the department of 1351
education both of the following: 1352~~

~~(1) The community school in which the student is enrolled; 1353~~

~~(2) That the school district in which the student is 1354
entitled to attend school in the district under section 3313.64 1355
or 3313.65 of the Revised Code. 1356~~

The school district may review the determination made by 1357
the community school under division (A) of this section. 1358

(B) (1) For purposes of its initial reporting of the school 1359
districts in which its students are entitled to attend school, 1360

the governing authority of a community school ~~may shall~~ adopt a 1361
policy that prescribes the number of documents listed in 1362
division (E) of this section required to verify a student's 1363
residency. This policy, ~~if adopted,~~ shall supersede any policy 1364
concerning the number of documents for initial residency 1365
verification adopted by the district the student is entitled to 1366
attend. ~~If a community school does not adopt a policy under this~~ 1367
~~division, the policy of the school district in which the student~~ 1368
~~is entitled to attend shall prevail.~~ 1369

(2) For purposes of the annual reporting of the school 1370
districts in which its students are entitled to attend school, 1371
the governing authority of a community school shall adopt a 1372
policy that prescribes the information required to verify a 1373
student's residency. This information may be obtained through 1374
any type of document, including any of the documents listed in 1375
division (E) of this section, or any type of communication with 1376
a government official authorized to provide such information. 1377

(C) ~~In~~ For purposes of making the determinations required 1378
under this section, the school district in which a parent or 1379
child resides is the location the parent or student has 1380
established as the primary residence and where substantial 1381
family activity takes place. 1382

(D) If a ~~district's~~ community school's determination under 1383
division (A) of this section of the school district a student is 1384
entitled to attend under section 3313.64 or 3313.65 of the 1385
Revised Code differs from a ~~community school's~~ district's 1386
~~determination under division (B) of this section,~~ the community 1387
school that made the determination under division (A) of this 1388
section shall provide the school district that made the 1389
~~determination under division (A) of this section with~~ 1390

documentation of the student's residency and shall make a good 1391
faith effort to accurately identify the correct residence of the 1392
student. 1393

(E) For purposes of this section, the following documents 1394
may serve as evidence of primary residence: 1395

(1) A deed, mortgage, lease, current home owner's or 1396
renter's insurance declaration page, or current real property 1397
tax bill; 1398

(2) A utility bill or receipt of utility installation 1399
issued within ninety days of enrollment; 1400

(3) A paycheck or paystub issued to the parent or student 1401
within ninety days of the date of enrollment that includes the 1402
address of the parent's or student's primary residence; 1403

(4) The most current available bank statement issued to 1404
the parent or student that includes the address of the parent's 1405
or student's primary residence; 1406

(5) Any other official document issued to the parent or 1407
student that includes the address of the parent's or student's 1408
primary residence. The superintendent of public instruction 1409
shall develop guidelines for determining what qualifies as an 1410
"official document" under this division. 1411

(F) When a student loses permanent housing and becomes a 1412
homeless child or youth, as defined in 42 U.S.C. 11434a, or when 1413
a child who is such a homeless child or youth changes temporary 1414
living arrangements, the district in which the student is 1415
entitled to attend school shall be determined in accordance with 1416
division (F) (13) of section 3313.64 of the Revised Code and the 1417
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et 1418
seq. 1419

(G) In the event of a disagreement as to which school 1420
district a student is entitled to attend, the community school, 1421
after complying with division (D) of this section, but not more 1422
than sixty days after the monthly deadline established by the 1423
department of education for reporting of community school 1424
enrollment, may present the matter to the superintendent of 1425
public instruction. Not later than thirty days after the 1426
community school presents the matter, the state superintendent, 1427
or the state superintendent's designee, shall determine which 1428
district the student is entitled to attend and shall direct any 1429
necessary adjustments to payments and deductions under section 1430
3314.08 of the Revised Code based on that determination. 1431

Sec. 3781.1010. No rule of the board of building standards 1432
for the erection, construction, repair, alteration, and 1433
maintenance of buildings adopted under section 3781.10 of the 1434
Revised Code shall require the installation of a storm shelter 1435
in any school building operated by a public or private school 1436
prior to September 15, 2019, or in any such school building 1437
undergoing or about to undergo construction, alteration, repair, 1438
or maintenance for which financing has been secured prior to 1439
that date. Any rule adopted by the board that conflicts with 1440
this section shall not be effective with respect to any school 1441
building prior to September 15, 2019. 1442

As used in this section, "school building," "public 1443
school," and "private school" have the same meanings as in 1444
section 3781.106 of the Revised Code. 1445

Section 2. That existing sections 3301.0711, 3310.522, 1446
3313.612, 3314.016, 3314.03, and 3314.11 and section 3301.0713 1447
of the Revised Code are hereby repealed. 1448