

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 145

Senator Brenner

A BILL

To amend sections 3301.0710, 3301.0712, 3301.0714, 1
3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 2
3302.03, 3302.035, 3302.04, 3302.05, 3302.10, 3
3302.12, 3302.13, 3302.151, 3311.741, 3313.413, 4
3313.618, 3313.6113, 3313.6114, 3314.012, 5
3314.02, 3314.034, 3314.05, and 3314.35 and to 6
enact section 3302.037 of the Revised Code to 7
revise the state report card system. 8

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

Section 1. That sections 3301.0710, 3301.0712, 3301.0714, 9
3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 3302.03, 10
3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 3302.151, 11
3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 3314.012, 12
3314.02, 3314.034, 3314.05, and 3314.35 be amended and section 13
3302.037 of the Revised Code be enacted to read as follows: 14

Sec. 3301.0710. The state board of education shall adopt 15
rules establishing a statewide program to assess student 16
achievement. The state board shall ensure that all assessments 17
administered under the program are aligned with the academic 18
standards and model curricula adopted by the state board and are 19

created with input from Ohio parents, Ohio classroom teachers, 20
Ohio school administrators, and other Ohio school personnel 21
pursuant to section 3301.079 of the Revised Code. 22

The assessment program shall be designed to ensure that 23
students who receive a high school diploma demonstrate at least 24
high school levels of achievement in English language arts, 25
mathematics, science, and social studies. 26

(A) (1) The state board shall prescribe all of the 27
following: 28

(a) Two statewide achievement assessments, one each 29
designed to measure the level of English language arts and 30
mathematics skill expected at the end of third grade; 31

(b) Two statewide achievement assessments, one each 32
designed to measure the level of English language arts and 33
mathematics skill expected at the end of fourth grade; 34

(c) Three statewide achievement assessments, one each 35
designed to measure the level of English language arts, 36
mathematics, and science skill expected at the end of fifth 37
grade; 38

(d) Two statewide achievement assessments, one each 39
designed to measure the level of English language arts and 40
mathematics skill expected at the end of sixth grade; 41

(e) Two statewide achievement assessments, one each 42
designed to measure the level of English language arts and 43
mathematics skill expected at the end of seventh grade; 44

(f) Three statewide achievement assessments, one each 45
designed to measure the level of English language arts, 46
mathematics, and science skill expected at the end of eighth 47

grade. 48

(2) The state board shall determine and designate at least 49
five ranges of scores on each of the achievement assessments 50
described in divisions (A)(1) and (B)(1) of this section. Each 51
range of scores shall be deemed to demonstrate a level of 52
achievement so that any student attaining a score within such 53
range has achieved one of the following: 54

(a) An advanced level of skill; 55

(b) An ~~accelerated~~accomplished level of skill; 56

(c) A proficient level of skill; 57

(d) A basic level of skill; 58

(e) A limited level of skill. 59

(3) For the purpose of implementing division (A) of 60
section 3313.608 of the Revised Code, the state board shall 61
determine and designate a level of achievement, not lower than 62
the level designated in division (A)(2)(e) of this section, on 63
the third grade English language arts assessment for a student 64
to be promoted to the fourth grade. The state board shall review 65
and adjust upward the level of achievement designated under this 66
division each year the test is administered until the level is 67
set equal to the level designated in division (A)(2)(c) of this 68
section. 69

(4) Each school district or school shall teach and assess 70
social studies in at least the fourth and sixth grades. Any 71
assessment in such area shall be determined by the district or 72
school and may be formative or summative in nature. The results 73
of such assessment shall not be reported to the department of 74
education. 75

(B) (1) The assessments prescribed under division (B) (1) of 76
this section shall collectively be known as the Ohio graduation 77
tests. The state board shall prescribe five statewide high 78
school achievement assessments, one each designed to measure the 79
level of reading, writing, mathematics, science, and social 80
studies skill expected at the end of tenth grade. The state 81
board shall designate a score in at least the range designated 82
under division (A) (2) (c) of this section on each such assessment 83
that shall be deemed to be a passing score on the assessment as 84
a condition toward granting high school diplomas under sections 85
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 86
until the assessment system prescribed by section 3301.0712 of 87
the Revised Code is implemented in accordance with division (B) 88
(2) of this section. 89

(2) The state board shall prescribe an assessment system 90
in accordance with section 3301.0712 of the Revised Code that 91
shall replace the Ohio graduation tests beginning with students 92
who enter the ninth grade for the first time on or after July 1, 93
2014. 94

(3) The state board may enter into a reciprocal agreement 95
with the appropriate body or agency of any other state that has 96
similar statewide achievement assessment requirements for 97
receiving high school diplomas, under which any student who has 98
met an achievement assessment requirement of one state is 99
recognized as having met the similar requirement of the other 100
state for purposes of receiving a high school diploma. For 101
purposes of this section and sections 3301.0711 and 3313.61 of 102
the Revised Code, any student enrolled in any public high school 103
in this state who has met an achievement assessment requirement 104
specified in a reciprocal agreement entered into under this 105
division shall be deemed to have attained at least the 106

applicable score designated under this division on each 107
assessment required by division (B) (1) or (2) of this section 108
that is specified in the agreement. 109

(C) The superintendent of public instruction shall 110
designate dates and times for the administration of the 111
assessments prescribed by divisions (A) and (B) of this section. 112

In prescribing administration dates pursuant to this 113
division, the superintendent shall designate the dates in such a 114
way as to allow a reasonable length of time between the 115
administration of assessments prescribed under this section and 116
any administration of the national assessment of educational 117
progress given to students in the same grade level pursuant to 118
section 3301.27 of the Revised Code or federal law. 119

(D) The state board shall prescribe a practice version of 120
each Ohio graduation test described in division (B) (1) of this 121
section that is of comparable length to the actual test. 122

(E) Any committee established by the department of 123
education for the purpose of making recommendations to the state 124
board regarding the state board's designation of scores on the 125
assessments described by this section shall inform the state 126
board of the probable percentage of students who would score in 127
each of the ranges established under division (A) (2) of this 128
section on the assessments if the committee's recommendations 129
are adopted by the state board. To the extent possible, these 130
percentages shall be disaggregated by gender, major racial and 131
ethnic groups, English learners, economically disadvantaged 132
students, students with disabilities, and migrant students. 133

Sec. 3301.0712. (A) The state board of education, the 134
superintendent of public instruction, and the chancellor of 135

higher education shall develop a system of college and work 136
ready assessments as described in division (B) of this section 137
to assess whether each student upon graduating from high school 138
is ready to enter college or the workforce. Beginning with 139
students who enter the ninth grade for the first time on or 140
after July 1, 2014, the system shall replace the Ohio graduation 141
tests prescribed in division (B) (1) of section 3301.0710 of the 142
Revised Code as a measure of student academic performance and 143
one determinant of eligibility for a high school diploma in the 144
manner prescribed by rule of the state board adopted under 145
division (D) of this section. 146

(B) The college and work ready assessment system shall 147
consist of the following: 148

(1) Nationally standardized assessments that measure 149
college and career readiness and are used for college admission. 150
The assessments shall be selected jointly by the state 151
superintendent and the chancellor, and one of which shall be 152
selected by each school district or school to administer to its 153
students. The assessments prescribed under division (B) (1) of 154
this section shall be administered to all eleventh-grade 155
students in the spring of the school year. 156

(2) (a) Except as provided in division (B) (2) (b) of this 157
section, seven end-of-course examinations, one in each of the 158
areas of English language arts I, English language arts II, 159
science, Algebra I, geometry, American history, and American 160
government. The end-of-course examinations shall be selected 161
jointly by the state superintendent and the chancellor in 162
consultation with faculty in the appropriate subject areas at 163
institutions of higher education of the university system of 164
Ohio. Advanced placement examinations and international 165

baccalaureate examinations, as prescribed under section 166
3313.6013 of the Revised Code, in the areas of science, American 167
history, and American government may be used as end-of-course 168
examinations in accordance with division (B) (4) (a) (i) of this 169
section. Final course grades for courses taken under any other 170
advanced standing program, as prescribed under section 3313.6013 171
of the Revised Code, in the areas of science, American history, 172
and American government may be used in lieu of end-of-course 173
examinations in accordance with division (B) (4) (a) (ii) of this 174
section. 175

(b) Beginning with students who enter ninth grade for the 176
first time on or after July 1, 2019, five end-of-course 177
examinations, one in each areas of English language arts II, 178
science, Algebra I, American history, and American government. 179
However, only the end-of-course examinations in English language 180
arts II and Algebra I shall be required for graduation. 181

The department of education shall, as necessary to 182
implement division (B) (2) (b) of this section, seek a waiver from 183
the United States secretary of education for testing 184
requirements prescribed under federal law to allow for the use 185
and implementation of Algebra I as the primary assessment of 186
high school mathematics. If the department does not receive a 187
waiver under this division, the end-of-course examinations for 188
students described in division (B) (2) (b) of this section also 189
shall include an end-of-course examination in the area of 190
geometry. However, the geometry end-of-course examination shall 191
not be required for graduation. 192

(3) (a) Not later than July 1, 2013, each school district 193
board of education shall adopt interim end-of-course 194
examinations that comply with the requirements of divisions (B) 195

(3) (b) (i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B) (2) of this section.	196 197 198 199 200 201 202 203
(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.	204 205 206
(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.	207 208 209 210 211 212
(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.	213 214 215 216
(4) (a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:	217 218 219
(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under	220 221 222 223 224

division (B) (2) of this section. The state board shall specify 225
the score levels for each advanced placement examination and 226
international baccalaureate examination for purposes of 227
calculating the minimum cumulative performance score that 228
demonstrates the level of academic achievement necessary to earn 229
a high school diploma. 230

(ii) If a student is enrolled in an appropriate course 231
under any other advanced standing program, as described in 232
section 3313.6013 of the Revised Code, that student shall not be 233
required to take the science, American history, or American 234
government end-of-course examination, whichever is applicable, 235
prescribed under division (B) (2) of this section. Instead, that 236
student's final course grade shall be used in lieu of the 237
applicable end-of-course examination prescribed under that 238
section. The state superintendent, in consultation with the 239
chancellor, shall adopt guidelines for purposes of calculating 240
the corresponding final course grades that demonstrate the level 241
of academic achievement necessary to earn a high school diploma. 242

Division (B) (4) (a) (ii) of this section shall apply only to 243
courses for which students receive transcribed credit, as 244
defined in section 3365.01 of the Revised Code. It shall not 245
apply to remedial or developmental courses. 246

(b) No student shall take a substitute examination or 247
examination prescribed under division (B) (4) (a) of this section 248
in place of the end-of-course examinations in English language 249
arts I, English language arts II, Algebra I, or geometry 250
prescribed under division (B) (2) of this section. 251

(c) The state board shall consider additional assessments 252
that may be used, beginning with the 2016-2017 school year, as 253
substitute examinations in lieu of the end-of-course 254

examinations prescribed under division (B) (2) of this section.	255
(5) The state board shall do all of the following:	256
(a) Determine and designate at least five ranges of scores	257
on each of the end-of-course examinations prescribed under	258
division (B) (2) of this section, and substitute examinations	259
prescribed under division (B) (4) of this section. Not later than	260
sixty days after the designation of ranges of scores, the state	261
superintendent, or the state superintendent's designee, shall	262
conduct a public presentation before the standing committees of	263
the house of representatives and the senate that consider	264
primary and secondary education legislation regarding the	265
designated range of scores. Each range of scores shall be	266
considered to demonstrate a level of achievement so that any	267
student attaining a score within such range has achieved one of	268
the following:	269
(i) An advanced level of skill;	270
(ii) An accelerated - <u>accomplished</u> level of skill;	271
(iii) A proficient level of skill;	272
(iv) A basic level of skill;	273
(v) A limited level of skill.	274
(b) Determine a method by which to calculate a cumulative	275
performance score based on the results of a student's end-of-	276
course examinations or substitute examinations;	277
(c) Determine the minimum cumulative performance score	278
that demonstrates the level of academic achievement necessary to	279
earn a high school diploma under division (A) (2) of section	280
3313.618 of the Revised Code. However, the state board shall not	281
determine a new minimum cumulative performance score after the	282

effective date of this amendment October 17, 2019.	283
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	284 285 286 287
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.	288 289 290 291 292
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	293 294 295
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	296 297 298
(ii) The examination was not available for administration prior to July 1, 2015.	299 300
Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.	301 302 303 304 305
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:	306 307 308 309 310

(i) The student is considered to have attained a 311
proficient score on the end-of-course examination from which the 312
student is exempt; 313

(ii) The student's final course grade shall be used in 314
lieu of a score on the end-of-course examination from which the 315
student is exempt. 316

The state superintendent, in consultation with the 317
chancellor, shall adopt guidelines for purposes of calculating 318
the corresponding final course grades and the minimum cumulative 319
performance score that demonstrates the level of academic 320
achievement necessary to earn a high school diploma. 321

(7) (a) Notwithstanding anything to the contrary in this 322
section, the state board may replace the algebra I end-of-course 323
examination prescribed under division (B) (2) of this section 324
with an algebra II end-of-course examination, beginning with the 325
2016-2017 school year for students who enter ninth grade on or 326
after July 1, 2016. 327

(b) If the state board replaces the algebra I end-of- 328
course examination with an algebra II end-of-course examination 329
as authorized under division (B) (7) (a) of this section, both of 330
the following shall apply: 331

(i) A student who is enrolled in an advanced placement or 332
international baccalaureate course in algebra II shall take the 333
advanced placement or international baccalaureate examination in 334
lieu of the algebra II end-of-course examination. 335

(ii) A student who is enrolled in an algebra II course 336
under any other advanced standing program, as described in 337
section 3313.6013 of the Revised Code, shall not be required to 338
take the algebra II end-of-course examination. Instead, that 339

student's final course grade shall be used in lieu of the 340
examination. 341

(c) If a school district or school utilizes an integrated 342
approach to mathematics instruction, the district or school may 343
do either or both of the following: 344

(i) Administer an integrated mathematics I end-of-course 345
examination in lieu of the prescribed algebra I end-of-course 346
examination; 347

(ii) Administer an integrated mathematics II end-of-course 348
examination in lieu of the prescribed geometry end-of-course 349
examination. 350

(8) (a) For students entering the ninth grade for the first 351
time on or after July 1, 2014, but prior to July 1, 2015, the 352
assessment in the area of science shall be physical science or 353
biology. For students entering the ninth grade for the first 354
time on or after July 1, 2015, the assessment in the area of 355
science shall be biology. 356

(b) Until July 1, 2019, the department shall make 357
available the end-of-course examination in physical science for 358
students who entered the ninth grade for the first time on or 359
after July 1, 2014, but prior to July 1, 2015, and who wish to 360
retake the examination. 361

(c) Not later than July 1, 2016, the state board shall 362
adopt rules prescribing the requirements for the end-of-course 363
examination in science for students who entered the ninth grade 364
for the first time on or after July 1, 2014, but prior to July 365
1, 2015, and who have not met the requirement prescribed by 366
section 3313.618 of the Revised Code by July 1, 2019, due to a 367
student's failure to satisfy division (A) (2) of section 3313.618 368

of the Revised Code. 369

(9) Neither the state board nor the department of 370
education shall develop or administer an end-of-course 371
examination in the area of world history. 372

(10) Not later than March 1, 2020, the department, in 373
consultation with the chancellor and the governor's office of 374
workforce transformation, shall determine a competency score for 375
both of the Algebra I and English language arts II end-of-course 376
examinations for the purpose of graduation eligibility. 377

(C) The state board shall convene a group of national 378
experts, state experts, and local practitioners to provide 379
advice, guidance, and recommendations for the alignment of 380
standards and model curricula to the assessments and in the 381
design of the end-of-course examinations prescribed by this 382
section. 383

(D) Upon completion of the development of the assessment 384
system, the state board shall adopt rules prescribing all of the 385
following: 386

(1) A timeline and plan for implementation of the 387
assessment system, including a phased implementation if the 388
state board determines such a phase-in is warranted; 389

(2) The date after which a person shall meet the 390
requirements of the entire assessment system as a prerequisite 391
for a diploma of adult education under section 3313.611 of the 392
Revised Code; 393

(3) Whether and the extent to which a person may be 394
excused from an American history end-of-course examination and 395
an American government end-of-course examination under division 396
(H) of section 3313.61 and division (B) (3) of section 3313.612 397

of the Revised Code; 398

(4) The date after which a person who has fulfilled the 399
curriculum requirement for a diploma but has not passed one or 400
more of the required assessments at the time the person 401
fulfilled the curriculum requirement shall meet the requirements 402
of the entire assessment system as a prerequisite for a high 403
school diploma under division (B) of section 3313.614 of the 404
Revised Code; 405

(5) The extent to which the assessment system applies to 406
students enrolled in a dropout recovery and prevention program 407
for purposes of division (F) of section 3313.603 and section 408
3314.36 of the Revised Code. 409

