

As Introduced

135th General Assembly

Regular Session

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H. B. No. 575

Representatives Isaacsohn, Robinson

**Cosponsors: Representatives Abdullahi, Brennan, Brent, Brewer, Brown,
Piccolantonio, Dell'Aquila, Grim, Jarrells, Liston, McNally, Miller, J., Mohamed,
Russo, Somani, Sweeney, Upchurch, Weinstein**

A BILL

To amend sections 3301.0711, 3301.16, 3301.164, 1
3310.03, 3310.14, 3310.15, 3310.522, 3313.619, 2
and 3313.976 and to enact sections 3301.141, 3
3301.165, 3301.166, 3301.167, 3301.168, 4
3310.101, and 3310.151 of the Revised Code to 5
enact the Private School Accountability and 6
Transparency Act regarding financial, reporting, 7
and other requirements applicable to chartered 8
nonpublic schools. 9

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

Section 1. That sections 3301.0711, 3301.16, 3301.164, 10
3310.03, 3310.14, 3310.15, 3310.522, 3313.619, and 3313.976 be 11
amended and sections 3301.141, 3301.165, 3301.166, 3301.167, 12
3301.168, 3310.101, and 3310.151 of the Revised Code be enacted 13
to read as follows: 14

Sec. 3301.0711. (A) The department of education and 15
workforce shall: 16

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

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

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

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

(2) Administer the mathematics assessment prescribed under

division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	47 48
(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	49 50 51
(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	52 53 54
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	55 56 57
(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	58 59 60
(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	61 62 63
(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:	64 65 66
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	67 68 69 70
(b) To any person who has successfully completed 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 but has not received a high	71 72 73 74

school diploma and who requests to take such assessment, at any 75
time such assessment is administered in the district. 76

(9) In lieu of the board of education of any city, local, 77
or exempted village school district in which the student is also 78
enrolled, the board of a joint vocational school district shall 79
administer any assessment prescribed under division (B)(1) of 80
section 3301.0710 of the Revised Code at least twice annually to 81
any student enrolled in the joint vocational school district who 82
has not yet attained the score on that assessment designated 83
under that division. A board of a joint vocational school 84
district may also administer such an assessment to any student 85
described in division (B)(8)(b) of this section. 86

(10) If the district has a three-year average graduation 87
rate of not more than seventy-five per cent, administer each 88
assessment prescribed by division (D) of section 3301.0710 of 89
the Revised Code in September to all ninth grade students who 90
entered ninth grade prior to July 1, 2014. 91

Except as provided in section 3313.614 of the Revised Code 92
for administration of an assessment to a person who has 93
fulfilled the curriculum requirement for a high school diploma 94
but has not passed one or more of the required assessments, the 95
assessments prescribed under division (B)(1) of section 96
3301.0710 of the Revised Code shall not be administered after 97
the date specified in the rules adopted under division (D)(1) of 98
section 3301.0712 of the Revised Code. 99

(11)(a) Except as provided in divisions (B)(11)(b) and (c) 100
of this section, administer the assessments prescribed by 101
division (B)(2) of section 3301.0710 and section 3301.0712 of 102
the Revised Code in accordance with the timeline and plan for 103
implementation of those assessments prescribed by rule adopted 104

under division (D) (1) of section 3301.0712 of the Revised Code; 105

(b) A student who has presented evidence to the district 106
or school of having satisfied the condition prescribed by 107
division (A) (1) of section 3313.618 of the Revised Code to 108
qualify for a high school diploma prior to the date of the 109
administration of the assessment prescribed under division (B) 110
(1) of section 3301.0712 of the Revised Code shall not be 111
required to take that assessment. However, no board shall 112
prohibit a student who is not required to take such assessment 113
from taking the assessment. 114

(c) A student shall not be required to retake the Algebra 115
I end-of-course examination or the English language arts II end- 116
of-course examination prescribed under division (B) (2) of 117
section 3301.0712 of the Revised Code in grades nine through 118
twelve if the student demonstrates at least a proficient level 119
of skill, as prescribed under division (B) (5) (a) of that 120
section, or achieves a competency score, as prescribed under 121
division (B) (10) of that section, in an administration of the 122
examination prior to grade nine. 123

(C) (1) (a) In the case of a student receiving special 124
education services under Chapter 3323. of the Revised Code, the 125
individualized education program developed for the student under 126
that chapter shall specify the manner in which the student will 127
participate in the assessments administered under this section, 128
except that a student with significant cognitive disabilities to 129
whom an alternate assessment is administered in accordance with 130
division (C) (1) of this section and a student determined to have 131
a disability that includes an intellectual disability as 132
outlined in guidance issued by the department shall not be 133
required to take the assessment prescribed under division (B) (1) 134

of section 3301.0712 of the Revised Code. The individualized 135
education program may excuse the student from taking any 136
particular assessment required to be administered under this 137
section if it instead specifies an alternate assessment method 138
approved by the department as conforming to requirements of 139
federal law for receipt of federal funds for disadvantaged 140
pupils. To the extent possible, the individualized education 141
program shall not excuse the student from taking an assessment 142
unless no reasonable accommodation can be made to enable the 143
student to take the assessment. No board shall prohibit a 144
student who is not required to take an assessment under division 145
(C) (1) of this section from taking the 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 either of the following 159
apply: 160

(I) A plan developed for the student pursuant to rules 161
adopted by the department excuses the student from taking that 162
assessment. 163

(II) The chartered nonpublic school develops a written 164

plan in which the school, in consultation with the student's 165
parents, determines that an assessment or alternative assessment 166
with accommodations does not accurately assess the student's 167
academic performance. The plan shall include an academic profile 168
of the student's academic performance and shall be reviewed 169
annually to determine if the student's needs continue to require 170
excusal from taking the assessment. 171

(ii) A student with significant cognitive disabilities to 172
whom an alternate assessment is administered in accordance with 173
division (C) (1) of this section and a student determined to have 174
a disability that includes an intellectual disability as 175
outlined in guidance issued by the department shall not be 176
required to take the assessment prescribed under division (B) (1) 177
of section 3301.0712 of the Revised Code. 178

(iii) In the case of any student so excused from taking an 179
assessment under division (C) (1) (c) of this section, the 180
chartered nonpublic school shall not prohibit the student from 181
taking the assessment. 182

(2) A district board may, for medical reasons or other 183
good cause, excuse a student from taking an assessment 184
administered under this section on the date scheduled, but that 185
assessment shall be administered to the excused student not 186
later than nine days following the scheduled date. The district 187
board shall annually report the number of students who have not 188
taken one or more of the assessments required by this section to 189
the department not later than the thirtieth day of June. 190

(3) No school district board shall excuse any English 191
learner from taking any particular assessment required to be 192
administered under this section, except that any English learner 193
who has been enrolled in United States schools for less than two 194

years and for whom no appropriate accommodations are available 195
based on guidance issued by the department shall not be required 196
to take the assessment prescribed under division (B) (1) of 197
section 3301.0712 of the Revised Code. 198

However, no board shall prohibit an English learner who is 199
not required to take that assessment from taking the assessment. 200

A board may permit any English learner to take an 201
assessment required to be administered under this section with 202
appropriate accommodations, as determined by the department. 203

For each English learner, each school district shall 204
annually assess that student's progress in learning English, in 205
accordance with procedures approved by the department. 206

The guidance and procedures issued by the department for 207
the purposes of division (C) (3) of this section shall comply 208
with the rules adopted under section 3301.0731 of the Revised 209
Code. 210

(4) (a) The governing authority of a chartered nonpublic 211
school may excuse an English learner from taking any assessment 212
administered under this section. 213

(b) No governing authority shall require an English 214
learner who has been enrolled in United States schools for less 215
than two years and for whom no appropriate accommodations are 216
available based on guidance issued by the department to take the 217
assessment prescribed under division (B) (1) of section 3301.0712 218
of the Revised Code. 219

(c) No governing authority shall prohibit an English 220
learner from taking an assessment from which the student was 221
excused under division (C) (4) of this section. 222

(D) (1) In the school year next succeeding the school year 223
in which the assessments prescribed by division (A) (1) or (B) (1) 224
of section 3301.0710 of the Revised Code or former division (A) 225
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 226
it existed prior to September 11, 2001, are administered to any 227
student, the board of education of any school district in which 228
the student is enrolled in that year shall provide to the 229
student intervention services commensurate with the student's 230
performance, including any intensive intervention required under 231
section 3313.608 of the Revised Code, in any skill in which the 232
student failed to demonstrate at least a score at the proficient 233
level on the assessment. 234

(2) Following any administration of the assessments 235
prescribed by division (D) of section 3301.0710 of the Revised 236
Code to ninth grade students, each school district that has a 237
three-year average graduation rate of not more than seventy-five 238
per cent shall determine for each high school in the district 239
whether the school shall be required to provide intervention 240
services to any students who took the assessments. In 241
determining which high schools shall provide intervention 242
services based on the resources available, the district shall 243
consider each school's graduation rate and scores on the 244
practice assessments. The district also shall consider the 245
scores received by ninth grade students on the English language 246
arts and mathematics assessments prescribed under division (A) 247
(1) (f) of section 3301.0710 of the Revised Code in the eighth 248
grade in determining which high schools shall provide 249
intervention services. 250

Each high school selected to provide intervention services 251
under this division shall provide intervention services to any 252
student whose results indicate that the student is failing to 253

make satisfactory progress toward being able to attain scores at 254
the proficient level on the Ohio graduation tests. Intervention 255
services shall be provided in any skill in which a student 256
demonstrates unsatisfactory progress and shall be commensurate 257
with the student's performance. Schools shall provide the 258
intervention services prior to the end of the school year, 259
during the summer following the ninth grade, in the next 260
succeeding school year, or at any combination of those times. 261

(E) Except as provided in section 3313.608 of the Revised 262
Code and division (N) of this section, no school district board 263
of education shall utilize any student's failure to attain a 264
specified score on an assessment administered under this section 265
as a factor in any decision to deny the student promotion to a 266
higher grade level. However, a district board may choose not to 267
promote to the next grade level any student who does not take an 268
assessment administered under this section or make up an 269
assessment as provided by division (C) (2) of this section and 270
who is not exempt from the requirement to take the assessment 271
under division (C) (3) of this section. 272

(F) No person shall be charged a fee for taking any 273
assessment administered under this section. 274

(G) (1) Each school district board shall designate one 275
location for the collection of assessments administered in the 276
spring under division (B) (1) of this section and those 277
administered under divisions (B) (2) to (7) of this section. Each 278
district board shall submit the assessments to the entity with 279
which the department contracts for the scoring of the 280
assessments as follows: 281

(a) If the district's total enrollment in grades 282
kindergarten through twelve during the first full school week of 283

October was less than two thousand five hundred, not later than 284
the Friday after all of the assessments have been administered; 285

(b) If the district's total enrollment in grades 286
kindergarten through twelve during the first full school week of 287
October was two thousand five hundred or more, but less than 288
seven thousand, not later than the Monday after all of the 289
assessments have been administered; 290

(c) If the district's total enrollment in grades 291
kindergarten through twelve during the first full school week of 292
October was seven thousand or more, not later than the Tuesday 293
after all of the assessments have been administered. 294

However, any assessment that a student takes during the 295
make-up period described in division (C) (2) of this section 296
shall be submitted not later than the Friday following the day 297
the student takes the assessment. 298

(2) The department or an entity with which the department 299
contracts for the scoring of the assessment shall send to each 300
school district board a list of the individual scores of all 301
persons taking a state achievement assessment as follows: 302

(a) Except as provided in division (G) (2) (b) or (c) of 303
this section, within forty-five days after the administration of 304
the assessments prescribed by sections 3301.0710 and 3301.0712 305
of the Revised Code, but in no case shall the scores be returned 306
later than the thirtieth day of June following the 307
administration; 308

(b) In the case of the third-grade English language arts 309
assessment, within forty-five days after the administration of 310
that assessment, but in no case shall the scores be returned 311
later than the fifteenth day of June following the 312

administration; 313

(c) In the case of the writing component of an assessment 314
or end-of-course examination in the area of English language 315
arts, except for the third-grade English language arts 316
assessment, the results may be sent after forty-five days of the 317
administration of the writing component, but in no case shall 318
the scores be returned later than the thirtieth day of June 319
following the administration. 320

(3) For assessments administered under this section by a 321
joint vocational school district, the department or entity shall 322
also send to each city, local, or exempted village school 323
district a list of the individual scores of any students of such 324
city, local, or exempted village school district who are 325
attending school in the joint vocational school district. 326

(4) Beginning with the 2019-2020 school year, a school 327
district, other public school, or chartered nonpublic school may 328
administer the third-grade English language arts or mathematics 329
assessment, or both, in a paper format in any school year for 330
which the district board of education or school governing body 331
adopts a resolution indicating that the district or school 332
chooses to administer the assessment in a paper format. The 333
board or governing body shall submit a copy of the resolution to 334
the department of education and workforce not later than the 335
first day of May prior to the school year for which it will 336
apply. If the resolution is submitted, the district or school 337
shall administer the assessment in a paper format to all 338
students in the third grade, except that any student whose 339
individualized education program or plan developed under section 340
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 341
794, as amended, specifies that taking the assessment in an 342

online format is an appropriate accommodation for the student 343
may take the assessment in an online format. 344