(E) Not later than forty-five days prior to the state 410
board's adoption of a resolution directing the department to 411
file the rules prescribed by division (D) of this section in 412
final form under section 119.04 of the Revised Code, the 413
superintendent of public instruction shall present the 414
assessment system developed under this section to the respective 415
committees of the house of representatives and senate that 416
consider education legislation. 417

(F) (1) Any person enrolled in a nonchartered nonpublic 418
school or any person who has been excused from attendance at 419
school for the purpose of home instruction under section 3321.04 420
of the Revised Code may choose to participate in the system of 421
assessments administered under divisions (B) (1) and (2) of this 422
section. However, no such person shall be required to 423
participate in the system of assessments. 424

(2) The department shall adopt rules for the 425
administration and scoring of any assessments under division (F) 426

(1) of this section. 427

(G) Not later than December 31, 2014, the state board 428
shall select at least one nationally recognized job skills 429
assessment. Each school district shall administer that 430
assessment to those students who opt to take it. The state shall 431
reimburse a school district for the costs of administering that 432
assessment. The state board shall establish the minimum score a 433
student must attain on the job skills assessment in order to 434
demonstrate a student's workforce readiness and employability. 435
The administration of the job skills assessment to a student 436
under this division shall not exempt a school district from 437
administering the assessments prescribed in division (B) of this 438
section to that student. 439

Sec. 3301.0714. (A) The state board of education shall 440
adopt rules for a statewide education management information 441
system. The rules shall require the state board to establish 442
guidelines for the establishment and maintenance of the system 443
in accordance with this section and the rules adopted under this 444
section. The guidelines shall include: 445

(1) Standards identifying and defining the types of data 446
in the system in accordance with divisions (B) and (C) of this 447
section; 448

(2) Procedures for annually collecting and reporting the 449
data to the state board in accordance with division (D) of this 450
section; 451

(3) Procedures for annually compiling the data in 452
accordance with division (G) of this section; 453

(4) Procedures for annually reporting the data to the 454
public in accordance with division (H) of this section; 455

(5) Standards to provide strict safeguards to protect the 456
confidentiality of personally identifiable student data. 457

(B) The guidelines adopted under this section shall 458
require the data maintained in the education management 459
information system to include at least the following: 460

(1) Student participation and performance data, for each 461
grade in each school district as a whole and for each grade in 462
each school building in each school district, that includes: 463

(a) The numbers of students receiving each category of 464
instructional service offered by the school district, such as 465
regular education instruction, vocational education instruction, 466
specialized instruction programs or enrichment instruction that 467
is part of the educational curriculum, instruction for gifted 468
students, instruction for students with disabilities, and 469
remedial instruction. The guidelines shall require instructional 470
services under this division to be divided into discrete 471
categories if an instructional service is limited to a specific 472
subject, a specific type of student, or both, such as regular 473
instructional services in mathematics, remedial reading 474
instructional services, instructional services specifically for 475
students gifted in mathematics or some other subject area, or 476
instructional services for students with a specific type of 477
disability. The categories of instructional services required by 478
the guidelines under this division shall be the same as the 479
categories of instructional services used in determining cost 480
units pursuant to division (C) (3) of this section. 481

(b) The numbers of students receiving support or 482
extracurricular services for each of the support services or 483
extracurricular programs offered by the school district, such as 484
counseling services, health services, and extracurricular sports 485

and fine arts programs. The categories of services required by	486
the guidelines under this division shall be the same as the	487
categories of services used in determining cost units pursuant	488
to division (C) (4) (a) of this section.	489
(c) Average student grades in each subject in grades nine	490
through twelve;	491
(d) Academic achievement levels as assessed under sections	492
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	493
(e) The number of students designated as having a	494
disabling condition pursuant to division (C) (1) of section	495
3301.0711 of the Revised Code;	496
(f) The numbers of students reported to the state board	497
pursuant to division (C) (2) of section 3301.0711 of the Revised	498
Code;	499
(g) Attendance rates and the average daily attendance for	500
the year. For purposes of this division, a student shall be	501
counted as present for any field trip that is approved by the	502
school administration.	503
(h) Expulsion rates;	504
(i) Suspension rates;	505
(j) Dropout rates;	506
(k) Rates of retention in grade;	507
(l) For pupils in grades nine through twelve, the average	508
number of carnegie units, as calculated in accordance with state	509
board of education rules;	510
(m) Graduation rates, to be calculated in a manner	511
specified by the department of education that reflects the rate	512

at which students who were in the ninth grade three years prior 513
to the current year complete school and that is consistent with 514
nationally accepted reporting requirements; 515

(n) Results of diagnostic assessments administered to 516
kindergarten students as required under section 3301.0715 of the 517
Revised Code to permit a comparison of the academic readiness of 518
kindergarten students. However, no district shall be required to 519
report to the department the results of any diagnostic 520
assessment administered to a kindergarten student, except for 521
the language and reading assessment described in division (A) (2) 522
of section 3301.0715 of the Revised Code, if the parent of that 523
student requests the district not to report those results. 524

(o) Beginning on July 1, 2018, for each disciplinary 525
action which is required to be reported under division (B) (4) of 526
this section, districts and schools also shall include an 527
identification of the person or persons, if any, at whom the 528
student's violent behavior that resulted in discipline was 529
directed. The person or persons shall be identified by the 530
respective classification at the district or school, such as 531
student, teacher, or nonteaching employee, but shall not be 532
identified by name. 533

Division (B) (1) (o) of this section does not apply after 534
the date that is two years following the submission of the 535
report required by Section 733.13 of H.B. 49 of the 132nd 536
general assembly. 537

(p) The number of students earning each state diploma seal 538
included in the system prescribed under division (A) of section 539
3313.6114 of the Revised Code; 540

(q) The number of students demonstrating competency for 541

graduation using each option described in divisions (B) (1) (a) to	542
(c) of section 3313.618 of the Revised Code;	543
(r) The number of students completing each foundational	544
and supporting option as part of the demonstration of competency	545
for graduation pursuant to division (B) (1) (b) of section	546
3313.618 of the Revised Code.	547
(2) Personnel and classroom enrollment data for each	548
school district, including:	549
(a) The total numbers of licensed employees and	550
nonlicensed employees and the numbers of full-time equivalent	551
licensed employees and nonlicensed employees providing each	552
category of instructional service, instructional support	553
service, and administrative support service used pursuant to	554
division (C) (3) of this section. The guidelines adopted under	555
this section shall require these categories of data to be	556
maintained for the school district as a whole and, wherever	557
applicable, for each grade in the school district as a whole,	558
for each school building as a whole, and for each grade in each	559
school building.	560
(b) The total number of employees and the number of full-	561
time equivalent employees providing each category of service	562
used pursuant to divisions (C) (4) (a) and (b) of this section,	563
and the total numbers of licensed employees and nonlicensed	564
employees and the numbers of full-time equivalent licensed	565
employees and nonlicensed employees providing each category used	566
pursuant to division (C) (4) (c) of this section. The guidelines	567
adopted under this section shall require these categories of	568
data to be maintained for the school district as a whole and,	569
wherever applicable, for each grade in the school district as a	570
whole, for each school building as a whole, and for each grade	571

in each school building.	572
(c) The total number of regular classroom teachers	573
teaching classes of regular education and the average number of	574
pupils enrolled in each such class, in each of grades	575
kindergarten through five in the district as a whole and in each	576
school building in the school district.	577
(d) The number of lead teachers employed by each school	578
district and each school building.	579
(3) (a) Student demographic data for each school district,	580
including information regarding the gender ratio of the school	581
district's pupils, the racial make-up of the school district's	582
pupils, the number of English learners in the district, and an	583
appropriate measure of the number of the school district's	584
pupils who reside in economically disadvantaged households. The	585
demographic data shall be collected in a manner to allow	586
correlation with data collected under division (B) (1) of this	587
section. Categories for data collected pursuant to division (B)	588
(3) of this section shall conform, where appropriate, to	589
standard practices of agencies of the federal government.	590
(b) With respect to each student entering kindergarten,	591
whether the student previously participated in a public	592
preschool program, a private preschool program, or a head start	593
program, and the number of years the student participated in	594
each of these programs.	595
(4) Any data required to be collected pursuant to federal	596
law.	597
(C) The education management information system shall	598
include cost accounting data for each district as a whole and	599
for each school building in each school district. The guidelines	600

adopted under this section shall require the cost data for each 601
school district to be maintained in a system of mutually 602
exclusive cost units and shall require all of the costs of each 603
school district to be divided among the cost units. The 604
guidelines shall require the system of mutually exclusive cost 605
units to include at least the following: 606

(1) Administrative costs for the school district as a 607
whole. The guidelines shall require the cost units under this 608
division (C) (1) to be designed so that each of them may be 609
compiled and reported in terms of average expenditure per pupil 610
in formula ADM in the school district, as determined pursuant to 611
section 3317.03 of the Revised Code. 612

(2) Administrative costs for each school building in the 613
school district. The guidelines shall require the cost units 614
under this division (C) (2) to be designed so that each of them 615
may be compiled and reported in terms of average expenditure per 616
full-time equivalent pupil receiving instructional or support 617
services in each building. 618

(3) Instructional services costs for each category of 619
instructional service provided directly to students and required 620
by guidelines adopted pursuant to division (B) (1) (a) of this 621
section. The guidelines shall require the cost units under 622
division (C) (3) of this section to be designed so that each of 623
them may be compiled and reported in terms of average 624
expenditure per pupil receiving the service in the school 625
district as a whole and average expenditure per pupil receiving 626
the service in each building in the school district and in terms 627
of a total cost for each category of service and, as a breakdown 628
of the total cost, a cost for each of the following components: 629

(a) The cost of each instructional services category 630

required by guidelines adopted under division (B) (1) (a) of this 631
section that is provided directly to students by a classroom 632
teacher; 633

(b) The cost of the instructional support services, such 634
as services provided by a speech-language pathologist, classroom 635
aide, multimedia aide, or librarian, provided directly to 636
students in conjunction with each instructional services 637
category; 638

(c) The cost of the administrative support services 639
related to each instructional services category, such as the 640
cost of personnel that develop the curriculum for the 641
instructional services category and the cost of personnel 642
supervising or coordinating the delivery of the instructional 643
services category. 644

(4) Support or extracurricular services costs for each 645
category of service directly provided to students and required 646
by guidelines adopted pursuant to division (B) (1) (b) of this 647
section. The guidelines shall require the cost units under 648
division (C) (4) of this section to be designed so that each of 649
them may be compiled and reported in terms of average 650
expenditure per pupil receiving the service in the school 651
district as a whole and average expenditure per pupil receiving 652
the service in each building in the school district and in terms 653
of a total cost for each category of service and, as a breakdown 654
of the total cost, a cost for each of the following components: 655

(a) The cost of each support or extracurricular services 656
category required by guidelines adopted under division (B) (1) (b) 657
of this section that is provided directly to students by a 658
licensed employee, such as services provided by a guidance 659
counselor or any services provided by a licensed employee under 660

a supplemental contract; 661

(b) The cost of each such services category provided 662
directly to students by a nonlicensed employee, such as 663
janitorial services, cafeteria services, or services of a sports 664
trainer; 665

(c) The cost of the administrative services related to 666
each services category in division (C) (4) (a) or (b) of this 667
section, such as the cost of any licensed or nonlicensed 668
employees that develop, supervise, coordinate, or otherwise are 669
involved in administering or aiding the delivery of each 670
services category. 671

(D) (1) The guidelines adopted under this section shall 672
require school districts to collect information about individual 673
students, staff members, or both in connection with any data 674
required by division (B) or (C) of this section or other 675
reporting requirements established in the Revised Code. The 676
guidelines may also require school districts to report 677
information about individual staff members in connection with 678
any data required by division (B) or (C) of this section or 679
other reporting requirements established in the Revised Code. 680
The guidelines shall not authorize school districts to request 681
social security numbers of individual students. The guidelines 682
shall prohibit the reporting under this section of a student's 683
name, address, and social security number to the state board of 684
education or the department of education. The guidelines shall 685
also prohibit the reporting under this section of any personally 686
identifiable information about any student, except for the 687
purpose of assigning the data verification code required by 688
division (D) (2) of this section, to any other person unless such 689
person is employed by the school district or the information 690

technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2) (a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D) (2) (d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

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

(b) (i) Except as provided in sections 3301.941, 3310.11, 721
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 722
in division (D) (2) (b) (ii) of this section, at no time shall the 723
state board or the department have access to information that 724
would enable any data verification code to be matched to 725
personally identifiable student data. 726

(ii) For the purpose of making per-pupil payments to 727
community schools under division (C) of section 3314.08 of the 728
Revised Code, the department shall have access to information 729
that would enable any data verification code to be matched to 730
personally identifiable student data. 731

(c) Each school district and community school shall ensure 732
that the data verification code is included in the student's 733
records reported to any subsequent school district, community 734
school, or state institution of higher education, as defined in 735
section 3345.011 of the Revised Code, in which the student 736
enrolls. Any such subsequent district or school shall utilize 737
the same identifier in its reporting of data under this section. 738

(d) The director of any state agency that administers a 739
publicly funded program providing services to children who are 740
younger than compulsory school age, as defined in section 741
3321.01 of the Revised Code, including the directors of health, 742
job and family services, mental health and addiction services, 743
and developmental disabilities, shall request and receive, 744
pursuant to sections 3301.0723 and 5123.0423 of the Revised 745
Code, a data verification code for a child who is receiving 746
those services. 747

(E) The guidelines adopted under this section may require 748
school districts to collect and report data, information, or 749
reports other than that described in divisions (A), (B), and (C) 750

of this section for the purpose of complying with other 751
reporting requirements established in the Revised Code. The 752
other data, information, or reports may be maintained in the 753
education management information system but are not required to 754
be compiled as part of the profile formats required under 755
division (G) of this section or the annual statewide report 756
required under division (H) of this section. 757

(F) Beginning with the school year that begins July 1, 758
1991, the board of education of each school district shall 759
annually collect and report to the state board, in accordance 760
with the guidelines established by the board, the data required 761
pursuant to this section. A school district may collect and 762
report these data notwithstanding section 2151.357 or 3319.321 763
of the Revised Code. 764

(G) The state board shall, in accordance with the 765
procedures it adopts, annually compile the data reported by each 766
school district pursuant to division (D) of this section. The 767
state board shall design formats for profiling each school 768
district as a whole and each school building within each 769
district and shall compile the data in accordance with these 770
formats. These profile formats shall: 771

(1) Include all of the data gathered under this section in 772
a manner that facilitates comparison among school districts and 773
among school buildings within each school district; 774

(2) Present the data on academic achievement levels as 775
assessed by the testing of student achievement maintained 776
pursuant to division (B) (1) (d) of this section. 777

(H) (1) The state board shall, in accordance with the 778
procedures it adopts, annually prepare a statewide report for 779

all school districts and the general public that includes the 780
profile of each of the school districts developed pursuant to 781
division (G) of this section. Copies of the report shall be sent 782
to each school district. 783

(2) The state board shall, in accordance with the 784
procedures it adopts, annually prepare an individual report for 785
each school district and the general public that includes the 786
profiles of each of the school buildings in that school district 787
developed pursuant to division (G) of this section. Copies of 788
the report shall be sent to the superintendent of the district 789
and to each member of the district board of education. 790

(3) Copies of the reports received from the state board 791
under divisions (H) (1) and (2) of this section shall be made 792
available to the general public at each school district's 793
offices. Each district board of education shall make copies of 794
each report available to any person upon request and payment of 795
a reasonable fee for the cost of reproducing the report. The 796
board shall annually publish in a newspaper of general 797
circulation in the school district, at least twice during the 798
two weeks prior to the week in which the reports will first be 799
available, a notice containing the address where the reports are 800
available and the date on which the reports will be available. 801

(I) Any data that is collected or maintained pursuant to 802
this section and that identifies an individual pupil is not a 803
public record for the purposes of section 149.43 of the Revised 804
Code. 805

(J) As used in this section: 806

(1) "School district" means any city, local, exempted 807
village, or joint vocational school district and, in accordance 808

with section 3314.17 of the Revised Code, any community school. 809
As used in division (L) of this section, "school district" also 810
includes any educational service center or other educational 811
entity required to submit data using the system established 812
under this section. 813

(2) "Cost" means any expenditure for operating expenses 814
made by a school district excluding any expenditures for debt 815
retirement except for payments made to any commercial lending 816
institution for any loan approved pursuant to section 3313.483 817
of the Revised Code. 818

(K) Any person who removes data from the information 819
system established under this section for the purpose of 820
releasing it to any person not entitled under law to have access 821
to such information is subject to section 2913.42 of the Revised 822
Code prohibiting tampering with data. 823

(L) (1) In accordance with division (L) (2) of this section 824
and the rules adopted under division (L) (10) of this section, 825
the department of education may sanction any school district 826
that reports incomplete or inaccurate data, reports data that 827
does not conform to data requirements and descriptions published 828
by the department, fails to report data in a timely manner, or 829
otherwise does not make a good faith effort to report data as 830
required by this section. 831

(2) If the department decides to sanction a school 832
district under this division, the department shall take the 833
following sequential actions: 834

(a) Notify the district in writing that the department has 835
determined that data has not been reported as required under 836
this section and require the district to review its data 837

submission and submit corrected data by a deadline established 838
by the department. The department also may require the district 839
to develop a corrective action plan, which shall include 840
provisions for the district to provide mandatory staff training 841
on data reporting procedures. 842

(b) Withhold up to ten per cent of the total amount of 843
state funds due to the district for the current fiscal year and, 844
if not previously required under division (L) (2) (a) of this 845
section, require the district to develop a corrective action 846
plan in accordance with that division; 847

(c) Withhold an additional amount of up to twenty per cent 848
of the total amount of state funds due to the district for the 849
current fiscal year; 850

(d) Direct department staff or an outside entity to 851
investigate the district's data reporting practices and make 852
recommendations for subsequent actions. The recommendations may 853
include one or more of the following actions: 854

(i) Arrange for an audit of the district's data reporting 855
practices by department staff or an outside entity; 856

(ii) Conduct a site visit and evaluation of the district; 857

(iii) Withhold an additional amount of up to thirty per 858
cent of the total amount of state funds due to the district for 859
the current fiscal year; 860

(iv) Continue monitoring the district's data reporting; 861

(v) Assign department staff to supervise the district's 862
data management system; 863

(vi) Conduct an investigation to determine whether to 864
suspend or revoke the license of any district employee in 865

accordance with division (N) of this section; 866

(vii) If the district is issued a report card under 867
section 3302.03 of the Revised Code, indicate on the report card 868
that the district has been sanctioned for failing to report data 869
as required by this section; 870

(viii) If the district is issued a report card under 871
section 3302.03 of the Revised Code and incomplete or inaccurate 872
data submitted by the district likely caused the district to 873
receive a higher performance rating than it deserved under that 874
section, issue a revised report card for the district; 875

(ix) Any other action designed to correct the district's 876
data reporting problems. 877

(3) Any time the department takes an action against a 878
school district under division (L)(2) of this section, the 879
department shall make a report of the circumstances that 880
prompted the action. The department shall send a copy of the 881
report to the district superintendent or chief administrator and 882
maintain a copy of the report in its files. 883

(4) If any action taken under division (L)(2) of this 884
section resolves a school district's data reporting problems to 885
the department's satisfaction, the department shall not take any 886
further actions described by that division. If the department 887
withheld funds from the district under that division, the 888
department may release those funds to the district, except that 889
if the department withheld funding under division (L)(2)(c) of 890
this section, the department shall not release the funds 891
withheld under division (L)(2)(b) of this section and, if the 892
department withheld funding under division (L)(2)(d) of this 893
section, the department shall not release the funds withheld 894

under division (L) (2) (b) or (c) of this section. 895

(5) Notwithstanding anything in this section to the 896
contrary, the department may use its own staff or an outside 897
entity to conduct an audit of a school district's data reporting 898
practices any time the department has reason to believe the 899
district has not made a good faith effort to report data as 900
required by this section. If any audit conducted by an outside 901
entity under division (L) (2) (d) (i) or (5) of this section 902
confirms that a district has not made a good faith effort to 903
report data as required by this section, the district shall 904
reimburse the department for the full cost of the audit. The 905
department may withhold state funds due to the district for this 906
purpose. 907

(6) Prior to issuing a revised report card for a school 908
district under division (L) (2) (d) (viii) of this section, the 909
department may hold a hearing to provide the district with an 910
opportunity to demonstrate that it made a good faith effort to 911
report data as required by this section. The hearing shall be 912
conducted by a referee appointed by the department. Based on the 913
information provided in the hearing, the referee shall recommend 914
whether the department should issue a revised report card for 915
the district. If the referee affirms the department's contention 916
that the district did not make a good faith effort to report 917
data as required by this section, the district shall bear the 918
full cost of conducting the hearing and of issuing any revised 919
report card. 920

(7) If the department determines that any inaccurate data 921
reported under this section caused a school district to receive 922
excess state funds in any fiscal year, the district shall 923
reimburse the department an amount equal to the excess funds, in 924

accordance with a payment schedule determined by the department. 925
The department may withhold state funds due to the district for 926
this purpose. 927

(8) Any school district that has funds withheld under 928
division (L) (2) of this section may appeal the withholding in 929
accordance with Chapter 119. of the Revised Code. 930

(9) In all cases of a disagreement between the department 931
and a school district regarding the appropriateness of an action 932
taken under division (L) (2) of this section, the burden of proof 933
shall be on the district to demonstrate that it made a good 934
faith effort to report data as required by this section. 935

(10) The state board of education shall adopt rules under 936
Chapter 119. of the Revised Code to implement division (L) of 937
this section. 938

(M) No information technology center or school district 939
shall acquire, change, or update its student administration 940
software package to manage and report data required to be 941
reported to the department unless it converts to a student 942
software package that is certified by the department. 943

(N) The state board of education, in accordance with 944
sections 3319.31 and 3319.311 of the Revised Code, may suspend 945
or revoke a license as defined under division (A) of section 946
3319.31 of the Revised Code that has been issued to any school 947
district employee found to have willfully reported erroneous, 948
inaccurate, or incomplete data to the education management 949
information system. 950

(O) No person shall release or maintain any information 951
about any student in violation of this section. Whoever violates 952
this division is guilty of a misdemeanor of the fourth degree. 953

(P) The department shall disaggregate the data collected 954
under division (B) (1) (n) of this section according to the race 955
and socioeconomic status of the students assessed. 956

(Q) If the department cannot compile any of the 957
information required by division ~~(H)~~(I) of section 3302.03 of 958
the Revised Code based upon the data collected under this 959
section, the department shall develop a plan and a reasonable 960
timeline for the collection of any data necessary to comply with 961
that division. 962

Sec. 3301.0715. (A) Except as required under division (B) 963
(1) of section 3313.608 or as specified in division (D) (3) of 964
section 3301.079 of the Revised Code, the board of education of 965
each city, local, and exempted village school district shall 966
administer each applicable diagnostic assessment developed and 967
provided to the district in accordance with section 3301.079 of 968
the Revised Code to the following: 969

(1) Any student who transfers into the district or to a 970
different school within the district if each applicable 971
diagnostic assessment was not administered by the district or 972
school the student previously attended in the current school 973
year, within thirty days after the date of transfer. If the 974
district or school into which the student transfers cannot 975
determine whether the student has taken any applicable 976
diagnostic assessment in the current school year, the district 977
or school may administer the diagnostic assessment to the 978
student. However, if a student transfers into the district prior 979
to the administration of the diagnostic assessments to all 980
students under division (B) of this section, the district may 981
administer the diagnostic assessments to that student on the 982
date or dates determined under that division. 983

(2) Each kindergarten student, not earlier than the first 984
day of the school year and not later than the first day of 985
November. However, a board of education may administer the 986
selected response and performance task items portion of the 987
diagnostic assessment up to two weeks prior to the first day of 988
the school year. 989

For the purpose of division (A) (2) of this section, the 990
district shall administer the kindergarten readiness assessment 991
provided by the department of education. In no case shall the 992
results of the readiness assessment be used to prohibit a 993
student from enrolling in kindergarten. 994

(3) Each student enrolled in first, second, or third 995
grade. 996

Division (A) of this section does not apply to students 997
with significant cognitive disabilities, as defined by the 998
department of education. 999

(B) Each district board shall administer each diagnostic 1000
assessment when the board deems appropriate, provided the 1001
administration complies with section 3313.608 of the Revised 1002
Code. However, the board shall administer any diagnostic 1003
assessment at least once annually to all students in the 1004
appropriate grade level. A district board may administer any 1005
diagnostic assessment in the fall and spring of a school year to 1006
measure the amount of academic growth attributable to the 1007
instruction received by students during that school year. 1008

(C) ~~Any A district that received a grade of "A" or "B" for~~ 1009
~~the performance index score under division (A) (1) (b), (B) (1) (b),~~ 1010
~~or (C) (1) (b) of section 3302.03 of the Revised Code or for the~~ 1011
~~value added progress dimension under division (A) (1) (e), (B) (1)~~ 1012

~~(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the~~ 1013
~~immediately preceding school year~~ may use different diagnostic 1014
assessments from those adopted under division (D) of section 1015
3301.079 of the Revised Code in order to satisfy the 1016
requirements of division (A) (3) of this section if the district 1017
meets either of the following conditions for the immediately 1018
preceding school year: 1019

(1) The district received a grade of "A" or "B" for the 1020
performance index score under division (C) (1) (b) of section 1021
3302.03 of the Revised Code or for the value-added progress 1022
dimension under division (C) (1) (e) of that section. 1023

(2) The district received a grade of "A" or "B" for 1024
achievement under division (D) (3) (b) of section 3302.03 of the 1025
Revised Code or for progress under division (D) (3) (c) of that 1026
section. 1027

(D) Each district board shall utilize and score any 1028
diagnostic assessment administered under division (A) of this 1029
section in accordance with rules established by the department. 1030
After the administration of any diagnostic assessment, each 1031
district shall provide a student's completed diagnostic 1032
assessment, the results of such assessment, and any other 1033
accompanying documents used during the administration of the 1034
assessment to the parent of that student, and shall include all 1035
such documents and information in any plan developed for the 1036
student under division (C) of section 3313.608 of the Revised 1037
Code. Each district shall submit to the department, in the 1038
manner the department prescribes, the results of the diagnostic 1039
assessments administered under this section, regardless of the 1040
type of assessment used under section 3313.608 of the Revised 1041
Code. The department may issue reports with respect to the data 1042

collected. The department may report school and district level 1043
kindergarten diagnostic assessment data and use diagnostic 1044
assessment data to calculate the ~~measure~~ measures prescribed by 1045
divisions (B) (1) (g) ~~and~~, (C) (1) (g), and (D) (1) (h) of section 1046
3302.03 of the Revised Code and the data reported under division 1047
(D) (2) (e) of that section. 1048

(E) Each district board shall provide intervention 1049
services to students whose diagnostic assessments show that they 1050
are failing to make satisfactory progress toward attaining the 1051
academic standards for their grade level. 1052

(F) Beginning in the 2018-2019 school year, any chartered 1053
nonpublic school may elect to administer the kindergarten 1054
readiness assessment to all kindergarten students enrolled in 1055
the school. If the school so elects, the chief administrator of 1056
the school shall notify the superintendent of public instruction 1057
not later than the thirty-first day of March prior to any school 1058
year in which the school will administer the assessment. The 1059
department shall furnish the assessment to the school at no cost 1060
to the school. In administering the assessment, the school shall 1061
do all of the following: 1062

(1) Enter into a written agreement with the department 1063
specifying that the school will share each participating 1064
student's assessment data with the department and, that for the 1065
purpose of reporting the data to the department, each 1066
participating student will be assigned a data verification code 1067
as described in division (D) (2) of section 3301.0714 of the 1068
Revised Code; 1069

(2) Require the assessment to be administered by a teacher 1070
certified under section 3301.071 of the Revised Code who either 1071
has completed training on administering the kindergarten 1072

readiness assessment provided by the department or has been 1073
trained by another person who has completed such training; 1074

(3) Administer the assessment in the same manner as school 1075
districts are required to do under this section and the rules 1076
established under division (D) of this section. 1077

(G) Beginning in the 2019-2020 school year, a school 1078
district in which less than eighty per cent of its students 1079
score at the proficient level or higher on the third-grade 1080
English language arts assessment prescribed under section 1081
3301.0710 of the Revised Code shall establish a reading 1082
improvement plan supported by reading specialists. Prior to 1083
implementation, the plan shall be approved by the school 1084
district board of education. 1085

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 1086
the Revised Code: 1087

(A) "Preschool program" means either of the following: 1088

(1) A child care program for preschool children that is 1089
operated by a school district board of education or an eligible 1090
nonpublic school. 1091

(2) A child care program for preschool children age three 1092
or older that is operated by a county board of developmental 1093
disabilities or a community school. 1094

(B) "Preschool child" or "child" means a child who has not 1095
entered kindergarten and is not of compulsory school age. 1096

(C) "Parent, guardian, or custodian" means the person or 1097
government agency that is or will be responsible for a child's 1098
school attendance under section 3321.01 of the Revised Code. 1099

(D) "Superintendent" means the superintendent of a school 1100

district or the chief administrative officer of a community 1101
school or an eligible nonpublic school. 1102

(E) "Director" means the director, head teacher, 1103
elementary principal, or site administrator who is the 1104
individual on site and responsible for supervision of a 1105
preschool program. 1106

(F) "Preschool staff member" means a preschool employee 1107
whose primary responsibility is care, teaching, or supervision 1108
of preschool children. 1109

(G) "Nonteaching employee" means a preschool program or 1110
school child program employee whose primary responsibilities are 1111
duties other than care, teaching, and supervision of preschool 1112
children or school children. 1113

(H) "Eligible nonpublic school" means a nonpublic school 1114
chartered as described in division (B) (7) of section 5104.02 of 1115
the Revised Code or chartered by the state board of education 1116
for any combination of grades one through twelve, regardless of 1117
whether it also offers kindergarten. 1118

(I) "School child program" means a child care program for 1119
only school children that is operated by a school district board 1120
of education, county board of developmental disabilities, 1121
community school, or eligible nonpublic school. 1122

(J) "School child" means a child who is enrolled in or is 1123
eligible to be enrolled in a grade of kindergarten or above but 1124
is less than fifteen years old. 1125

(K) "School child program staff member" means an employee 1126
whose primary responsibility is the care, teaching, or 1127
supervision of children in a school child program. 1128

(L) "Child care" means administering to the needs of 1129
infants, toddlers, preschool children, and school children 1130
outside of school hours by persons other than their parents or 1131
guardians, custodians, or relatives by blood, marriage, or 1132
adoption for any part of the twenty-four-hour day in a place or 1133
residence other than a child's own home. 1134

(M) "Child day-care center" and "publicly funded child 1135
care" have the same meanings as in section 5104.01 of the 1136
Revised Code. 1137

(N) "Community school" means either of the following: 1138

(1) A community school established under Chapter 3314. of 1139
the Revised Code that is sponsored by an entity that is rated 1140
"exemplary" under section 3314.016 of the Revised Code. 1141

(2) A community school established under Chapter 3314. of 1142
the Revised Code that has received, on its most recent report 1143
card, either of the following: 1144

(a) If the school offers any of grade levels four through 1145
twelve, ~~a~~ either of the following: 1146

(i) A grade of "C" or better for the overall value-added 1147
progress dimension under division (C) (1) (e) of section 3302.03 1148
of the Revised Code and for the performance index score under 1149
division (C) (1) (b) of section 3302.03 of the Revised Code; 1150

(ii) A grade of "C" or better for achievement under 1151
division (D) (3) (b) of section 3302.03 of the Revised Code and 1152
progress under division (D) (3) (c) of that section. 1153

(b) If the school does not offer a grade level higher than 1154
three, a grade of "C" or better for either making progress in 1155
improving literacy in grades kindergarten through three under 1156

division (C) (1) (g) of section 3302.03 of the Revised Code or 1157
early literacy under division (D) (3) (e) of that section. 1158

Sec. 3302.01. As used in this chapter: 1159

(A) "Performance index score" means the average of the 1160
totals derived from calculations, for each subject area, of the 1161
weighted proportion of untested students and students scoring at 1162
each level of skill described in division (A) (2) of section 1163
3301.0710 of the Revised Code on the state achievement 1164
assessments, as follows: 1165

(1) For the assessments prescribed by division (A) (1) of 1166
section 3301.0710 of the Revised Code, the average for each of 1167
the subject areas of English language arts, mathematics, and 1168
science. 1169

(2) For the assessments prescribed by division (B) (1) of 1170
section 3301.0710 and division (B) (2) of section 3301.0712 of 1171
the Revised Code, the average for each of the subject areas of 1172
English language arts ~~and~~, mathematics, science, American 1173
history, and American government. The average also shall include 1174
any substitute examinations approved under division (B) (4) of 1175
section 3301.0712 of the Revised Code in the subject areas of 1176
American history and American government. 1177