(H) Individual scores on any assessments administered 345
under this section shall be released by a district board only in 346
accordance with section 3319.321 of the Revised Code and the 347
rules adopted under division (A) of this section. No district 348
board or its employees shall utilize individual or aggregate 349
results in any manner that conflicts with rules for the ethical 350
use of assessments adopted pursuant to division (A) of this 351
section. 352

(I) Except as provided in division (G) of this section, 353
the department or an entity with which the department contracts 354
for the scoring of the assessment shall not release any 355
individual scores on any assessment administered under this 356
section. The department shall adopt rules to ensure the 357
protection of student confidentiality at all times. The rules 358
may require the use of the data verification codes assigned to 359
students pursuant to division (D) (2) of section 3301.0714 of the 360
Revised Code to protect the confidentiality of student scores. 361

(J) Notwithstanding division (D) of section 3311.52 of the 362
Revised Code, this section does not apply to the board of 363
education of any cooperative education school district except as 364
provided under rules adopted pursuant to this division. 365

(1) In accordance with rules that the department shall 366
adopt, the board of education of any city, exempted village, or 367
local school district with territory in a cooperative education 368
school district established pursuant to divisions (A) to (C) of 369
section 3311.52 of the Revised Code may enter into an agreement 370
with the board of education of the cooperative education school 371
district for administering any assessment prescribed under this 372

section to students of the city, exempted village, or local 373
school district who are attending school in the cooperative 374
education school district. 375

(2) In accordance with rules that the department shall 376
adopt, the board of education of any city, exempted village, or 377
local school district with territory in a cooperative education 378
school district established pursuant to section 3311.521 of the 379
Revised Code shall enter into an agreement with the cooperative 380
district that provides for the administration of any assessment 381
prescribed under this section to both of the following: 382

(a) Students who are attending school in the cooperative 383
district and who, if the cooperative district were not 384
established, would be entitled to attend school in the city, 385
local, or exempted village school district pursuant to section 386
3313.64 or 3313.65 of the Revised Code; 387

(b) Persons described in division (B) (8) (b) of this 388
section. 389

Any assessment of students pursuant to such an agreement 390
shall be in lieu of any assessment of such students or persons 391
pursuant to this section. 392

(K) (1) (a) Except as otherwise provided in division (K) (1) 393
~~or (2)~~ of this section, each chartered nonpublic school for 394
which at least ~~sixty-five~~ fifty per cent of its total enrollment 395
is made up of students who are participating in state 396
scholarship programs shall administer the assessments prescribed 397
by division (A) of section 3301.0710 of the Revised Code or an 398
alternative standardized assessment determined by the 399
department. In accordance with procedures and deadlines 400
prescribed by the department, the parent or guardian of a 401

student enrolled in the school who is not participating in a 402
state scholarship program may submit notice to the chief 403
administrative officer of the school that the parent or guardian 404
does not wish to have the student take the assessments 405
prescribed for the student's grade level under division (A) of 406
section 3301.0710 of the Revised Code. If a parent or guardian 407
submits an opt-out notice, the school shall not administer the 408
assessments to that student. This option does not apply to any 409
assessment required for a high school diploma under section 410
3313.612 of the Revised Code. 411

(b) Any chartered nonpublic school that enrolls students 412
who are participating in state scholarship programs may 413
administer an alternative standardized assessment determined by 414
the department instead of the assessments prescribed by division 415
(A) of section 3301.0710 of the Revised Code. 416

Each chartered nonpublic school subject to division (K) (1) 417
(a) or (b) of this section shall report the results of each 418
assessment administered under those divisions to the department. 419

~~(2) A chartered nonpublic school may submit to the 420
director of education and workforce a request for a waiver from 421
administering the elementary assessments prescribed by division 422
(A) of section 3301.0710 of the Revised Code. The director shall 423
approve or disapprove a request for a waiver submitted under 424
division (K) (2) of this section. 425~~

~~To be eligible to submit a request for a waiver, a 426
chartered nonpublic school shall meet the following conditions: 427~~

~~(a) At least ninety-five per cent of the students enrolled 428
in the school are children with disabilities, as defined under 429
section 3323.01 of the Revised Code, or have received a 430~~

~~diagnosis by a school district or from a physician, including a~~ 431
~~neuropsychiatrist or psychiatrist, or a psychologist who is~~ 432
~~authorized to practice in this or another state as having a~~ 433
~~condition that impairs academic performance, such as dyslexia,~~ 434
~~dyscalculia, attention deficit hyperactivity disorder, or~~ 435
~~Asperger's syndrome.~~ 436

~~(b) The school has solely served a student population~~ 437
~~described in division (K) (1) (a) of this section for at least ten~~ 438
~~years.~~ 439

~~(c) The school provides to the department at least five~~ 440
~~years of records of internal testing conducted by the school~~ 441
~~that affords the department data required for accountability~~ 442
~~purposes, including diagnostic assessments and nationally~~ 443
~~standardized norm referenced achievement assessments that~~ 444
~~measure reading and math skills.~~ 445

~~(3) Any chartered nonpublic school that is not subject to~~ 446
division (K) (1) of this section may participate in the 447
assessment program by administering any of the assessments 448
prescribed by division (A) of section 3301.0710 of the Revised 449
Code. The chief administrator of the school shall specify which 450
assessments the school will administer. Such specification shall 451
be made in writing to the director prior to the first day of 452
August of any school year in which assessments are administered 453
and shall include a pledge that the nonpublic school will 454
administer the specified assessments in the same manner as 455
public schools are required to do under this section and rules 456
adopted by the department. 457

~~(4)~~ (3) The department shall furnish the assessments 458
prescribed by section 3301.0710 of the Revised Code to each 459
chartered nonpublic school that is subject to division (K) (1) of 460

this section or participates under division ~~(K) (3)~~ (K) (2) of 461
this section. 462

(L) If a chartered nonpublic school is educating students 463
in grades nine through twelve, the following shall apply: 464

(1) Except as provided in division (L) (4) of this section, 465
for a student who is enrolled in a chartered nonpublic school 466
~~that is accredited through the independent schools association~~ 467
~~of the central states and who is attending the school under a~~ 468
state scholarship program, the student shall ~~either~~ take all of 469
the assessments prescribed by division (B) of section 3301.0712 470
of the Revised Code ~~or take an alternative assessment approved~~ 471
~~by the department under section 3313.619 of the Revised Code.~~ 472
However, a student who is excused from taking an assessment 473
under division (C) of this section ~~or has presented evidence to~~ 474
~~the chartered nonpublic school of having satisfied the condition~~ 475
~~prescribed by division (A) (1) of section 3313.618 of the Revised~~ 476
~~Code to qualify for a high school diploma prior to the date of~~ 477
~~the administration of the assessment prescribed under division~~ 478
~~(B) (1) of section 3301.0712 of the Revised Code shall not be~~ 479
required to take that assessment. No governing authority of a 480
chartered nonpublic school shall prohibit a student who is not 481
required to take such assessment from taking the assessment. 482

(2) For a student who is enrolled in a chartered nonpublic 483
school that is accredited through the independent schools 484
association of the central states, and who is not attending the 485
school under a state scholarship program, the student shall not 486
be required to take any assessment prescribed under section 487
3301.0712 or 3313.619 of the Revised Code. 488

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 489
of this section, for a student who is enrolled in a chartered 490

nonpublic school that is not accredited through the independent 491
schools association of the central states, ~~regardless of whether~~ 492
and the student ~~is attending or~~ is not attending the school 493
under a state scholarship program, the student shall do one of 494
the following: 495

(i) Take all of the assessments prescribed by division (B) 496
of section 3301.0712 of the Revised Code; 497

(ii) Take only the assessment prescribed by division (B) 498
(1) of section 3301.0712 of the Revised Code, provided that the 499
student's school publishes the results of that assessment for 500
each graduating class. The published results of that assessment 501
shall include the overall composite scores, mean scores, twenty- 502
fifth percentile scores, and seventy-fifth percentile scores for 503
each subject area of the assessment. 504

(iii) Take an alternative assessment approved by the 505
department under section 3313.619 of the Revised Code. 506

(b) A student who is excused from taking an assessment 507
under division (C) of this section ~~or has presented evidence to~~ 508
~~the chartered nonpublic school of having satisfied the condition~~ 509
~~prescribed by division (A) (1) of section 3313.618 of the Revised~~ 510
~~Code to qualify for a high school diploma prior to the date of~~ 511
~~the administration of the assessment prescribed under division~~ 512
~~(B) (1) of section 3301.0712 of the Revised Code shall not be~~ 513
required to take that assessment. No governing authority of a 514
chartered nonpublic school shall prohibit a student who is not 515
required to take such assessment from taking the assessment. 516

(4) The assessments prescribed by sections 3301.0712 and 517
3313.619 of the Revised Code shall not be administered to any 518
student attending the school, if the school meets all of the 519

following conditions: 520

(a) At least ninety-five per cent of the students enrolled 521
in the school are children with disabilities, as defined under 522
section 3323.01 of the Revised Code, or have received a 523
diagnosis by a school district or from a physician, including a 524
neuropsychologist or psychiatrist, or a psychologist who is 525
authorized to practice in this or another state as having a 526
condition that impairs academic performance, such as dyslexia, 527
dyscalculia, attention deficit hyperactivity disorder, or 528
Asperger's syndrome. 529

(b) The school has solely served a student population 530
described in division (L) (4) (a) of this section for at least ten 531
years. 532

(c) The school makes available to the department at least 533
five years of records of internal testing conducted by the 534
school that affords the department data required for 535
accountability purposes, including growth in student achievement 536
in reading or mathematics, or both, as measured by nationally 537
norm-referenced assessments that have developed appropriate 538
standards for students. 539

Division (L) (4) of this section applies to any student 540
attending such school regardless of whether the student receives 541
special education or related services and regardless of whether 542
the student is attending the school under a state scholarship 543
program. 544

(M) (1) The superintendent of Ohio deaf and blind education 545
services shall administer the assessments described by sections 546
3301.0710 and 3301.0712 of the Revised Code for the state school 547
for the blind and the state school for the deaf. The 548

superintendent of Ohio deaf and blind education services shall 549
administer the assessments in the same manner as district boards 550
are required to do under this section and rules adopted by the 551
department and in conformity with division (C)(1)(a) of this 552
section. 553

(2) The department shall furnish the assessments described 554
by sections 3301.0710 and 3301.0712 of the Revised Code to the 555
superintendent of Ohio deaf and blind education services. 556

(N) Notwithstanding division (E) of this section, a school 557
district may use a student's failure to attain a score in at 558
least the proficient range on the mathematics assessment 559
described by division (A)(1)(a) of section 3301.0710 of the 560
Revised Code or on an assessment described by division (A)(1) 561
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 562
Code as a factor in retaining that student in the current grade 563
level. 564

(O)(1) In the manner specified in divisions (O)(3), (4), 565
(6), and (7) of this section, the assessments required by 566
division (A)(1) of section 3301.0710 of the Revised Code shall 567
become public records pursuant to section 149.43 of the Revised 568
Code on the thirty-first day of July following the school year 569
that the assessments were administered. 570

(2) The department may field test proposed questions with 571
samples of students to determine the validity, reliability, or 572
appropriateness of questions for possible inclusion in a future 573
year's assessment. The department also may use anchor questions 574
on assessments to ensure that different versions of the same 575
assessment are of comparable difficulty. 576

Field test questions and anchor questions shall not be 577

considered in computing scores for individual students. Field 578
test questions and anchor questions may be included as part of 579
the administration of any assessment required by division (A) (1) 580
or (B) of section 3301.0710 and division (B) of section 581
3301.0712 of the Revised Code. 582

(3) Any field test question or anchor question 583
administered under division (O) (2) of this section shall not be 584
a public record. Such field test questions and anchor questions 585
shall be redacted from any assessments which are released as a 586
public record pursuant to division (O) (1) of this section. 587

(4) This division applies to the assessments prescribed by 588
division (A) of section 3301.0710 of the Revised Code. 589

(a) The first administration of each assessment, as 590
specified in former section 3301.0712 of the Revised Code, shall 591
be a public record. 592

(b) For subsequent administrations of each assessment 593
prior to the 2011-2012 school year, not less than forty per cent 594
of the questions on the assessment that are used to compute a 595
student's score shall be a public record. The department shall 596
determine which questions will be needed for reuse on a future 597
assessment and those questions shall not be public records and 598
shall be redacted from the assessment prior to its release as a 599
public record. However, for each redacted question, the 600
department shall inform each city, local, and exempted village 601
school district of the statewide academic standard adopted under 602
section 3301.079 of the Revised Code and the corresponding 603
benchmark to which the question relates. The preceding sentence 604
does not apply to field test questions that are redacted under 605
division (O) (3) of this section. 606

(c) The administrations of each assessment in the 2011- 607
2012, 2012-2013, and 2013-2014 school years shall not be a 608
public record. 609

(5) Each assessment prescribed by division (B) (1) of 610
section 3301.0710 of the Revised Code shall not be a public 611
record. 612

(6) (a) Except as provided in division (O) (6) (b) of this 613
section, for the administrations in the 2014-2015, 2015-2016, 614
and 2016-2017 school years, questions on the assessments 615
prescribed under division (A) of section 3301.0710 and division 616
(B) (2) of section 3301.0712 of the Revised Code and the 617
corresponding preferred answers that are used to compute a 618
student's score shall become a public record as follows: 619

(i) Forty per cent of the questions and preferred answers 620
on the assessments on the thirty-first day of July following the 621
administration of the assessment; 622