The department of education shall assign weights such that 1178
students who do not take an assessment receive a weight of zero 1179
and students who take an assessment receive progressively larger 1180
weights dependent upon the level of skill attained on the 1181
assessment. The department shall assign additional weights to 1182
students who have been permitted to pass over a subject in 1183
accordance with a student acceleration policy adopted under 1184
section 3324.10 of the Revised Code. If such a student attains 1185

the proficient score prescribed under division (A) (2) (c) of 1186
section 3301.0710 of the Revised Code or higher on an 1187
assessment, the department shall assign the student the weight 1188
prescribed for the next higher scoring level. If such a student 1189
attains the advanced score, prescribed under division (A) (2) (a) 1190
of section 3301.0710 of the Revised Code, on an assessment, the 1191
department shall assign to the student an additional 1192
proportional weight, as approved by the state board. For each 1193
school year that such a student's score is included in the 1194
performance index score and the student attains the proficient 1195
score on an assessment, that additional weight shall be assigned 1196
to the student on a subject-by-subject basis. 1197

Students shall be included in the "performance index 1198
score" in accordance with division ~~(K) (2)~~ (L) (2) of section 1199
3302.03 of the Revised Code. 1200

(B) "Subgroup" means a subset of the entire student 1201
population of the state, a school district, or a school building 1202
and includes each of the following: 1203

(1) Major racial and ethnic groups; 1204

(2) Students with disabilities; 1205

(3) Economically disadvantaged students; 1206

(4) English learners; 1207

(5) Students identified as gifted in superior cognitive 1208
ability and specific academic ability fields under Chapter 3324. 1209
of the Revised Code. For students who are gifted in specific 1210
academic ability fields, the department shall use data for those 1211
students with specific academic ability in math and reading. If 1212
any other academic field is assessed, the department shall also 1213
include data for students with specific academic ability in that 1214

field.	1215
(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.	1216 1217 1218
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.	1219 1220 1221 1222 1223 1224
(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	1225 1226 1227
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."	1228 1229 1230 1231 1232
(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.	1233 1234 1235 1236 1237 1238 1239 1240
(G) (1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students	1241 1242 1243

who form the adjusted cohort for the graduating class. 1244

(2) "Five-year adjusted cohort graduation rate" means the 1245
number of students who graduate in five years with a regular 1246
high school diploma divided by the number of students who form 1247
the adjusted cohort for the four-year graduation rate. 1248

(H) "State institution of higher education" has the same 1249
meaning as in section 3345.011 of the Revised Code. 1250

(I) "Annual measurable objectives" means a measure of 1251
student progress determined in accordance with an agreement 1252
between the department of education and the United States 1253
department of education. 1254

(J) "Community school" means a community school 1255
established under Chapter 3314. of the Revised Code. 1256

(K) "STEM school" means a science, technology, 1257
engineering, and mathematics school established under Chapter 1258
3326. of the Revised Code. 1259

(L) "Entitled to attend school in the district" means 1260
entitled to attend school in a school district under section 1261
3313.64 or 3313.65 of the Revised Code. 1262

Sec. 3302.02. (A) Not later than one year after the 1263
adoption of rules under division (D) of section 3301.0712 of the 1264
Revised Code and at least every sixth year thereafter, upon 1265
recommendations of the superintendent of public instruction, the 1266
state board of education shall establish ~~a~~ all of the following: 1267

(1) A set of performance indicators that considered as a 1268
unit will be used as one of the performance categories for the 1269
report cards required by section 3302.03 of the Revised Code. In 1270
establishing these indicators, the superintendent shall consider 1271

inclusion of student performance on assessments prescribed under 1272
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1273
student improvement on such assessments, the breadth of 1274
coursework available within the district, and other indicators 1275
of student success. 1276

~~Beginning with the report card for the 2014-2015 school~~ 1277
~~year, the performance indicators shall include an Beginning with~~ 1278
~~the report card issued under section 3302.03 of the Revised Code~~ 1279
~~for the 2021-2022 school year, the performance indicators~~ 1280
~~prescribed under division (A)(1) of this section regarding~~ 1281
~~student performance on state assessments shall not require a~~ 1282
~~school district or building to attain a proficiency percentage~~ 1283
~~to meet an indicator. Rather, the performance indicators only~~ 1284
~~shall report proficiency percentages, trends, and comparisons.~~ 1285

(2) A performance indicator that reflects the level of 1286
identification and services provided to, and the performance of, 1287
students identified as gifted under Chapter 3324. of the Revised 1288
Code. The indicator shall include the performance of students 1289
identified as gifted on state assessments and value-added growth 1290
measure disaggregated for students identified as gifted. The 1291
indicator also shall disaggregate the level of identification 1292
and services provided to underrepresented and economically 1293
disadvantaged students. 1294

(3) A performance indicator that measures chronic 1295
absenteeism, as determined by the department of education, in a 1296
school district or school building. 1297

Beginning with the report card issued under section 1298
3302.03 of the Revised Code for the 2021-2022 school year, the 1299
performance indicators prescribed in divisions (A)(2) and (3) of 1300
this section shall not be part of the performance indicator unit 1301

under division (A) (1) of this section. 1302

(B) For the 2013-2014 school year, except as otherwise 1303
provided in this section, for any indicator based on the 1304
percentage of students attaining a proficient score on the 1305
assessments prescribed by divisions (A) and (B) (1) of section 1306
3301.0710 of the Revised Code, a school district or building 1307
shall be considered to have met the indicator if at least eighty 1308
per cent of the tested students attain a score of proficient or 1309
higher on the assessment. A school district or building shall be 1310
considered to have met the indicator for the assessments 1311
prescribed by division (B) (1) of section 3301.0710 of the 1312
Revised Code and only as administered to eleventh grade 1313
students, if at least eighty-five per cent of the tested 1314
students attain a score of proficient or higher on the 1315
assessment. 1316

The state board shall adopt rules, under Chapter 119. of 1317
the Revised Code, to establish proficiency percentages to meet 1318
each indicator that is based on a state assessment, prescribed 1319
under section 3301.0710 or 3301.0712 of the Revised Code, for 1320
the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019- 1321
2020, and 2020-2021 school ~~year and thereafter years~~ by the 1322
following dates: 1323

~~(A)~~ (1) Not later than December 31, 2015, for the 2014- 1324
2015 school year; 1325

~~(B)~~ (2) Not later than July 1, 2016, for the 2015-2016 1326
school year; 1327

~~(C)~~ (3) Not later than July 1, 2017, for the 2016-2017, 1328
2017-2018, 2018-2019, 2019-2020, and 2020-2021 school ~~year, and~~ 1329
~~for each school year thereafter years.~~ 1330

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1331
later than July 1, 2007, the department of education shall 1332
implement a value-added progress dimension for school districts 1333
and buildings and shall incorporate the value-added progress 1334
dimension into the report cards and performance ratings issued 1335
for districts and buildings under section 3302.03 of the Revised 1336
Code. 1337

The state board of education shall adopt rules, pursuant 1338
to Chapter 119. of the Revised Code, for the implementation of 1339
the value-added progress dimension. The rules adopted under this 1340
division shall specify both of the following: 1341

(1) A scale for describing the levels of academic progress 1342
in reading and mathematics relative to a standard year of 1343
academic growth in those subjects for each of grades three 1344
through eight; 1345

(2) That the department shall maintain the confidentiality 1346
of individual student test scores and individual student reports 1347
in accordance with sections 3301.0711, 3301.0714, and 3319.321 1348
of the Revised Code and federal law. The department may require 1349
school districts to use a unique identifier for each student for 1350
this purpose. Individual student test scores and individual 1351
student reports shall be made available only to a student's 1352
classroom teacher and other appropriate educational personnel 1353
and to the student's parent or guardian. 1354

(B) The department shall explore the feasibility of using 1355
the value-added gain score and effect size to improve 1356
differentiation and interpretation of the measure. If the 1357
department determines that it is feasible, the state board may 1358
update the rules adopted under division (A) of this section to 1359
implement the use of gain index and effect size. If rules are 1360

adopted under division (A) of this section that use the gain 1361
index and effect size, the letter grade assignment prescribed in 1362
division (A)(1)(e) of section 3302.03 of the Revised Code no 1363
longer applies. The rules also shall include how a letter grade 1364
will be assigned for each level of performance. 1365

(C) The department shall use a system designed for 1366
collecting necessary data, calculating the value-added progress 1367
dimension, analyzing data, and generating reports, which system 1368
has been used previously by a nonprofit organization led by the 1369
Ohio business community for at least one year in the operation 1370
of a pilot program in cooperation with school districts to 1371
collect and report student achievement data via electronic means 1372
and to provide information to the districts regarding the 1373
academic performance of individual students, grade levels, 1374
school buildings, and the districts as a whole. 1375

~~(C)~~ (D) The department shall not pay more than two dollars 1376
per student for data analysis and reporting to implement the 1377
value-added progress dimension in the same manner and with the 1378
same services as under the pilot program described by division 1379
(B) of this section. However, nothing in this section shall 1380
preclude the department or any school district from entering 1381
into a contract for the provision of more services at a higher 1382
fee per student. Any data analysis conducted under this section 1383
by an entity under contract with the department shall be 1384
completed in accordance with timelines established by the 1385
superintendent of public instruction. 1386

~~(D)~~ (E) The department shall share any aggregate student 1387
data and any calculation, analysis, or report utilizing 1388
aggregate student data that is generated under this section with 1389
the chancellor of the Ohio board of regents. The department 1390

shall not share individual student test scores and individual 1391
student reports with the chancellor. 1392

Sec. 3302.03. Not later than the thirty-first day of July 1393
of each year, the department of education shall submit 1394
preliminary report card data for overall academic performance 1395
and for each separate performance measure for each school 1396
district, and each school building, in accordance with this 1397
section. 1398

Annually, not later than the fifteenth day of September or 1399
the preceding Friday when that day falls on a Saturday or 1400
Sunday, the department shall assign a letter grade for overall 1401
academic performance and for each separate performance measure 1402
for each school district, and each school building in a 1403
district, in accordance with this section. ~~The Except as~~ 1404
provided for in division (D) of this section, the state board of 1405
education shall adopt rules pursuant to Chapter 119. of the 1406
Revised Code to establish performance criteria for each letter 1407
grade and prescribe a method by which the department assigns 1408
each letter grade. For a school building to which any of the 1409
performance measures do not apply, due to grade levels served by 1410
the building, the ~~state board~~ department shall designate the 1411
performance measures that are applicable to the building and 1412
that must be calculated separately and used to calculate the 1413
building's overall grade. The department shall issue annual 1414
report cards reflecting the performance of each school district, 1415
each building within each district, and for the state as a whole 1416
using the performance measures and letter grade system described 1417
in this section. The department shall include on the report card 1418
for each district and each building within each district the 1419
most recent two-year trend data in student achievement for each 1420
subject and each grade. 1421

(A) (1) For the 2012-2013 school year, the department shall 1422
issue grades as described in division ~~(E)~~ (F) of this section 1423
for each of the following performance measures: 1424

(a) Annual measurable objectives; 1425

(b) Performance index score for a school district or 1426
building. Grades shall be awarded as a percentage of the total 1427
possible points on the performance index system as adopted by 1428
the state board of education. In adopting benchmarks for 1429
assigning letter grades under division (A) (1) (b) of this 1430
section, the state board ~~of education~~ shall designate ninety per 1431
cent or higher for an "A," at least seventy per cent but not 1432
more than eighty per cent for a "C," and less than fifty per 1433
cent for an "F." 1434

(c) The extent to which the school district or building 1435
meets each of the applicable performance indicators established 1436
by the state board under section 3302.02 of the Revised Code and 1437
the percentage of applicable performance indicators that have 1438
been achieved. In adopting benchmarks for assigning letter 1439
grades under division (A) (1) (c) of this section, the state board 1440
shall designate ninety per cent or higher for an "A." 1441

(d) The four- and five-year adjusted cohort graduation 1442
rates. 1443

In adopting benchmarks for assigning letter grades under 1444
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1445
department shall designate a four-year adjusted cohort 1446
graduation rate of ninety-three per cent or higher for an "A" 1447
and a five-year cohort graduation rate of ninety-five per cent 1448
or higher for an "A." 1449

(e) The overall score under the value-added progress 1450

dimension of a school district or building, for which the 1451
department shall use up to three years of value-added data as 1452
available. The letter grade assigned for this growth measure 1453
shall be as follows: 1454

(i) A score that is at least one standard error of measure 1455
above the mean score shall be designated as an "A." 1456

(ii) A score that is less than one standard error of 1457
measure above but greater than one standard error of measure 1458
below the mean score shall be designated as a "B." 1459

(iii) A score that is less than or equal to one standard 1460
error of measure below the mean score but greater than two 1461
standard errors of measure below the mean score shall be 1462
designated as a "C." 1463

(iv) A score that is less than or equal to two standard 1464
errors of measure below the mean score but is greater than three 1465
standard errors of measure below the mean score shall be 1466
designated as a "D." 1467

(v) A score that is less than or equal to three standard 1468
errors of measure below the mean score shall be designated as an 1469
"F." 1470

Whenever the value-added progress dimension is used as a 1471
graded performance measure in this division and divisions (B) 1472
and (C) of this section, whether as an overall measure or as a 1473
measure of separate subgroups, the grades for the measure shall 1474
be calculated in the same manner as prescribed in division (A) 1475
(1) (e) of this section. 1476

(f) The value-added progress dimension score for a school 1477
district or building disaggregated for each of the following 1478
subgroups: students identified as gifted, students with 1479

disabilities, and students whose performance places them in the 1480
lowest quintile for achievement on a statewide basis. Each 1481
subgroup shall be a separate graded measure. 1482

(2) Not later than April 30, 2013, the state board of 1483
education shall adopt a resolution describing the performance 1484
measures, benchmarks, and grading system for the 2012-2013 1485
school year and, not later than June 30, 2013, shall adopt rules 1486
in accordance with Chapter 119. of the Revised Code that 1487
prescribe the methods by which the performance measures under 1488
division (A) (1) of this section shall be assessed and assigned a 1489
letter grade, including performance benchmarks for each letter 1490
grade. 1491

At least forty-five days prior to the state board's 1492
adoption of rules to prescribe the methods by which the 1493
performance measures under division (A) (1) of this section shall 1494
be assessed and assigned a letter grade, the department shall 1495
conduct a public presentation before the standing committees of 1496
the house of representatives and the senate that consider 1497
education legislation describing such methods, including 1498
performance benchmarks. 1499

(3) There shall not be an overall letter grade for a 1500
school district or building for the 2012-2013 school year. 1501

(B) (1) For the 2013-2014 ~~and 2014-2015~~ school ~~years~~year, 1502
the department shall issue grades as described in division ~~(E)~~ 1503
(F) of this section for each of the following performance 1504
measures: 1505

(a) Annual measurable objectives; 1506

(b) Performance index score for a school district or 1507
building. Grades shall be awarded as a percentage of the total 1508

possible points on the performance index system as created by 1509
the department. In adopting benchmarks for assigning letter 1510
grades under division (B) (1) (b) of this section, the state board 1511
shall designate ninety per cent or higher for an "A," at least 1512
seventy per cent but not more than eighty per cent for a "C," 1513
and less than fifty per cent for an "F." 1514

(c) The extent to which the school district or building 1515
meets each of the applicable performance indicators established 1516
by the state board under section 3302.03 of the Revised Code and 1517
the percentage of applicable performance indicators that have 1518
been achieved. In adopting benchmarks for assigning letter 1519
grades under division (B) (1) (c) of this section, the state board 1520
shall designate ninety per cent or higher for an "A." 1521

(d) The four- and five-year adjusted cohort graduation 1522
rates; 1523

(e) The overall score under the value-added progress 1524
dimension of a school district or building, for which the 1525
department shall use up to three years of value-added data as 1526
available. 1527

(f) The value-added progress dimension score for a school 1528
district or building disaggregated for each of the following 1529
subgroups: students identified as gifted in superior cognitive 1530
ability and specific academic ability fields under Chapter 3324. 1531
of the Revised Code, students with disabilities, and students 1532
whose performance places them in the lowest quintile for 1533
achievement on a statewide basis. Each subgroup shall be a 1534
separate graded measure. 1535

(g) Whether a school district or building is making 1536
progress in improving literacy in grades kindergarten through 1537

three, as determined using a method prescribed by the state 1538
board. The state board shall adopt rules to prescribe benchmarks 1539
and standards for assigning grades to districts and buildings 1540
for purposes of division (B) (1) (g) of this section. In adopting 1541
benchmarks for assigning letter grades under divisions (B) (1) (g) 1542
and (C) (1) (g) of this section, the state board shall determine 1543
progress made based on the reduction in the total percentage of 1544
students scoring below grade level, or below proficient, 1545
compared from year to year on the reading and writing diagnostic 1546
assessments administered under section 3301.0715 of the Revised 1547
Code and the third grade English language arts assessment under 1548
section 3301.0710 of the Revised Code, as applicable. The state 1549
board shall designate for a "C" grade a value that is not lower 1550
than the statewide average value for this measure. No grade 1551
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1552
section for a district or building in which less than five per 1553
cent of students have scored below grade level on the diagnostic 1554
assessment administered to students in kindergarten under 1555
division (B) (1) of section 3313.608 of the Revised Code. 1556