(ii) Twenty per cent of the questions and preferred 623
answers on the assessment on the thirty-first day of July one 624
year after the administration of the assessment; 625

(iii) The remaining forty per cent of the questions and 626
preferred answers on the assessment on the thirty-first day of 627
July two years after the administration of the assessment. 628

The entire content of an assessment shall become a public 629
record within three years of its administration. 630

The department shall make the questions that become a 631
public record under this division readily accessible to the 632
public on the department's web site. Questions on the spring 633
administration of each assessment shall be released on an annual 634
basis, in accordance with this division. 635

(b) No questions and corresponding preferred answers shall 636
become a public record under division (O) (6) of this section 637
after July 31, 2017. 638

(7) Division (O) (7) of this section applies to the 639
assessments prescribed by division (A) of section 3301.0710 and 640
division (B) (2) of section 3301.0712 of the Revised Code. 641

Beginning with the assessments administered in the spring 642
of the 2017-2018 school year, not less than forty per cent of 643
the questions on each assessment that are used to compute a 644
student's score shall be a public record. The department shall 645
determine which questions will be needed for reuse on a future 646
assessment and those questions shall not be public records and 647
shall be redacted from the assessment prior to its release as a 648
public record. However, for each redacted question, the 649
department shall inform each city, local, and exempted village 650
school district of the corresponding statewide academic standard 651
adopted under section 3301.079 of the Revised Code and the 652
corresponding benchmark to which the question relates. The 653
department is not required to provide corresponding standards 654
and benchmarks to field test questions that are redacted under 655
division (O) (3) of this section. 656

(P) As used in this section: 657

(1) "Three-year average" means the average of the most 658
recent consecutive three school years of data. 659

(2) "Dropout" means a student who withdraws from school 660
before completing course requirements for graduation and who is 661
not enrolled in an education program approved by the department 662
or an education program outside the state. "Dropout" does not 663
include a student who has departed the country. 664

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

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

(5) "Other public school" means 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.

(6) "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

Sec. 3301.141. The department of education and workforce shall develop a report card similar to the state report card under section 3302.03 of the Revised Code for all chartered nonpublic schools. The department shall determine the data to be used to create the ratings system for report cards. The department shall begin issuing report cards under this section

in the school year immediately following the effective date of 695
this section. 696

Sec. 3301.16. Pursuant to standards prescribed by the 697
director of education and workforce as provided in division (D) 698
of section 3301.07 of the Revised Code, the director shall 699
classify and charter school districts and individual schools 700
within each district except that no charter shall be granted to 701
a nonpublic school unless the school complies with divisions (K) 702
(1) and (L) of section 3301.0711, as applicable, and sections 703
3301.164 ~~and~~, 3301.166, and 3313.612 of the Revised Code. 704

In the course of considering the charter of a new school 705
district created under section 3311.26 or 3311.38 of the Revised 706
Code, the director shall require the party proposing creation of 707
the district to submit to the board a map, certified by the 708
county auditor of the county in which the proposed new district 709
is located, showing the boundaries of the proposed new district. 710
In the case of a proposed new district located in more than one 711
county, the map shall be certified by the county auditor of each 712
county in which the proposed district is located. 713

The director shall revoke the charter of any school 714
district or school which fails to meet the standards for 715
elementary and high schools as prescribed by the director. The 716
director shall also revoke the charter of any nonpublic school 717
that does not comply with divisions (K)(1) and (L) of section 718
3301.0711, if applicable, and sections 3301.164 and 3313.612 of 719
the Revised Code. 720

In the issuance and revocation of school district or 721
school charters, the director shall be governed by the 722
provisions of Chapter 119. of the Revised Code. 723

No school district, or individual school operated by a school district, shall operate without a charter issued under this section.

In case a school district charter is revoked pursuant to this section, the state board of education may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the state board among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the state board. Prior to dissolving the school district, the state board shall notify the appropriate educational service center governing board and all adjacent school district boards of education of its intention to do so. Boards so notified may make recommendations to the state board regarding the proposed dissolution and subsequent transfer of territory. Except as provided in section 3301.161 of the Revised Code, the transfer ordered by the state board shall become effective on the date specified by the state board, but the date shall be at least thirty days following the date of issuance of the order.

A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the director.

An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects

as may be approved by the director. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

Sec. 3301.164. Each chartered nonpublic school shall publish on the school's web site ~~both~~all of the following:

(A) The number of students enrolled in the school by the last day of October of the current school year;

(B) The school's policy regarding background checks for teaching and nonteaching employees and for volunteers who have direct contact with students.

(C) Aggregate data, including the results of assessments administered under section 3301.0710 of the Revised Code and end-of-course examinations administered under section 3301.0712 of the Revised Code.

Sec. 3301.165. (A) As used in this section, "state scholarship programs" has the same meaning as in section 3301.0711 of the Revised Code.

(B) Each chartered nonpublic school for which at least twenty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall comply with the rules adopted by the department of education and workforce and the auditor of state under section 5705.391 of the Revised Code as if it were a school district.

(C) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may limit, suspend, or revoke a license as defined under section 3319.31 of the Revised Code that has been issued to any school employee found to have willfully contributed erroneous, inaccurate, or

incomplete data required for the submission of the five-year 783
projection required by this section and section 5705.391 of the 784
Revised Code. 785

Sec. 3301.166. The director of education and workforce 786
shall not grant a charter to a nonpublic school unless the 787
school does each of the following: 788

(A) Submits an original affidavit of intent not to 789
discriminate that is signed and notarized; 790

(B) Adopts and implements a racial nondiscriminatory 791
policy. Copies of that policy shall use the language required by 792
the department of education and workforce and be submitted for 793
approval to the department on official school letterhead. 794

(C) Include the adopted racial nondiscriminatory policy in 795
the school's advertisement, policies, handbooks, and manuals. 796
The department shall verify that the policy is included in 797
handbooks and manuals as part of the school's application for a 798
state charter. 799

Sec. 3301.167. (A) As used in this section, "state 800
scholarship programs" has the same meaning as in section 801
3301.0711 of the Revised Code. 802

(B) Each chartered nonpublic school for which at least 803
twenty-five per cent of its total enrollment is made up of 804
students who are participating in state scholarship programs 805
shall include in all school advertising and recruitment 806
materials the aggregate results of state assessments 807
administered by the school under sections 3301.0710, 3301.0712, 808
and 3313.619 of the Revised Code and the school's graduation 809
rates. 810

Sec. 3301.168. Subject to section 3319.321 of the Revised 811

Code and the "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g, a chartered nonpublic school for which at least twenty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs as defined in section 3301.0711 of the Revised Code, shall comply with requests received from any person for the school's financial records as though it were a school district under section 149.43 of the Revised Code.