(h) For a high mobility school district or building, an 1557
additional value-added progress dimension score. For this 1558
measure, the department shall use value-added data from the most 1559
recent school year available and shall use assessment scores for 1560
only those students to whom the district or building has 1561
administered the assessments prescribed by section 3301.0710 of 1562
the Revised Code for each of the two most recent consecutive 1563
school years. 1564

As used in this division, "high mobility school district 1565
or building" means a school district or building where at least 1566
twenty-five per cent of its total enrollment is made up of 1567
students who have attended that school district or building for 1568

less than one year. 1569

(2) In addition to the graded measures in division (B) (1) 1570
of this section, the department shall include on a school 1571
district's or building's report card all of the following 1572
without an assigned letter grade: 1573

(a) The percentage of students enrolled in a district or 1574
building participating in advanced placement classes and the 1575
percentage of those students who received a score of three or 1576
better on advanced placement examinations; 1577

(b) The number of a district's or building's students who 1578
have earned at least three college credits through dual 1579
enrollment or advanced standing programs, such as the post- 1580
secondary enrollment options program under Chapter 3365. of the 1581
Revised Code and state-approved career-technical courses offered 1582
through dual enrollment or statewide articulation, that appear 1583
on a student's transcript or other official document, either of 1584
which is issued by the institution of higher education from 1585
which the student earned the college credit. The credits earned 1586
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1587
this section shall not include any that are remedial or 1588
developmental and shall include those that count toward the 1589
curriculum requirements established for completion of a degree. 1590

(c) The percentage of students enrolled in a district or 1591
building who have taken a national standardized test used for 1592
college admission determinations and the percentage of those 1593
students who are determined to be remediation-free in accordance 1594
with standards adopted under division (F) of section 3345.061 of 1595
the Revised Code; 1596

(d) The percentage of the district's or the building's 1597

students who receive industry-recognized credentials as approved 1598
under section 3313.6113 of the Revised Code. 1599

(e) The percentage of students enrolled in a district or 1600
building who are participating in an international baccalaureate 1601
program and the percentage of those students who receive a score 1602
of four or better on the international baccalaureate 1603
examinations. 1604

(f) The percentage of the district's or building's 1605
students who receive an honors diploma under division (B) of 1606
section 3313.61 of the Revised Code. 1607

(3) Not later than December 31, 2013, the state board 1608
shall adopt rules in accordance with Chapter 119. of the Revised 1609
Code that prescribe the methods by which the performance 1610
measures under divisions (B)(1)(f) and (B)(1)(g) of this section 1611
will be assessed and assigned a letter grade, including 1612
performance benchmarks for each grade. 1613

At least forty-five days prior to the state board's 1614
adoption of rules to prescribe the methods by which the 1615
performance measures under division (B)(1) of this section shall 1616
be assessed and assigned a letter grade, the department shall 1617
conduct a public presentation before the standing committees of 1618
the house of representatives and the senate that consider 1619
education legislation describing such methods, including 1620
performance benchmarks. 1621

(4) There shall not be an overall letter grade for a 1622
school district or building for the 2013-2014, 2014-2015, 2015- 1623
2016, and 2016-2017 school years. 1624

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 1625
2018-2019, 2019-2020, and 2020-2021 school-year and each school- 1626

~~year thereafter~~ years, the department shall issue grades as 1627
described in division ~~(E)~~ (F) of this section for each of the 1628
performance measures prescribed in division (C) (1) of this 1629
section. The graded measures are as follows: 1630

(a) Annual measurable objectives. For the 2017-2018 school 1631
year, the department shall not include any subgroup data in the 1632
annual measurable objectives that includes data from fewer than 1633
twenty-five students. For the 2018-2019 school year, the 1634
department shall not include any subgroup data in the annual 1635
measurable objectives that includes data from fewer than twenty 1636
students. Beginning with the 2019-2020 school year, the 1637
department shall not include any subgroup data in the annual 1638
measurable objectives that includes data from fewer than fifteen 1639
students. 1640

(b) Performance index score for a school district or 1641
building. Grades shall be awarded as a percentage of the total 1642
possible points on the performance index system as created by 1643
the department. In adopting benchmarks for assigning letter 1644
grades under division (C) (1) (b) of this section, the state board 1645
shall designate ninety per cent or higher for an "A," at least 1646
seventy per cent but not more than eighty per cent for a "C," 1647
and less than fifty per cent for an "F." 1648

(c) The extent to which the school district or building 1649
meets each of the applicable performance indicators established 1650
by the state board under section 3302.03 of the Revised Code and 1651
the percentage of applicable performance indicators that have 1652
been achieved. In adopting benchmarks for assigning letter 1653
grades under division (C) (1) (c) of this section, the state board 1654
shall designate ninety per cent or higher for an "A." 1655

(d) The four- and five-year adjusted cohort graduation 1656

rates; 1657

(e) The overall score under the value-added progress 1658
dimension, or another measure of student academic progress if 1659
adopted by the state board, of a school district or building, 1660
for which the department shall use up to three years of value- 1661
added data as available. 1662

In adopting benchmarks for assigning letter grades for 1663
overall score on value-added progress dimension under division 1664
(C) (1) (e) of this section, the state board shall prohibit the 1665
assigning of a grade of "A" for that measure unless the 1666
district's or building's grade assigned for value-added progress 1667
dimension for all subgroups under division (C) (1) (f) of this 1668
section is a "C" or higher. 1669

For the metric prescribed by division (C) (1) (e) of this 1670
section, the state board may adopt a student academic progress 1671
measure to be used instead of the value-added progress 1672
dimension. If the state board adopts such a measure, it also 1673
shall prescribe a method for assigning letter grades for the new 1674
measure that is comparable to the method prescribed in division 1675
(A) (1) (e) of this section. 1676

(f) The value-added progress dimension score of a school 1677
district or building disaggregated for each of the following 1678
subgroups: students identified as gifted in superior cognitive 1679
ability and specific academic ability fields under Chapter 3324. 1680
of the Revised Code, students with disabilities, and students 1681
whose performance places them in the lowest quintile for 1682
achievement on a statewide basis, as determined by a method 1683
prescribed by the state board. Each subgroup shall be a separate 1684
graded measure. 1685

The state board may adopt student academic progress 1686
measures to be used instead of the value-added progress 1687
dimension. If the state board adopts such measures, it also 1688
shall prescribe a method for assigning letter grades for the new 1689
measures that is comparable to the method prescribed in division 1690
(A) (1) (e) of this section. 1691

(g) Whether a school district or building is making 1692
progress in improving literacy in grades kindergarten through 1693
three, as determined using a method prescribed by the state 1694
board. The state board shall adopt rules to prescribe benchmarks 1695
and standards for assigning grades to a district or building for 1696
purposes of division (C) (1) (g) of this section. The state board 1697
shall designate for a "C" grade a value that is not lower than 1698
the statewide average value for this measure. No grade shall be 1699
issued under division (C) (1) (g) of this section for a district 1700
or building in which less than five per cent of students have 1701
scored below grade level on the kindergarten diagnostic 1702
assessment under division (B) (1) of section 3313.608 of the 1703
Revised Code. 1704

(h) For a high mobility school district or building, an 1705
additional value-added progress dimension score. For this 1706
measure, the department shall use value-added data from the most 1707
recent school year available and shall use assessment scores for 1708
only those students to whom the district or building has 1709
administered the assessments prescribed by section 3301.0710 of 1710
the Revised Code for each of the two most recent consecutive 1711
school years. 1712

As used in this division, "high mobility school district 1713
or building" means a school district or building where at least 1714
twenty-five per cent of its total enrollment is made up of 1715

students who have attended that school district or building for 1716
less than one year. 1717

(2) In addition to the graded measures in division (C) (1) 1718
of this section, the department shall include on a school 1719
district's or building's report card all of the following 1720
without an assigned letter grade: 1721

(a) The percentage of students enrolled in a district or 1722
building who have taken a national standardized test used for 1723
college admission determinations and the percentage of those 1724
students who are determined to be remediation-free in accordance 1725
with the standards adopted under division (F) of section 1726
3345.061 of the Revised Code; 1727

(b) The percentage of students enrolled in a district or 1728
building participating in advanced placement classes and the 1729
percentage of those students who received a score of three or 1730
better on advanced placement examinations; 1731

(c) The percentage of a district's or building's students 1732
who have earned at least three college credits through advanced 1733
standing programs, such as the college credit plus program under 1734
Chapter 3365. of the Revised Code and state-approved career- 1735
technical courses offered through dual enrollment or statewide 1736
articulation, that appear on a student's college transcript 1737
issued by the institution of higher education from which the 1738
student earned the college credit. The credits earned that are 1739
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1740
shall not include any that are remedial or developmental and 1741
shall include those that count toward the curriculum 1742
requirements established for completion of a degree. 1743

(d) The percentage of the district's or building's 1744

students who receive an honor's diploma under division (B) of	1745
section 3313.61 of the Revised Code;	1746
(e) The percentage of the district's or building's	1747
students who receive industry-recognized credentials as approved	1748
under section 3313.6113 of the Revised Code;	1749
(f) The percentage of students enrolled in a district or	1750
building who are participating in an international baccalaureate	1751
program and the percentage of those students who receive a score	1752
of four or better on the international baccalaureate	1753
examinations;	1754
(g) The results of the college and career-ready	1755
assessments administered under division (B) (1) of section	1756
3301.0712 of the Revised Code;	1757
(h) Whether the school district or building has	1758
implemented a positive behavior intervention and supports	1759
framework in compliance with the requirements of section 3319.46	1760
of the Revised Code, notated as a "yes" or "no" answer.	1761
(3) The state board shall adopt rules pursuant to Chapter	1762
119. of the Revised Code that establish a method to assign an	1763
overall grade for a school district or school building for the	1764
2017-2018 school year and each school year thereafter. The rules	1765
shall group the performance measures in divisions (C) (1) and (2)	1766
of this section into the following components:	1767
(a) Gap closing, which shall include the performance	1768
measure in division (C) (1) (a) of this section;	1769
(b) Achievement, which shall include the performance	1770
measures in divisions (C) (1) (b) and (c) of this section;	1771
(c) Progress, which shall include the performance measures	1772

in divisions (C) (1) (e) and (f) of this section; 1773

(d) Graduation, which shall include the performance 1774
measure in division (C) (1) (d) of this section; 1775

(e) Kindergarten through third-grade literacy, which shall 1776
include the performance measure in division (C) (1) (g) of this 1777
section; 1778

(f) Prepared for success, which shall include the 1779
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 1780
and (f) of this section. The state board shall develop a method 1781
to determine a grade for the component in division (C) (3) (f) of 1782
this section using the performance measures in divisions (C) (2) 1783
(a), (b), (c), (d), (e), and (f) of this section. When 1784
available, the state board may incorporate the performance 1785
measure under division (C) (2) (g) of this section into the 1786
component under division (C) (3) (f) of this section. When 1787
determining the overall grade for the prepared for success 1788
component prescribed by division (C) (3) (f) of this section, no 1789
individual student shall be counted in more than one performance 1790
measure. However, if a student qualifies for more than one 1791
performance measure in the component, the state board may, in 1792
its method to determine a grade for the component, specify an 1793
additional weight for such a student that is not greater than or 1794
equal to 1.0. In determining the overall score under division 1795
(C) (3) (f) of this section, the state board shall ensure that the 1796
pool of students included in the performance measures aggregated 1797
under that division are all of the students included in the 1798
four- and five-year adjusted graduation cohort. 1799

In the rules adopted under division (C) (3) of this 1800
section, the state board shall adopt a method for determining a 1801
grade for each component in divisions (C) (3) (a) to (f) of this 1802

section. The state board also shall establish a method to assign 1803
an overall grade of "A," "B," "C," "D," or "F" using the grades 1804
assigned for each component. The method the state board adopts 1805
for assigning an overall grade shall give equal weight to the 1806
components in divisions (C)(3)(b) and (c) of this section. 1807

At least forty-five days prior to the state board's 1808
adoption of rules to prescribe the methods for calculating the 1809
overall grade for the report card, as required by this division, 1810
the department shall conduct a public presentation before the 1811
standing committees of the house of representatives and the 1812
senate that consider education legislation describing the format 1813
for the report card, weights that will be assigned to the 1814
components of the overall grade, and the method for calculating 1815
the overall grade. 1816

(D)(1) For the 2021-2022 school year and each school year 1817
thereafter, the department shall include on a school district's 1818
or building's report card all of the following performance 1819
measures without an assigned letter grade: 1820

(a) The extent to which the district or building meets the 1821
gifted performance indicator under division (A)(2) of section 1822
3302.02 of the Revised Code; 1823

(b) The extent to which the district or building meets the 1824
chronic absenteeism indicator under division (A)(3) of section 1825
3302.02 of the Revised Code; 1826

(c) Performance index score for a district or building, 1827
according to the performance index system created by the 1828
department; 1829

(d) The overall score under the value-added progress 1830
dimension of a district or building, for which the department 1831

shall use three consecutive years of value-added data. In using 1832
three years of value-added data to calculate the measure 1833
prescribed under division (D)(1)(d) of this section, the 1834
department shall assign a weight of fifty per cent to the most 1835
recent year's data and a weight of twenty-five per cent to the 1836
data of each of the other years. However, if three consecutive 1837
years of value-added data is not available, the department shall 1838
use prior years of value-added data to calculate the measure, as 1839
follows: 1840

(i) If two consecutive years of value-added data is not 1841
available, the department shall use one year of value-added data 1842
to calculate the measure. 1843

(ii) If two consecutive years of value-added data is 1844
available, the department shall use two consecutive years of 1845
value-added data to calculate the measure. In using two years of 1846
value-added data to calculate the measure, the department shall 1847
assign a weight of sixty-seven per cent to the most recent 1848
year's data and a weight of thirty-three per cent to the data of 1849
the other year. 1850

(e) High school graduation rate. The high school 1851
graduation rate shall include both the four- and five-year 1852
adjusted cohort graduation rates. The four-year adjusted cohort 1853
graduation rate shall be assigned a weight of sixty per cent and 1854
the five-year graduation rate shall be assigned a weight of 1855
forty per cent. The department also shall report each of the 1856
four- and five-year adjusted cohort graduation rates separately. 1857

(f) The percentage of students in the district or building 1858
who score proficient or higher on the reading segment of the 1859
third grade English language arts assessment under section 1860
3301.0710 of the Revised Code. 1861

To the extent possible, the department shall include the results of the summer administration of the third grade reading assessment under section 3301.0710 of the Revised Code in the performance measures prescribed under divisions (D)(1)(f) and (g) of this section. 1862
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(g) Whether a district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The method shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading segments of the diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The method shall not include a deduction for students who did not pass the third grade English language arts assessment under section 3301.0710 of the Revised Code and were not on a reading improvement and monitoring plan. 1867
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The performance measure prescribed under division (D)(1)(g) of this section shall not be included on the report card of a district or building in which less than ten per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code. 1880
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(h) A post-secondary readiness measure. This measure shall be calculated by dividing the number of students included in the four-year adjusted graduation rate cohort who demonstrate post-secondary readiness by the total number of students included in the denominator of the four-year adjusted graduation rate cohort. Demonstration of post-secondary readiness shall include 1886
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<u>any of the following:</u>	1892
<u>(i) A remediation-free score, in accordance with standards</u>	1893
<u>adopted under division (F) of section 3345.061 of the Revised</u>	1894
<u>Code, on a nationally standardized assessment prescribed under</u>	1895
<u>division (B) (1) of section 3301.0712 of the Revised Code;</u>	1896
<u>(ii) Attaining required scores on three or more advanced</u>	1897
<u>placement or international baccalaureate examinations. The</u>	1898
<u>required score for an advanced placement examination shall be a</u>	1899
<u>three or better. The required score for an international</u>	1900
<u>baccalaureate examination shall be a four or better. A student</u>	1901
<u>may satisfy this condition with any combination of advanced</u>	1902
<u>placement or international baccalaureate examinations.</u>	1903
<u>(iii) Earning at least twelve college credits through</u>	1904
<u>advanced standing programs, such as the college credit plus</u>	1905
<u>program under Chapter 3365. of the Revised Code and state-</u>	1906
<u>approved career-technical courses offered through dual</u>	1907
<u>enrollment or statewide articulation, that appear on a student's</u>	1908
<u>college transcript issued by the institution of higher education</u>	1909
<u>from which the student earned the college credit. Earned credits</u>	1910
<u>reported under division (D) (1) (h) (iii) of this section shall</u>	1911
<u>include credits that count toward the curriculum requirements</u>	1912
<u>established for completion of a degree, but shall not include</u>	1913
<u>any remedial or developmental credits.</u>	1914
<u>(iv) Meeting the additional criteria for an honors diploma</u>	1915
<u>under division (B) of section 3313.61 of the Revised Code;</u>	1916
<u>(v) Earning an industry-recognized credential or license</u>	1917
<u>issued by a state agency or board for practice in a vocation</u>	1918
<u>that requires an examination for issuance of that license</u>	1919
<u>approved under section 3313.6113 of the Revised Code;</u>	1920

<u>(vi) Completion of a pre-apprenticeship or apprenticeship</u>	1921
<u>in the student's chosen career field;</u>	1922
<u>(vii) A score of proficient or higher on three or more</u>	1923
<u>state technical assessments aligned with section 3313.903 of the</u>	1924
<u>Revised Code in a single career pathway;</u>	1925
<u>(viii) Earning an OhioMeansJobs-readiness seal established</u>	1926
<u>under section 3313.6112 of the Revised Code and completion of</u>	1927
<u>two hundred fifty hours of an internship or other work-based</u>	1928
<u>learning experience approved by the business advisory council</u>	1929
<u>established under section 3313.82 of the Revised Code that</u>	1930
<u>represents the student's district;</u>	1931
<u>(ix) Evidence that the student has enlisted in a branch of</u>	1932
<u>the armed services of the United States as defined in section</u>	1933
<u>5910.01 of the Revised Code.</u>	1934
<u>A student who satisfies more than one of the conditions</u>	1935
<u>prescribed under this division shall be counted as one student</u>	1936
<u>for the purposes of calculating the measure prescribed under</u>	1937
<u>division (D)(1)(h) of this section.</u>	1938
<u>(2) In addition to the performance measures under division</u>	1939
<u>(D)(1) of this section, the department shall report on a</u>	1940
<u>district's or building's report card all of the following data</u>	1941
<u>without an assigned letter grade:</u>	1942
<u>(a) The applicable performance indicators established by</u>	1943
<u>the state board under division (A)(1) of section 3302.02 of the</u>	1944
<u>Revised Code;</u>	1945
<u>(b) The overall score under the value-added progress</u>	1946
<u>dimension of a district or building for the most recent school</u>	1947
<u>year;</u>	1948

(c) An average of the overall scores under the value-added progress dimension of a district or building for the three most recent school years or, if only two years of value-added data are available, for the two most recent years; 1949
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(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories: 1953
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(i) Students who are still enrolled in the district or building and receiving general education services; 1959
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(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services; 1961
1962
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(iii) Students who officially withdrew from a district or building. 1966
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The department may disaggregate the data prescribed under division (D) (2) (d) of this section according to other categories that the department determines are appropriate. 1968
1969
1970

(e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code; 1971
1972
1973

(f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card 1974
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<u>is issued, including the percentage of students who:</u>	1978
<u>(i) Enrolled in a post-secondary educational institution.</u>	1979
<u>To the extent possible, the department shall disaggregate that</u>	1980
<u>data according to whether the student enrolled in a four-year</u>	1981
<u>institution of higher education, a two-year institution of</u>	1982
<u>higher education, an Ohio technical center that provides adult</u>	1983
<u>technical education services and is recognized by the chancellor</u>	1984
<u>of higher education, or another type of post-secondary</u>	1985
<u>educational institution.</u>	1986
<u>(ii) Entered an apprenticeship program registered with the</u>	1987
<u>apprenticeship council established under Chapter 4139. of the</u>	1988
<u>Revised Code. The department may include other job training</u>	1989
<u>programs with similar rigor and outcomes.</u>	1990
<u>(iii) Attained gainful employment, as determined by the</u>	1991
<u>department;</u>	1992
<u>(iv) Enlisted in a branch of the armed forces of the</u>	1993
<u>United States, as defined in section 5910.01 of the Revised</u>	1994
<u>Code.</u>	1995
<u>(g) Whether the school district or building has</u>	1996
<u>implemented a positive behavior intervention and supports</u>	1997
<u>framework in compliance with the requirements of section 3319.46</u>	1998
<u>of the Revised Code, notated with a "yes" or "no";</u>	1999
<u>(h) The number and percentage of high school seniors in</u>	2000
<u>each school year who completed the free application for federal</u>	2001
<u>student aid.</u>	2002
<u>(3) Subject to division (D)(4) of this section, the</u>	2003
<u>department shall develop a method to assign letter grades</u>	2004
<u>described in division (F) of this section for a district or</u>	2005
<u>building for the components prescribed under division (D)(3) of</u>	2006

this section. The method shall use the performance measures 2007
prescribed under division (D) (1) of this section to calculate 2008
letter grades for components. The method may report data under 2009
division (D) (2) of this section with corresponding components, 2010
but shall not use the data to calculate grades for that 2011
component. The performance measures and reported data shall be 2012
grouped together into components as follows: 2013

(a) Equity, which shall include the performance measures 2014
in divisions (D) (1) (a) and (b) of this section. The department 2015
shall not include any subgroup data in this measure that 2016
includes data from fewer than fifteen students. In addition to 2017
other criteria determined appropriate by the department, grades 2018
for the equity component shall reflect all of the following: 2019

(i) The extent to which English learners develop English 2020
language proficiency; 2021

(ii) The extent to which subgroups are meeting graduation 2022
targets; 2023

(iii) The extent to which subgroups are meeting 2024
achievement targets in both mathematics and English language 2025
arts; 2026

(iv) The extent to which subgroups are meeting progress 2027
targets in both mathematics and English language arts calculated 2028
in the same manner as under division (D) (1) (e) of this section. 2029

(b) Achievement, which shall include the performance 2030
measure in division (D) (1) (c) of this section and the reported 2031
data in division (D) (2) (a) of this section. Grades for the 2032
achievement component shall be awarded as a percentage of the 2033
total possible points on the performance index system as created 2034
by the department. 2035

(c) Progress, which shall include the performance measure in division (D) (1) (d) of this section and the reported data in divisions (D) (2) (b) and (c) of this section; 2036
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(d) Graduation, which shall include the performance measure in division (D) (1) (e) of this section and the reported data in division (D) (2) (d) of this section; 2039
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(e) Early literacy, which shall include the performance measures in divisions (D) (1) (f) and (g) of this section and the reported data in division (D) (2) (e) of this section. If the measure prescribed under division (D) (1) (g) is included in a report card, grades for the early literacy component shall give equal weight to the measure prescribed under divisions (D) (1) (f) and (g) of this section. 2042
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(f) Prepared for success, which shall include the performance measure in division (D) (1) (h) of this section and the reported data in division (D) (2) (f) of this section. A district or building shall not receive a letter grade lower than a "C" for the prepared for success component if the district's or building's performance on the component meets or exceeds a level of improvement set by the department. Notwithstanding division (D) (4) (b) of this section, more than half of districts and buildings may earn a letter grade of "C" on this component to account for the districts and buildings that earned a letter grade of "C" because they met or exceeded the level of improvement set by the department. 2049
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(g) Under the method developed under division (D) (3) of this section, the department shall use the letter grades assigned for the components prescribed in divisions (D) (3) (a) to (f) of this section to determine and assign an overall grade of "A," "B," "C," "D," or "F" for a district or building. The 2061
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method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section, and the combined weight of the components in divisions (D) (3) (b) and (c) of this section shall be equal to the combined weight of the components in divisions (D) (3) (a), (d), (e), and (f) of this section. For a district or building with six graded components, the weight for each component shall be: 2066
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(i) For the equity component in division (D) (3) (a) of this section, a weight of twelve and one-half per cent; 2073
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(ii) For the achievement component in division (D) (3) (b) of this section, a weight of twenty-five per cent; 2075
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(iii) For the progress component in division (D) (3) (c) of this section, a weight of twenty five per cent; 2077
2078

(iv) For the graduation component in division (D) (3) (d) of this section, a weight of twelve and one-half per cent; 2079
2080

(v) For the early literacy component in division (D) (3) (e) of this section, a weight of twelve and one-half per cent; 2081
2082

(vi) For the prepared for success component in division (D) (3) (f) of this section, a weight of twelve and one-half per cent. 2083
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The data reported under division (D) (2) of this section shall not be used in the method to assign an overall grade. 2086
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(4) (a) The state board shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and grading system necessary to implement divisions (D) and (F) of this section, including the method to assign letter grades under division (D) (3) of this section. 2088
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(b) In establishing the performance criteria, benchmarks, and grading system, the state board shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders and educators from different school typology regions. The state board shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all letter grades and that, except as permitted in division (D) (3) (f) of this section, more than half of all districts or buildings do not earn the same letter grade in any component or overall grade.

(c) The state board shall adopt the rules prescribed by division (D) (4) of this section not later than March 31, 2022. However, the department shall notify districts and buildings of the changes to the report card prescribed in law not later than one week after the effective date of this section.

(d) Prior to adopting or updating rules under division (D) (4) of this section, the president of the state board and the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation describing the format for the report card and the performance criteria, benchmarks, and grading system, including the method to assign letter grades under division (D) (3) of this section.

(E) On or after July 1, 2015, the state board may develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018

school year. The district's or building's grade for that measure 2124
shall not be included in determining the district's or 2125
building's overall letter grade. 2126

~~(E)~~ (F) (1) The letter grades assigned to a school district 2127
or building under this section shall be as follows: 2128

~~(1)~~ (a) "A" for a district or school making excellent 2129
progress; 2130

~~(2)~~ (b) "B" for a district or school making above average 2131
progress; 2132

~~(3)~~ (c) "C" for a district or school making average 2133
progress; 2134

~~(4)~~ (d) "D" for a district or school making below average 2135
progress; 2136

~~(5)~~ (e) "F" for a district or school failing to meet 2137
minimum progress. 2138

(2) For the overall letter grade under division (D) (3) of 2139
this section, the department shall include a descriptor for each 2140
grade as follows: 2141

(a) "Significantly exceeds state targets" for an "A" 2142
letter grade; 2143

(b) "Exceeds state targets" for a "B" letter grade; 2144

(c) "Meets state targets" for a "C" letter grade; 2145

(d) "Meets few state targets" for a "D" letter grade; 2146

(e) "Does not meet state targets" for an "F" letter grade. 2147

(3) For letter grades for each component under divisions 2148
(D) (3) (a) to (f) of this section, the state board shall include 2149

a description of each component and letter grade. The 2150
description shall include component-specific context to each 2151
letter grade earned, estimated comparisons to other school 2152
districts and buildings if appropriate, and any other 2153
information determined by the state board. The descriptions 2154
shall be not longer than twenty-five words in length when 2155
possible. The state board may use the descriptors in division 2156
(F) (2) of this section for component letter grades. 2157

(4) Each report card shall include both of the following: 2158

(a) A graphic that depicts the letter grades of a district 2159
or school on a color scale. The color associated with the letter 2160
grade of "C" shall be green and the color associated with the 2161
letter grade of "F" shall be red. 2162

(b) An arrow graph that shows data trends for letter 2163
grades for school districts or buildings. The state board shall 2164
determine the data to be used for this graph, including the 2165
number of years of data to be used. 2166

~~(F)~~(G) When reporting data on student achievement and 2167
progress, the department shall disaggregate that data according 2168
to the following categories: 2169

(1) Performance of students by grade-level; 2170

(2) Performance of students by race and ethnic group; 2171

(3) Performance of students by gender; 2172

(4) Performance of students grouped by those who have been 2173
enrolled in a district or school for three or more years; 2174

(5) Performance of students grouped by those who have been 2175
enrolled in a district or school for more than one year and less 2176
than three years; 2177

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2178 2179
(7) Performance of students grouped by those who are economically disadvantaged;	2180 2181
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2182 2183 2184
(9) Performance of students grouped by those who are classified as English learners;	2185 2186
(10) Performance of students grouped by those who have disabilities;	2187 2188
(11) Performance of students grouped by those who are classified as migrants;	2189 2190
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	2191 2192 2193 2194 2195 2196 2197 2198 2199
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	2200 2201 2202
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the	2203 2204 2205

department shall disaggregate data on student performance 2206
according to any combinations of two or more of the categories 2207
listed in divisions ~~(F)(1)~~ (G)(1) to (13) of this section that 2208
it deems relevant. 2209

In reporting data pursuant to division ~~(F)~~ (G) of this 2210
section, the department shall not include in the report cards 2211
any data statistical in nature that is statistically unreliable 2212
or that could result in the identification of individual 2213
students. For this purpose, the department shall not report 2214
student performance data for any group identified in division 2215
~~(F)~~ (G) of this section that contains less than ten students. If 2216
the department does not report student performance data for a 2217
group because it contains less than ten students, the department 2218
shall indicate on the report card that is why data was not 2219
reported. 2220

~~(G)~~ (H) The department may include with the report cards 2221
any additional education and fiscal performance data it deems 2222
valuable. 2223

~~(H)~~ (I) The department shall include on each report card a 2224
list of additional information collected by the department that 2225
is available regarding the district or building for which the 2226
report card is issued. When available, such additional 2227
information shall include student mobility data disaggregated by 2228
race and socioeconomic status, college enrollment data, and the 2229
reports prepared under section 3302.031 of the Revised Code. 2230

The department shall maintain a site on the world wide 2231
web. The report card shall include the address of the site and 2232
shall specify that such additional information is available to 2233
the public at that site. The department shall also provide a 2234
copy of each item on the list to the superintendent of each 2235

school district. The district superintendent shall provide a 2236
copy of any item on the list to anyone who requests it. 2237

~~(I)(1)(a)~~ (J)(1)(a) Except as provided in division ~~(I)(1)~~ 2238
~~(b)~~ (J)(1)(b) of this section, for any district that sponsors a 2239
conversion community school under Chapter 3314. of the Revised 2240
Code, the department shall combine data regarding the academic 2241
performance of students enrolled in the community school with 2242
comparable data from the schools of the district for the purpose 2243
of determining the performance of the district as a whole on the 2244
report card issued for the district under this section or 2245
section 3302.033 of the Revised Code. 2246

(b) The department shall not combine data from any 2247
conversion community school that a district sponsors if a 2248
majority of the students enrolled in the conversion community 2249
school are enrolled in a dropout prevention and recovery program 2250
that is operated by the school, as described in division (A)(4) 2251
(a) of section 3314.35 of the Revised Code. The department shall 2252
include as an addendum to the district's report card the ratings 2253
and performance measures that are required under section 2254
3314.017 of the Revised Code for any community school to which 2255
division ~~(I)(1)(b)~~ (J)(1)(b) of this section applies. This 2256
addendum shall include, at a minimum, the data specified in 2257
divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of 2258
the Revised Code. 2259

(2) Any district that leases a building to a community 2260
school located in the district or that enters into an agreement 2261
with a community school located in the district whereby the 2262
district and the school endorse each other's programs may elect 2263
to have data regarding the academic performance of students 2264
enrolled in the community school combined with comparable data 2265

from the schools of the district for the purpose of determining 2266
the performance of the district as a whole on the district 2267
report card. Any district that so elects shall annually file a 2268
copy of the lease or agreement with the department. 2269

(3) Any municipal school district, as defined in section 2270
3311.71 of the Revised Code, that sponsors a community school 2271
located within the district's territory, or that enters into an 2272
agreement with a community school located within the district's 2273
territory whereby the district and the community school endorse 2274
each other's programs, may exercise either or both of the 2275
following elections: 2276

(a) To have data regarding the academic performance of 2277
students enrolled in that community school combined with 2278
comparable data from the schools of the district for the purpose 2279
of determining the performance of the district as a whole on the 2280
district's report card; 2281

(b) To have the number of students attending that 2282
community school noted separately on the district's report card. 2283

The election authorized under division ~~(I) (3) (a)~~ (J) (3) (a) 2284
of this section is subject to approval by the governing 2285
authority of the community school. 2286

Any municipal school district that exercises an election 2287
to combine or include data under division ~~(I) (3)~~ (J) (3) of this 2288
section, by the first day of October of each year, shall file 2289
with the department documentation indicating eligibility for 2290
that election, as required by the department. 2291

~~(J)~~ (K) The department shall include on each report card 2292
the percentage of teachers in the district or building who are 2293
properly certified or licensed teachers, as defined in section 2294

3319.074 of the Revised Code, and a comparison of that 2295
percentage with the percentages of such teachers in similar 2296
districts and buildings. 2297

~~(K)(1)~~ (L)(1) In calculating English language arts, 2298
mathematics, ~~or~~ science, American history, or American 2299
government assessment passage rates used to determine school 2300
district or building performance under this section, the 2301
department shall include all students taking an assessment with 2302
accommodation or to whom an alternate assessment is administered 2303
pursuant to division (C)(1) or (3) of section 3301.0711 of the 2304
Revised Code and all students who take substitute examinations 2305
approved under division (B)(4) of section 3301.0712 of the 2306
Revised Code in the subject areas of American history and 2307
American government. 2308

(2) In calculating performance index scores, rates of 2309
achievement on the performance indicators established by the 2310
state board under section 3302.02 of the Revised Code, and 2311
annual measurable objectives for determining adequate yearly 2312
progress for school districts and buildings under this section, 2313
the department shall do all of the following: 2314