Sec. 3310.03. For the 2021-2022 school year and each school year thereafter, subject to division (G) of this section, a student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student satisfies one of the conditions in division (A), (B), or (C) of this section, and the student maintains eligibility to receive a scholarship under division (D) of this section.

However, any student who received a scholarship for the 2020-2021 school year under this section, as it existed prior to March 2, 2021, shall continue to receive that scholarship until the student completes gradetwelve, as long as the student maintains eligibility to receive a scholarship under division (D) of this section.

(A) (1) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

(a) The building was ranked in the lowest twenty per cent of all buildings operated by city, local, and exempted village

school districts according to performance index score as 842
determined by the department of education and workforce, as 843
follows: 844

(i) For a scholarship sought for the 2021-2022 or 2022- 845
2023 school year, the building was ranked in the lowest twenty 846
per cent of buildings for each of the 2017-2018 and 2018-2019 847
school years. 848

(ii) For a scholarship sought for the 2023-2024 school 849
year, the building was ranked in the lowest twenty per cent of 850
buildings for each of the 2018-2019 and 2021-2022 school years. 851

(iii) For a scholarship sought for the 2024-2025 school 852
year, the building was ranked in the lowest twenty per cent of 853
buildings for each of the 2021-2022 and 2022-2023 school years. 854

(iv) For a scholarship sought for the 2025-2026 school 855
year or any school year thereafter, the building was ranked in 856
the lowest twenty per cent of buildings for at least two of the 857
three most recent consecutive rankings issued prior to the first 858
day of July of the school year for which a scholarship is 859
sought. 860

(b) The building is operated by a school district in 861
which, for the three consecutive school years prior to the 862
school year for which a scholarship is sought, an average of 863
twenty per cent or more of the students entitled to attend 864
school in the district, under section 3313.64 or 3313.65 of the 865
Revised Code, were qualified to be included in the formula to 866
distribute funds under Title I of the "Elementary and Secondary 867
Education Act of 1965," 20 U.S.C. 6301 et seq. 868

When ranking school buildings under division (A) (1) of 869
this section, the department shall not include buildings 870

operated by a school district in which the pilot project 871
scholarship program is operating in accordance with sections 872
3313.974 to 3313.979 of the Revised Code. 873

(2) A student is eligible for a scholarship if the student 874
will be enrolling in any of grades kindergarten through twelve 875
in this state for the first time in the school year for which a 876
scholarship is sought, will be at least five years of age, as 877
defined in section 3321.01 of the Revised Code, by the first day 878
of January of the school year for which a scholarship is sought, 879
and otherwise would be assigned under section 3319.01 of the 880
Revised Code in the school year for which a scholarship is 881
sought, to a school building described in division (A)(1) of 882
this section. 883

(3) A student is eligible for a scholarship if the student 884
is enrolled in a community school established under Chapter 885
3314. of the Revised Code but otherwise would be assigned under 886
section 3319.01 of the Revised Code to a building described in 887
division (A)(1) of this section. 888

(4) A student is eligible for a scholarship if the student 889
is enrolled in a school building operated by the student's 890
resident district or in a community school established under 891
Chapter 3314. of the Revised Code and otherwise would be 892
assigned under section 3319.01 of the Revised Code to a school 893
building described in division (A)(1) of this section in the 894
school year for which the scholarship is sought. 895

(5) A student is eligible for a scholarship if the student 896
was enrolled in a public or nonpublic school or was homeschooled 897
in the prior school year and completed any of grades eight 898
through eleven in that school year and otherwise would be 899
assigned under section 3319.01 of the Revised Code to a school 900

building described in division (A) (1) of this section in the 901
school year for which the scholarship is sought. 902

(B) A student is eligible for a scholarship if the student 903
is enrolled in a nonpublic school at the time the school is 904
granted a charter by the director of education and workforce 905
under section 3301.16 of the Revised Code and the student meets 906
the standards of division (B) of section 3310.031 of the Revised 907
Code. 908

(C) A student is eligible for a scholarship if the 909
student's resident district is subject to section 3302.10 of the 910
Revised Code and the student either: 911

(1) Is enrolled in a school building operated by the 912
resident district or in a community school established under 913
Chapter 3314. of the Revised Code; 914

(2) Will be both enrolling in any of grades kindergarten 915
through twelve in this state for the first time and at least 916
five years of age by the first day of January of the school year 917
for which a scholarship is sought. 918

(D) A student who receives a scholarship under the 919
educational choice scholarship pilot program remains an eligible 920
student and may continue to receive scholarships in subsequent 921
school years until the student completes grade twelve, so long 922
as all of the following apply: 923

(1) The student's resident district remains the same, or 924
the student transfers to a new resident district and otherwise 925
would be assigned in the new resident district to a school 926
building described in division (A) (1) or (C) of this section. 927

(2) The student takes each assessment prescribed for the 928
student's grade level under section 3301.0710, 3301.0712, or 929

3313.619 of the Revised Code while enrolled in a chartered 930
nonpublic school, unless one of the following applies to the 931
student: 932

(a) The student is excused from taking that assessment 933
under federal law, the student's individualized education 934
program, or division (C) (1) (c) (i) of section 3301.0711 of the 935
Revised Code. 936

(b) The student is enrolled in a chartered nonpublic 937
school that meets the conditions specified in division ~~(K) (2) or~~ 938
(L) (4) of section 3301.0711 of the Revised Code. 939

(c) The student is enrolled in any of grades three to 940
eight and takes an alternative standardized assessment under 941
division (K) (1) of section 3301.0711 of the Revised Code. 942

(d) The student is excused from taking the assessment 943
prescribed under division (B) (1) of section 3301.0712 of the 944
Revised Code pursuant to division (C) (1) (c) (ii) of section 945
3301.0711 of the Revised Code. 946

(3) In each school year that the student is enrolled in a 947
chartered nonpublic school, the student is absent from school 948
for not more than twenty days that the school is open for 949
instruction, not including excused absences. 950

(E) (1) The department shall cease awarding first-time 951
scholarships pursuant to divisions (A) (1) to (5) of this section 952
with respect to a school building that, in the most recent 953
ratings of school buildings under section 3302.03 of the Revised 954
Code prior to the first day of July of the school year, ceases 955
to meet the criteria in division (A) (1) of this section. 956

(2) The department shall cease awarding first-time 957
scholarships pursuant to division (C) of this section with 958

respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist.

(3) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (D) of this section.

(F) The department shall adopt rules defining excused absences for purposes of division (D) (3) of this section.

(G) Notwithstanding anything to the contrary in this section or section 3310.031 of the Revised Code, a student shall not be required to be enrolled or enrolling in a school building operated by the student's resident district or a community school in order to be eligible for a scholarship, as follows:

(1) For a scholarship sought for the 2021-2022 school year, a student entering any of grades kindergarten through two;

(2) For a scholarship sought for the 2022-2023 school year, a student entering any of grades kindergarten through four;

(3) For a scholarship sought for the 2023-2024 school year, a student entering any of grades kindergarten through six;

(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight;

(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve.