(a) Include for each district or building only those 2315
students who are included in the ADM certified for the first 2316
full school week of October and are continuously enrolled in the 2317
district or building through the time of the spring 2318
administration of any assessment prescribed by division (A)(1) 2319
or (B)(1) of section 3301.0710 or division (B) of section 2320
3301.0712 of the Revised Code that is administered to the 2321
student's grade level; 2322

(b) Include cumulative totals from both the fall and 2323
spring administrations of the third grade English language arts 2324

achievement assessment and, to the extent possible, the summer 2325
administration of that assessment; 2326

(c) Except as required by the No Child Left Behind Act of 2327
2001, exclude for each district or building any English learner 2328
who has been enrolled in United States schools for less than one 2329
full school year. 2330

~~(L)~~ (M) Beginning with the 2015-2016 school year and at 2331
least once every three years thereafter, the state board of 2332
education shall review and may adjust the benchmarks for 2333
assigning letter grades to the performance measures and 2334
components prescribed under divisions (C) (3) and ~~(D)~~ (E) of this 2335
section. 2336

Sec. 3302.035. (A) Not later than October 1, 2015, and not 2337
later than the first day of October each year thereafter, the 2338
department of education shall report for each school district, 2339
each community school established under Chapter 3314., each STEM 2340
school established under Chapter 3326., and each college- 2341
preparatory boarding school established under Chapter 3328. of 2342
the Revised Code, the following measures for students with 2343
disabilities enrolled in that school district or community, 2344
STEM, or college-preparatory boarding school: 2345

(1) The value-added progress dimension score, ~~as~~ 2346
disaggregated for that subgroup ~~under division (C) (1) (f) of~~ 2347
~~section 3302.03 of the Revised Code,~~ as determined by the 2348
department; 2349

(2) The performance index score for that subgroup, as 2350
defined under division (A) of section 3302.01 of the Revised 2351
Code; 2352

(3) The four- and five-year adjusted cohort graduation 2353

rates, as defined under divisions (G) (1) and (2) of section 2354
3302.01 of the Revised Code, for that subgroup. 2355

(B) The department shall make each report completed 2356
pursuant to division (A) of this section available on its web 2357
site for comparison purposes. 2358

Sec. 3302.037. (A) Not more than thirty days after the 2359
department of education issues report cards under section 2360
3302.03 of the Revised Code, each school district and school 2361
building shall do the following: 2362

(1) Notify parents that the report card has been released 2363
and how parents can access the report card. Notification may 2364
include mailed letters, emails, newsletters, or any other 2365
proactive notification method used by districts and buildings to 2366
contact parents. 2367

(2) Include a link to the report card on the district's or 2368
school's web site. 2369

(B) Each superintendent of a school district shall present 2370
the results of the district's report card to the school district 2371
board of education not later than thirty days after the report 2372
cards are issued under section 3302.03 of the Revised Code. 2373

Sec. 3302.04. As used in divisions (A), (C), and (D) of 2374
this section, for the 2014-2015 school year, and for each school 2375
year thereafter, when a provision refers to a school district or 2376
school building in a state of academic emergency, it shall mean 2377
a district or building rated "F"; when a provision refers to a 2378
school district or school building under an academic watch, it 2379
shall mean a district or building rated "D"; and when a 2380
provision refers to a school district or school building in need 2381
of continuous improvement, it shall mean a district or building 2382

rated "C" as those letter grade ratings for overall performance 2383
are assigned under division (C) (3) or (D) (3) of section 3302.03 2384
of the Revised Code, as it exists on or after March 22, 2013. 2385

(A) The department of education shall establish a system 2386
of intensive, ongoing support for the improvement of school 2387
districts and school buildings. In accordance with the model of 2388
differentiated accountability described in section 3302.041 of 2389
the Revised Code, the system shall give priority to the 2390
following: 2391

(1) For any school year prior to the 2012-2013 school 2392
year, districts and buildings that have been declared to be 2393
under an academic watch or in a state of academic emergency 2394
under section 3302.03 of the Revised Code; 2395

(2) For the 2012-2013 school year, and for each school 2396
year thereafter, districts and buildings in the manner 2397
prescribed by any agreement currently in force between the 2398
department and the United States department of education. The 2399
department shall endeavor to include schools and buildings that 2400
receive grades under section 3302.03 of the Revised Code that 2401
the department considers to be low performing. 2402

The system shall include services provided to districts 2403
and buildings through regional service providers, such as 2404
educational service centers. The system may include the 2405
appointment of an improvement coordinator for any of the lowest 2406
performing districts, as determined by the department, to 2407
coordinate the district's academic improvement efforts and to 2408
build support among the community for those efforts. 2409

(B) This division does not apply to any school district 2410
after June 30, 2008. 2411

When a school district has been notified by the department 2412
pursuant to section 3302.03 of the Revised Code that the 2413
district or a building within the district has failed to make 2414
adequate yearly progress for two consecutive school years, the 2415
district shall develop a three-year continuous improvement plan 2416
for the district or building containing each of the following: 2417

(1) An analysis of the reasons for the failure of the 2418
district or building to meet any of the applicable performance 2419
indicators established under section 3302.02 of the Revised Code 2420
that it did not meet and an analysis of the reasons for its 2421
failure to make adequate yearly progress; 2422

(2) Specific strategies that the district or building will 2423
use to address the problems in academic achievement identified 2424
in division (B) (1) of this section; 2425

(3) Identification of the resources that the district will 2426
allocate toward improving the academic achievement of the 2427
district or building; 2428

(4) A description of any progress that the district or 2429
building made in the preceding year toward improving its 2430
academic achievement; 2431

(5) An analysis of how the district is utilizing the 2432
professional development standards adopted by the state board 2433
pursuant to section 3319.61 of the Revised Code; 2434

(6) Strategies that the district or building will use to 2435
improve the cultural competency, as defined pursuant to section 2436
3319.61 of the Revised Code, of teachers and other educators. 2437

No three-year continuous improvement plan shall be 2438
developed or adopted pursuant to this division unless at least 2439
one public hearing is held within the affected school district 2440

or building concerning the final draft of the plan. Notice of 2441
the hearing shall be given two weeks prior to the hearing by 2442
publication in one newspaper of general circulation within the 2443
territory of the affected school district or building. Copies of 2444
the plan shall be made available to the public. 2445

(C) (1) For any school year prior to the school year that 2446
begins on July 1, 2012, when a school district or building has 2447
been notified by the department pursuant to section 3302.03 of 2448
the Revised Code that the district or building is under an 2449
academic watch or in a state of academic emergency, the district 2450
or building shall be subject to any rules establishing 2451
intervention in academic watch or emergency school districts or 2452
buildings. 2453

(2) For the 2012-2013 school year, and for each school 2454
year thereafter, a district or building that meets the 2455
conditions for intervention prescribed by the agreement 2456
described in division (A) (2) of this section shall be subject to 2457
any rules establishing such intervention. 2458

(D) (1) For any school year prior to the 2012-2013 school 2459
year, within one hundred twenty days after any school district 2460
or building is declared to be in a state of academic emergency 2461
under section 3302.03 of the Revised Code, the department may 2462
initiate a site evaluation of the building or school district. 2463

(2) For the 2012-2013 school year, and for each school 2464
year thereafter, the department may initiate a site evaluation 2465
of a building or school district that meets the conditions for a 2466
site evaluation prescribed by the agreement described in 2467
division (A) (2) of this section. 2468

(3) Division (D) (3) of this section does not apply to any 2469

school district after June 30, 2008. 2470

If any school district that is declared to be in a state 2471
of academic emergency or in a state of academic watch under 2472
section 3302.03 of the Revised Code or encompasses a building 2473
that is declared to be in a state of academic emergency or in a 2474
state of academic watch fails to demonstrate to the department 2475
satisfactory improvement of the district or applicable buildings 2476
or fails to submit to the department any information required 2477
under rules established by the state board of education, prior 2478
to approving a three-year continuous improvement plan under 2479
rules established by the state board of education, the 2480
department shall conduct a site evaluation of the school 2481
district or applicable buildings to determine whether the school 2482
district is in compliance with minimum standards established by 2483
law or rule. 2484

(4) Division (D) (4) of this section does not apply to any 2485
school district after June 30, 2008. Site evaluations conducted 2486
under divisions (D) (1), (2), and (3) of this section shall 2487
include, but not be limited to, the following: 2488

(a) Determining whether teachers are assigned to subject 2489
areas for which they are licensed or certified; 2490

(b) Determining pupil-teacher ratios; 2491

(c) Examination of compliance with minimum instruction 2492
time requirements for each school day and for each school year; 2493

(d) Determining whether materials and equipment necessary 2494
to implement the curriculum approved by the school district 2495
board are available; 2496

(e) Examination of whether the teacher and principal 2497
evaluation systems comply with sections 3311.80, 3311.84, 2498

3319.02, and 3319.111 of the Revised Code;	2499
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	2500 2501 2502
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D) (2) of section 3313.97 of the Revised Code.	2503 2504 2505 2506 2507 2508
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	2509 2510 2511
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.	2512 2513 2514 2515 2516 2517 2518
(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it	2519 2520 2521 2522 2523 2524 2525 2526 2527

receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B) (3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E) (2) of this section.

(b) If the building receives funds under Title I, Part A 2558
of the "Elementary and Secondary Education Act of 1965," 20 2559
U.S.C. 6311 to 6339, from the district, offer supplemental 2560
educational services to students who are enrolled in the 2561
building and who are in the subgroup described in division (B) 2562
(3) of section 3302.01 of the Revised Code. 2563

The district shall spend a combined total of an amount 2564
equal to twenty per cent of the funds it receives under Title I, 2565
Part A of the "Elementary and Secondary Education Act of 1965," 2566
20 U.S.C. 6311 to 6339, to provide transportation for students 2567
who enroll in alternative buildings under division (E) (1) (b) or 2568
(E) (2) (a) of this section and to pay the costs of the 2569
supplemental educational services provided to students under 2570
division (E) (2) (b) of this section, unless the district can 2571
satisfy all demand for transportation and pay the costs of 2572
supplemental educational services for those students who request 2573
them with a lesser amount. In allocating funds between the 2574
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2575
this section, the district shall spend at least an amount equal 2576
to five per cent of the funds it receives under Title I, Part A 2577
of the "Elementary and Secondary Education Act of 1965," 20 2578
U.S.C. 6311 to 6339, to provide transportation for students who 2579
enroll in alternative buildings under division (E) (1) (b) or (E) 2580
(2) (a) of this section, unless the district can satisfy all 2581
demand for transportation with a lesser amount, and at least an 2582
amount equal to five per cent of the funds it receives under 2583
Title I, Part A of the "Elementary and Secondary Education Act 2584
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2585
supplemental educational services provided to students under 2586
division (E) (2) (b) of this section, unless the district can pay 2587
the costs of such services for all students requesting them with 2588

a lesser amount. If an amount equal to twenty per cent of the 2589
funds the district receives under Title I, Part A of the 2590
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2591
to 6339, is insufficient to satisfy all demand for 2592
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2593
section and to pay the costs of all of the supplemental 2594
educational services provided to students under division (E) (2) 2595
(b) of this section, the district shall grant priority over all 2596
other students in providing transportation and in paying the 2597
costs of supplemental educational services to the lowest 2598
achieving students among the subgroup described in division (B) 2599
(3) of section 3302.01 of the Revised Code. 2600

Any district that does not receive funds under Title I, 2601
Part A of the "Elementary and Secondary Education Act of 1965," 2602
20 U.S.C. 6311 to 6339, shall not be required to provide 2603
transportation to any student who enrolls in an alternative 2604
building under division (E) (2) (a) of this section or to pay the 2605
costs of supplemental educational services provided to any 2606
student under division (E) (2) (b) of this section. 2607

No student who enrolls in an alternative building under 2608
division (E) (2) (a) of this section shall be eligible for 2609
supplemental educational services under division (E) (2) (b) of 2610
this section. 2611

(3) For any school building that fails to make adequate 2612
yearly progress for four consecutive school years, the district 2613
shall continue to comply with division (E) (2) of this section 2614
and shall implement at least one of the following options with 2615
respect to the building: 2616

(a) Institute a new curriculum that is consistent with the 2617
statewide academic standards adopted pursuant to division (A) of 2618

section 3301.079 of the Revised Code;	2619
(b) Decrease the degree of authority the building has to manage its internal operations;	2620 2621
(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.	2622 2623 2624 2625
(d) Extend the length of the school day or year;	2626
(e) Replace the building principal or other key personnel;	2627
(f) Reorganize the administrative structure of the building.	2628 2629
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	2630 2631 2632 2633 2634 2635
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2636 2637
(b) Replace personnel;	2638
(c) Contract with a nonprofit or for-profit entity to operate the building;	2639 2640
(d) Turn operation of the building over to the department;	2641
(e) Other significant restructuring of the building's governance.	2642 2643
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district	2644 2645

shall continue to comply with division (E) (2) of this section 2646
and shall implement the plan developed pursuant to division (E) 2647
(4) of this section. 2648

(6) A district shall continue to comply with division (E) 2649
(1) (b) or (E) (2) of this section, whichever was most recently 2650
applicable, with respect to any building formerly subject to one 2651
of those divisions until the building makes adequate yearly 2652
progress for two consecutive school years. 2653

(F) This division applies only to school districts that 2654
have been identified for improvement by the department pursuant 2655
to the "No Child Left Behind Act of 2001." It does not apply to 2656
any such district after June 30, 2008. 2657

(1) If a school district has been identified for 2658
improvement for one school year, the district shall provide a 2659
written description of the continuous improvement plan developed 2660
by the district pursuant to division (B) of this section to the 2661
parent or guardian of each student enrolled in the district. If 2662
the district does not have a continuous improvement plan, the 2663
district shall develop such a plan in accordance with division 2664
(B) of this section and provide a written description of the 2665
plan to the parent or guardian of each student enrolled in the 2666
district. 2667

(2) If a school district has been identified for 2668
improvement for two consecutive school years, the district shall 2669
continue to implement the continuous improvement plan developed 2670
by the district pursuant to division (B) or (F) (1) of this 2671
section. 2672

(3) If a school district has been identified for 2673
improvement for three consecutive school years, the department 2674

shall take at least one of the following corrective actions with respect to the district: 2675
2676

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2677
2678
2679

(b) Direct the district to replace key district personnel; 2680

(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code; 2681
2682
2683

(d) Establish alternative forms of governance for individual school buildings within the district; 2684
2685

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education. 2686
2687

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department. 2688
2689
2690

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F) (3) of this section with respect to the district. 2691
2692
2693
2694
2695

(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F) (3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F) (3) of this section with respect to the district. 2696
2697
2698
2699
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2702

(G) The department may establish a state intervention team 2703
to evaluate all aspects of a school district or building, 2704
including management, curriculum, instructional methods, 2705
resource allocation, and scheduling. Any such intervention team 2706
shall be appointed by the department and shall include teachers 2707
and administrators recognized as outstanding in their fields. 2708
The intervention team shall make recommendations regarding 2709
methods for improving the performance of the district or 2710
building. 2711

The department shall not approve a district's request for 2712
an intervention team under division (E) (3) of this section if 2713
the department cannot adequately fund the work of the team, 2714
unless the district agrees to pay for the expenses of the team. 2715

(H) The department shall conduct individual audits of a 2716
sampling of community schools established under Chapter 3314. of 2717
the Revised Code to determine compliance with this section. 2718

(I) The state board shall adopt rules for implementing 2719
this section. 2720

Sec. 3302.05. The state board of education shall adopt 2721
rules freeing school districts from specified state mandates if 2722
one of the following applies: 2723

(A) For the 2011-2012 school year, the school district was 2724
declared to be excellent under section 3302.03 of the Revised 2725
Code, as that section existed prior to March 22, 2013, and had 2726
above expected growth in the overall value-added measure. 2727

(B) For the 2012-2013 school year, the school district 2728
received a grade of "A" for the number of performance indicators 2729
met under division (A) (1) (c) of section 3302.03 of the Revised 2730
Code and for the value-added dimension under division (A) (1) (e) 2731

of section 3302.03 of the Revised Code. 2732

(C) For the 2013-2014, 2014-2015, or 2015-2016 school 2733
year, the school district received a grade of "A" for the number 2734
of performance indicators met under division (B) (1) (c) of 2735
section 3302.03 of the Revised Code and for the value-added 2736
dimension under division (B) (1) (e) of section 3302.03 of the 2737
Revised Code. 2738

(D) For the 2016-2017 school year and for each school year 2739
thereafter, the school district received an overall grade of "A" 2740
under division (C) (3) or (D) (3) of section 3302.03 of the 2741
Revised Code. 2742

Any mandates included in the rules shall be only those 2743
statutes or rules pertaining to state education requirements. 2744
The rules shall not exempt districts from any operating standard 2745
adopted under division (D) (3) of section 3301.07 of the Revised 2746
Code. 2747