(H) Except as provided for in section 3310.13 of the Revised Code and in division (C) (2) of section 3365.07 of the

Revised Code, the department shall not require the parent of a 987
student who applies for or receives a scholarship under this 988
section or section 3310.033, 3310.034, or 3310.035 of the 989
Revised Code to complete any kind of income verification 990
regarding the student's family income. 991

Sec. 3310.101. Each chartered nonpublic school for which 992
at least twenty-five per cent of its total enrollment is made up 993
of students who are participating in state scholarship programs 994
as defined in section 3301.0711 of the Revised Code shall submit 995
to the department of education and workforce, in a manner 996
determined by the department, a funding and expenditure 997
accountability report of money from educational choice 998
scholarships. The report shall include the amount of funds the 999
school receives from educational choice scholarship students, a 1000
detailed account of the expenditure of those amounts, and any 1001
other relevant data as determined by the department. 1002

~~Sec. 3310.14. (A) Except as provided in division (B) of 1003~~
~~this section, each~~ Each chartered nonpublic school that is not 1004
subject to division (K) (1) of section 3301.0711 of the Revised 1005
Code and enrolls students awarded scholarships under sections 1006
3310.01 to 3310.17 of the Revised Code annually shall administer 1007
the assessments prescribed by section 3301.0710, 3301.0712, or 1008
3313.619 of the Revised Code, as applicable, to each scholarship 1009
student enrolled in the school in accordance with section 1010
3301.0711 of the Revised Code. Each chartered nonpublic school 1011
that is subject to this section shall report to the department 1012
of education and workforce the results of each assessment 1013
administered to each scholarship student under this section. 1014

Nothing in this section requires a chartered nonpublic 1015
school to administer any achievement assessment, except for an 1016

Ohio graduation test prescribed by division (B) (1) of section 1017
3301.0710 or the college and work ready assessment system 1018
prescribed by division (B) of section 3301.0712 of the Revised 1019
Code to any student enrolled in the school who is not a 1020
scholarship student. 1021

~~(B) A chartered nonpublic school that meets the conditions 1022
specified in division (K) (2) of section 3301.0711 of the Revised 1023
Code shall not be required to administer the elementary 1024
assessments prescribed by division (A) of section 3301.0710 of 1025
the Revised Code. 1026~~

Sec. 3310.15. (A) The department of education and 1027
workforce annually shall compile the scores attained by 1028
scholarship students to whom an assessment is administered under 1029
section 3310.14 of the Revised Code. The scores shall be 1030
aggregated as follows: 1031

(1) By state, which shall include all students awarded a 1032
scholarship under the educational choice scholarship pilot 1033
program and who were required to take an assessment under 1034
section 3310.14 of the Revised Code; 1035

(2) By school district, which shall include all 1036
scholarship students who were required to take an assessment 1037
under section 3310.14 of the Revised Code and for whom the 1038
district is the student's resident district; 1039

(3) By chartered nonpublic school, which shall include all 1040
scholarship students enrolled in that school who were required 1041
to take an assessment under section 3310.14 of the Revised Code. 1042

(B) The department shall disaggregate the student 1043
performance data described in division (A) of this section 1044
according to the following categories: 1045

(1) Grade level;	1046
(2) Race and ethnicity;	1047
(3) Gender;	1048
(4) Students who have participated in the scholarship program for three or more years;	1049 1050
(5) Students who have participated in the scholarship program for more than one year and less than three years;	1051 1052
(6) Students who have participated in the scholarship program for one year or less;	1053 1054
(7) Economically disadvantaged students.	1055
(C) The department shall post the student performance data required under divisions (A) and (B) of this section on its web site and, by the first-fifteenth day of February-September each year, shall distribute that data to the parent of each eligible student. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	1056 1057 1058 1059 1060 1061 1062 1063 1064 1065
Not later than July 1, 2025, the department shall develop a measure of student growth for scholarship students enrolled in chartered nonpublic schools. The measure of student growth shall be used to report data annually on student growth for students in grades four through eight during the school year in which data is reported. No data shall be reported for schools with fewer than ten scholarship students. The department shall make the growth reports available on its publicly accessible web	1066 1067 1068 1069 1070 1071 1072 1073

site. 1074

(D) The department shall provide the parent of each 1075
scholarship student with information comparing the student's 1076
performance on the assessments administered under section 1077
3310.14 of the Revised Code with the average performance of 1078
similar students enrolled in the building operated by the 1079
student's resident district that the scholarship student would 1080
otherwise attend. In calculating the performance of similar 1081
students, the department shall consider age, grade, race and 1082
ethnicity, gender, and socioeconomic status. 1083

Sec. 3310.151. (A) As used in this section, "state 1084
scholarship programs" has the same meaning as in section 1085
3301.0711 of the Revised Code. 1086

(B) The department of education and workforce shall 1087
provide the auditor of state with a list of chartered nonpublic 1088
schools for which at least twenty-five per cent of the school's 1089
total enrollment is made up of students who are participating in 1090
state scholarship programs. 1091

The auditor of state shall conduct an annual financial 1092
audit of each chartered nonpublic school for which at least 1093
twenty-five per cent of the school's total enrollment is made up 1094
of students who are participating in state scholarship programs. 1095
Each audit shall be conducted in accordance with section 117.10 1096
of the Revised Code. 1097

Sec. 3310.522. (A) In order to maintain eligibility for a 1098
scholarship, a student shall take each assessment prescribed by 1099
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 1100
as applicable, in accordance with section 3301.0711 of the 1101
Revised Code, unless one of the following applies to the 1102

student: 1103

(1) The student is excused from taking that assessment 1104
under federal law, the student's individualized education 1105
program, or division (C) (1) (c) (i) of section 3301.0711 of the 1106
Revised Code. 1107

(2) The student is enrolled in a chartered nonpublic 1108
school that meets the conditions specified in division ~~(K) (2) or~~ 1109
(L) (4) of section 3301.0711 of the Revised Code. 1110

(3) The student is enrolled in any of grades three to 1111
eight and takes an alternative standardized assessment under 1112
division (K) (1) of section 3301.0711 of the Revised Code or 1113
division (B) (3) of this section. 1114

(4) The student is excused from taking the assessment 1115
prescribed under division (B) (1) of section 3301.0712 of the 1116
Revised Code pursuant to division (C) (1) (c) (ii) of section 1117
3301.0711 of the Revised Code. 1118

(B) Each registered private provider that is not subject 1119
to division (K) (1) of section 3301.0711 of the Revised Code and 1120
enrolls a student who is awarded a scholarship shall administer 1121
each assessment prescribed by section 3301.0710, 3301.0712, or 1122
3313.619 of the Revised Code, as applicable, to that student in 1123
accordance with section 3301.0711 of the Revised Code, unless 1124
one of the following applies to the student: 1125

(1) The student is excused from taking that assessment 1126
under division (A) (1) of this section. 1127

(2) The student is enrolled in a chartered nonpublic 1128
school that meets the conditions specified in division ~~(K) (2) or~~ 1129
(L) (4) of section 3301.0711 of the Revised Code. 1130

(3) The student is enrolled in any of grades three to 1131
eight and the registered private provider administers an 1132
alternative standardized assessment determined by the department 1133
of education and workforce under division (K) (1) of section 1134
3301.0711 of the Revised Code to the student. 1135

(4) The student is excused from taking the assessment 1136
prescribed under division (B) (1) of section 3301.0712 of the 1137
Revised Code pursuant to division (C) (1) (c) (ii) of section 1138
3301.0711 of the Revised Code. 1139

The registered private provider shall report to the 1140
department the results of each assessment so administered under 1141
division (B) of this section. 1142

(C) Nothing in this section requires any chartered 1143
nonpublic school that is a registered private provider to 1144
administer any achievement assessment, except for an Ohio 1145
graduation test prescribed by division (B) (1) of section 1146
3301.0710 or the college and work ready assessment system 1147
prescribed by division (B) of section 3301.0712 of the Revised 1148
Code to any student enrolled in the school who is not a 1149
scholarship student. 1150

Sec. 3313.619. (A) In lieu of the assessment requirements 1151
prescribed by division (A) of section 3313.618 of the Revised 1152
Code or the requirements to demonstrate competency and earn 1153
diploma seals prescribed by division (B) of that section, a 1154
chartered nonpublic school may grant a high school diploma to a 1155
student who attains at least the designated score on an 1156
assessment approved by the department of education and workforce 1157
under division (B) of this section and selected by the school's 1158
governing authority. 1159

(B) For purposes of division (A) of this section, the department shall approve assessments that meet the conditions specified under division (C) of this section and shall designate passing scores for each of those assessments.

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the previous ten years, have a measure of student achievement in core academic areas, and have high validity evidenced by the alignment of the assessment with nationally recognized content.

(D) Nothing in this section shall prohibit a chartered nonpublic school from granting a high school diploma to a student if the student satisfies the applicable requirements prescribed by section 3313.618 of the Revised Code.

(E) Division (A) of this section does not apply to a student enrolled in a chartered nonpublic school through a state scholarship.

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3317.022 of the Revised Code until the chief administrator of the private school registers the school with the director of education and workforce. The director shall register any school that meets the following requirements:

(1) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements

for admitting students pursuant to section 3313.977 of the Revised Code; 1189
1190

(2) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the director at the director's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 1191
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1193
1194
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(3) The school does not discriminate on the basis of race, religion, or ethnic background; 1196
1197

(4) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 1198
1199
1200

(5) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 1201
1202
1203

(6) The school does not provide false or misleading information about the school to parents, students, or the general public; 1204
1205
1206

(7) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division. 1207
1208
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(8) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge 1214
1215
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any tuition in excess of the difference between the actual 1218
tuition charge of the school and the scholarship amount 1219
established pursuant to division (A) (11) (a) of section 3317.022 1220
of the Revised Code, excluding any increase described in that 1221
division. The school shall permit such tuition, at the 1222
discretion of the parent, to be satisfied by the family's 1223
provision of in-kind contributions or services. 1224

(9) The school agrees not to charge any tuition to 1225
families of students in grades nine through twelve receiving a 1226
scholarship in excess of the actual tuition charge of the school 1227
less the scholarship amount established pursuant to division (A) 1228
(11) (a) of section 3317.022 of the Revised Code, excluding any 1229
increase described in that division. 1230

(10) It annually administers the applicable assessments 1231
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 1232
Revised Code to each scholarship student enrolled in the school 1233
in accordance with section 3301.0711 or 3301.0712 of the Revised 1234
Code and reports to the department of education the results of 1235
each such assessment administered to each scholarship student, 1236
unless one of the following applies to the student: 1237

(a) The student is excused from taking that assessment 1238
under federal law, the student's individualized education 1239
program, or division (C) (1) (c) (i) of section 3301.0711 of the 1240
Revised Code. 1241

(b) The student is enrolled in a chartered nonpublic 1242
school that meets the conditions specified in division ~~(K) (2) or~~ 1243
(L) (4) of section 3301.0711 of the Revised Code. 1244

(c) The student is enrolled in any of grades three to 1245
eight and takes an alternative standardized assessment under 1246

division (K) (1) of section 3301.0711 of the Revised Code. 1247

(d) The student is excused from taking the assessment 1248
prescribed under division (B) (1) of section 3301.0712 of the 1249
Revised Code pursuant to division (C) (1) (c) (ii) of section 1250
3301.0711 of the Revised Code. 1251

(B) The director shall revoke the registration of any 1252
school if, after a hearing, the director determines that the 1253
school is in violation of any of the provisions of division (A) 1254
of this section. 1255

(C) Any public school located in a school district 1256
adjacent to the pilot project school district may receive 1257
scholarship payments on behalf of parents pursuant to section 1258
3317.022 of the Revised Code if the superintendent of the 1259
district in which such public school is located notifies the 1260
director prior to the first day of March that the district 1261
intends to admit students from the pilot project school district 1262
for the ensuing school year pursuant to section 3327.06 of the 1263
Revised Code. 1264

(D) Any parent wishing to purchase tutorial assistance 1265
from any person or governmental entity pursuant to the pilot 1266
project program under sections 3313.974 to 3313.979 of the 1267
Revised Code shall apply to the director. The director shall 1268
approve providers who appear to possess the capability of 1269
furnishing the instructional services they are offering to 1270
provide. 1271

(E) On and after July 1, 2024, the director shall not 1272
require the parent of a student to submit a complete copy of the 1273
parent's federal income tax return, or a return filed under 1274
section 5747.08 of the Revised Code, to determine a student's 1275

family income for the purposes of the pilot project scholarship 1276
program. Rather, the director may require a parent to submit a 1277
partial federal income tax return, or a return filed under 1278
section 5747.08 of the Revised Code, that only contains the 1279
minimum amount of information necessary to determine a student's 1280
family income. 1281

(F) Not later than the thirtieth day of June of each year, 1282
each private school registered under this section shall submit 1283
to the director of education and workforce, in a form and manner 1284
prescribed by the director, the tuition rates charged by the 1285
school for the following school year. 1286

Section 2. That existing sections 3301.0711, 3301.16, 1287
3301.164, 3310.03, 3310.14, 3310.15, 3310.522, 3313.619, and 1288
3313.976 of the Revised Code are hereby repealed. 1289

Section 3. This act shall be known as the Private School 1290
Accountability and Transparency Act. 1291