Sec. 3302.10. (A) The superintendent of public instruction 2748
shall establish an academic distress commission for any school 2749
district that meets one of the following conditions: 2750

(1) The district has received an overall grade of "F" 2751
under division (C) (3) or (D) (3) of section 3302.03 of the 2752
Revised Code for three consecutive years. 2753

(2) An academic distress commission established for the 2754
district under former section 3302.10 of the Revised Code was 2755
still in existence ~~on the effective date of this section~~ October 2756
15, 2015, and has been in existence for at least four years. 2757

(B) (1) The academic distress commission shall consist of 2758
five members as follows: 2759

(a) Three members appointed by the state superintendent, 2760
one of whom is a resident in the county in which a majority of 2761
the district's territory is located; 2762

(b) One member appointed by the president of the district 2763
board of education, who shall be a teacher employed by the 2764
district; 2765

(c) One member appointed by the mayor of the municipality 2766
in which a majority of the district's territory is located or, 2767
if no such municipality exists, by the mayor of a municipality 2768
selected by the state superintendent in which the district has 2769
territory. 2770

Appointments to the commission shall be made within thirty 2771
days after the district is notified that it is subject to this 2772
section. Members of the commission shall serve at the pleasure 2773
of their appointing authority. The state superintendent shall 2774
designate a chairperson for the commission from among the 2775
members appointed by the state superintendent. The chairperson 2776
shall call and conduct meetings, set meeting agendas, and serve 2777
as a liaison between the commission and the chief executive 2778
officer appointed under division (C) (1) of this section. 2779

(2) In the case of a school district that meets the 2780
condition in division (A) (2) of this section, the academic 2781
distress commission established for the district under former 2782
section 3302.10 of the Revised Code shall be abolished and a new 2783
academic distress commission shall be appointed for the district 2784
pursuant to division (B) (1) of this section. 2785

(C) (1) Within sixty days after the state superintendent 2786
has designated a chairperson for the academic distress 2787
commission, the commission shall appoint a chief executive 2788

officer for the district, who shall be paid by the department of	2789
education and shall serve at the pleasure of the commission. The	2790
individual appointed as chief executive officer shall have high-	2791
level management experience in the public or private sector. The	2792
chief executive officer shall exercise complete operational,	2793
managerial, and instructional control of the district, which	2794
shall include, but shall not be limited to, the following powers	2795
and duties, but the chief executive officer may delegate, in	2796
writing, specific powers or duties to the district board or	2797
district superintendent:	2798
(a) Replacing school administrators and central office	2799
staff;	2800
(b) Assigning employees to schools and approving	2801
transfers;	2802
(c) Hiring new employees;	2803
(d) Defining employee responsibilities and job	2804
descriptions;	2805
(e) Establishing employee compensation;	2806
(f) Allocating teacher class loads;	2807
(g) Conducting employee evaluations;	2808
(h) Making reductions in staff under section 3319.17,	2809
3319.171, or 3319.172 of the Revised Code;	2810
(i) Setting the school calendar;	2811
(j) Creating a budget for the district;	2812
(k) Contracting for services for the district;	2813
(l) Modifying policies and procedures established by the	2814
district board;	2815

(m) Establishing grade configurations of schools;	2816
(n) Determining the school curriculum;	2817
(o) Selecting instructional materials and assessments;	2818
(p) Setting class sizes;	2819
(q) Providing for staff professional development.	2820
(2) If an improvement coordinator was previously appointed	2821
for the district pursuant to division (A) of section 3302.04 of	2822
the Revised Code, that position shall be terminated. However,	2823
nothing in this section shall prohibit the chief executive	2824
officer from employing the same individual or other staff to	2825
perform duties or functions previously performed by the	2826
improvement coordinator.	2827
(D) The academic distress commission, in consultation with	2828
the state superintendent and the chief executive officer, shall	2829
be responsible for expanding high-quality school choice options	2830
in the district. The commission, in consultation with the state	2831
superintendent, may create an entity to act as a high-quality	2832
school accelerator for schools not operated by the district. The	2833
accelerator shall promote high-quality schools in the district,	2834
lead improvement efforts for underperforming schools, recruit	2835
high-quality sponsors for community schools, attract new high-	2836
quality schools to the district, and increase the overall	2837
capacity of schools to deliver a high-quality education for	2838
students. Any accelerator shall be an independent entity and the	2839
chief executive officer shall have no authority over the	2840
accelerator.	2841
(E) (1) Within thirty days after the chief executive	2842
officer is appointed, the chief executive officer shall convene	2843
a group of community stakeholders. The purpose of the group	2844

shall be to develop expectations for academic improvement in the 2845
district and to assist the district in building relationships 2846
with organizations in the community that can provide needed 2847
services to students. Members of the group shall include, but 2848
shall not be limited to, educators, civic and business leaders, 2849
and representatives of institutions of higher education and 2850
government service agencies. Within ninety days after the chief 2851
executive officer is appointed, the chief executive officer also 2852
shall convene a smaller group of community stakeholders for each 2853
school operated by the district to develop expectations for 2854
academic improvement in that school. The group convened for each 2855
school shall have teachers employed in the school and parents of 2856
students enrolled in the school among its members. 2857

(2) The chief executive officer shall create a plan to 2858
improve the district's academic performance. In creating the 2859
plan, the chief executive officer shall consult with the groups 2860
convened under division (E)(1) of this section. The chief 2861
executive officer also shall consider the availability of 2862
funding to ensure sustainability of the plan. The plan shall 2863
establish clear, measurable performance goals for the district 2864
and for each school operated by the district. The performance 2865
goals shall include, but not be limited to, the performance 2866
measures prescribed for report cards issued under section 2867
3302.03 of the Revised Code. Within ninety days after the chief 2868
executive officer is appointed, the chief executive officer 2869
shall submit the plan to the academic distress commission for 2870
approval. Within thirty days after the submission of the plan, 2871
the commission shall approve the plan or suggest modifications 2872
to the plan that will render it acceptable. If the commission 2873
suggests modifications, the chief executive officer may revise 2874
the plan before resubmitting it to the commission. The chief 2875

executive officer shall resubmit the plan, whether revised or 2876
not, within fifteen days after the commission suggests 2877
modifications. The commission shall approve the plan within 2878
thirty days after the plan is resubmitted. Upon approval of the 2879
plan by the commission, the chief executive officer shall 2880
implement the plan. 2881

(F) Notwithstanding any provision to the contrary in 2882
Chapter 4117. of the Revised Code, if the district board has 2883
entered into, modified, renewed, or extended a collective 2884
bargaining agreement on or after ~~the effective date of this~~ 2885
~~section~~ October 15, 2015, that contains provisions relinquishing 2886
one or more of the rights or responsibilities listed in division 2887
(C) of section 4117.08 of the Revised Code, those provisions are 2888
not enforceable and the chief executive officer and the district 2889
board shall resume holding those rights or responsibilities as 2890
if the district board had not relinquished them in that 2891
agreement until such time as both the academic distress 2892
commission ceases to exist and the district board agrees to 2893
relinquish those rights or responsibilities in a new collective 2894
bargaining agreement. For purposes of this section, "collective 2895
bargaining agreement" shall include any labor contract or 2896
agreement in effect with any applicable bargaining 2897
representative. The chief executive officer and the district 2898
board are not required to bargain on subjects reserved to the 2899
management and direction of the school district, including, but 2900
not limited to, the rights or responsibilities listed in 2901
division (C) of section 4117.08 of the Revised Code. The way in 2902
which these subjects and these rights or responsibilities may 2903
affect the wages, hours, terms and conditions of employment, or 2904
the continuation, modification, or deletion of an existing 2905
provision of a collective bargaining agreement is not subject to 2906

collective bargaining or effects bargaining under Chapter 4117. 2907
of the Revised Code. The provisions of this paragraph apply to a 2908
collective bargaining agreement entered into, modified, renewed, 2909
or extended on or after ~~the effective date of this section~~ 2910
October 15, 2015, and those provisions are deemed to be part of 2911
that agreement regardless of whether the district satisfied the 2912
conditions prescribed in division (A) of this section at the 2913
time the district entered into that agreement. If the district 2914
board relinquished one or more of the rights or responsibilities 2915
listed in division (C) of section 4117.08 of the Revised Code in 2916
a collective bargaining agreement entered into prior to ~~the~~ 2917
~~effective date of this section~~ October 15, 2015, and had resumed 2918
holding those rights or responsibilities pursuant to division 2919
(K) of former section 3302.10 of the Revised Code, as it existed 2920
prior to that date, the district board shall continue to hold 2921
those rights or responsibilities until such time as both the new 2922
academic distress commission appointed under this section ceases 2923
to exist upon completion of the transition period specified in 2924
division (N)(1) of this section and the district board agrees to 2925
relinquish those rights or responsibilities in a new collective 2926
bargaining agreement. 2927

(G) In each school year that the district is subject to 2928
this section, the following shall apply: 2929

(1) The chief executive officer shall implement the 2930
improvement plan approved under division (E)(2) of this section 2931
and shall review the plan annually to determine if changes are 2932
needed. The chief executive officer may modify the plan upon the 2933
approval of the modifications by the academic distress 2934
commission. 2935

(2) The chief executive officer may implement innovative 2936

education programs to do any of the following:	2937
(a) Address the physical and mental well-being of students and their families;	2938 2939
(b) Provide mentoring;	2940
(c) Provide job resources;	2941
(d) Disseminate higher education information;	2942
(e) Offer recreational or cultural activities;	2943
(f) Provide any other services that will contribute to a successful learning environment.	2944 2945
 The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G) (2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E) (2) of this section.	2946 2947 2948 2949 2950 2951 2952 2953
 (3) If the 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, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the following school year, shall be eligible to participate in the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of	2954 2955 2956 2957 2958 2959 2960 2961 2962 2963 2964

the Revised Code and an application for the student may be 2965
submitted during the next application period. 2966

(4) Notwithstanding anything to the contrary in the 2967
Revised Code, the chief executive officer may limit, suspend, or 2968
alter any contract with an administrator that is entered into, 2969
modified, renewed, or extended by the district board on or after 2970
~~the effective date of this section, October 15, 2015,~~ provided 2971
that the chief executive officer shall not reduce any salary or 2972
base hourly rate of pay unless such salary or base hourly rate 2973
reductions are part of a uniform plan affecting all district 2974
employees and shall not reduce any insurance benefits unless 2975
such insurance benefit reductions are also applicable generally 2976
to other employees of the district. 2977

(5) The chief executive officer shall represent the 2978
district board during any negotiations to modify, renew, or 2979
extend a collective bargaining agreement entered into by the 2980
board under Chapter 4117. of the Revised Code. 2981

(H) If the report card for the district has been issued 2982
under section 3302.03 of the Revised Code for the first school 2983
year that the district is subject to this section and the 2984
district does not meet the qualification in division (N) (1) of 2985
this section, the following shall apply: 2986

(1) The chief executive officer may reconstitute any 2987
school operated by the district. The chief executive officer 2988
shall present to the academic distress commission a plan that 2989
lists each school designated for reconstitution and explains how 2990
the chief executive officer plans to reconstitute the school. 2991
The chief executive officer may take any of the following 2992
actions to reconstitute a school: 2993

(a) Change the mission of the school or the focus of its curriculum;	2994 2995
(b) Replace the school's principal and/or administrative staff;	2996 2997
(c) Replace a majority of the school's staff, including teaching and nonteaching employees;	2998 2999
(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.	3000 3001 3002 3003
(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;	3004 3005 3006
(f) Permanently close the school.	3007
If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.	3008 3009 3010 3011 3012 3013 3014
(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after the effective date of this section <u>October 15, 2015</u> , for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a	3015 3016 3017 3018 3019 3020 3021 3022

collective bargaining agreement as subject to reopening by 3023
providing written notice to the bargaining representative. Any 3024
provisions designated for reopening by the chief executive 3025
officer shall be subject to collective bargaining as set forth 3026
in Chapter 4117. of the Revised Code. Any changes to the 3027
provisions subject to reopening shall take effect on the 3028
following first day of July or another date agreed to by the 3029
parties. The chief executive officer may reopen a collective 3030
bargaining agreement under division (H) (2) of this section as 3031
necessary to reconstitute a school under division (H) (1) of this 3032
section. 3033

(I) If the report card for the district has been issued 3034
under section 3302.03 of the Revised Code for the second school 3035
year that the district is subject to this section and the 3036
district does not meet the qualification in division (N) (1) of 3037
this section, the following shall apply: 3038

(1) The chief executive officer may exercise any of the 3039
powers authorized under division (H) of this section. 3040

(2) Notwithstanding any provision to the contrary in 3041
Chapter 4117. of the Revised Code, the chief executive officer 3042
may limit, suspend, or alter any provision of a collective 3043
bargaining agreement entered into, modified, renewed, or 3044
extended on or after ~~the effective date of this section~~ October 3045
15, 2015, provided that the chief executive officer shall not 3046
reduce any base hourly rate of pay and shall not reduce any 3047
insurance benefits. The decision to limit, suspend, or alter any 3048
provision of a collective bargaining agreement under this 3049
division is not subject to bargaining under Chapter 4117. of the 3050
Revised Code; however, the chief executive officer shall have 3051
the discretion to engage in effects bargaining on the way any 3052

such decision may affect wages, hours, or terms and conditions 3053
of employment. The chief executive officer may limit, suspend, 3054
or alter a provision of a collective bargaining agreement under 3055
division (I) (2) of this section as necessary to reconstitute a 3056
school under division (H) (1) of this section. 3057

(J) If the report card for the district has been issued 3058
under section 3302.03 of the Revised Code for the third school 3059
year that the district is subject to this section and the 3060
district does not meet the qualification in division (N) (1) of 3061
this section, the following shall apply: 3062

(1) The chief executive officer may exercise any of the 3063
powers authorized under division (H) or (I) of this section. 3064

(2) The chief executive officer may continue in effect a 3065
limitation, suspension, or alteration of a provision of a 3066
collective bargaining agreement issued under division (I) (2) of 3067
this section. Any such continuation shall be subject to the 3068
requirements and restrictions of that division. 3069

(K) If the report card for the district has been issued 3070
under section 3302.03 of the Revised Code for the fourth school 3071
year that the district is subject to this section and the 3072
district does not meet the qualification in division (N) (1) of 3073
this section, the following shall apply: 3074

(1) The chief executive officer may exercise any of the 3075
powers authorized under division (H), (I), or (J) of this 3076
section. 3077

(2) A new board of education shall be appointed for the 3078
district in accordance with section 3302.11 of the Revised Code. 3079
However, the chief executive officer shall retain complete 3080
operational, managerial, and instructional control of the 3081

district until the chief executive officer relinquishes that 3082
control to the district board under division (N) (1) of this 3083
section. 3084

(L) If the report card for the district has been issued 3085
under section 3302.03 of the Revised Code for the fifth school 3086
year, or any subsequent school year, that the district is 3087
subject to this section and the district does not meet the 3088
qualification in division (N) (1) of this section, the chief 3089
executive officer may exercise any of the powers authorized 3090
under division (H), (I), (J), or (K) (1) of this section. 3091

(M) If division (I), (J), (K), or (L) of this section 3092
applies to a district, community schools, STEM schools, 3093
chartered nonpublic schools, and other school districts that 3094
enroll students residing in the district and meet academic 3095
accountability standards shall be eligible to be paid an 3096
academic performance bonus in each fiscal year for which the 3097
general assembly appropriates funds for that purpose. The 3098
academic performance bonus is intended to give students residing 3099
in the district access to a high-quality education by 3100
encouraging high-quality schools to enroll those students. 3101

(N) (1) When a district subject to this section receives an 3102
overall grade of "C" or higher under division (C) (3) or (D) (3) 3103
of section 3302.03 of the Revised Code, the district shall begin 3104
its transition out of being subject to this section. Except as 3105
provided in division (N) (2) of this section, the transition 3106
period shall last until the district has received an overall 3107
grade higher than "F" under division (C) (3) or (D) (3) of section 3108
3302.03 of the Revised Code for two consecutive school years 3109
after the transition period begins. The overall grade of "C" or 3110
higher that qualifies the district to begin the transition 3111

period shall not count as one of the two consecutive school 3112
years. During the transition period, the conditions described in 3113
divisions (F) to (L) of this section for the school year prior 3114
to the school year in which the transition period begins shall 3115
continue to apply and the chief executive officer shall work 3116
closely with the district board and district superintendent to 3117
increase their ability to resume control of the district and 3118
sustain the district's academic improvement over time. Upon 3119
completion of the transition period, the chief executive officer 3120
shall relinquish all operational, managerial, and instructional 3121
control of the district to the district board and district 3122
superintendent and the academic distress commission shall cease 3123
to exist. 3124

(2) If the district receives an overall grade of "F" under 3125
division (C) (3) or (D) (3) of section 3302.03 of the Revised Code 3126
at any time during the transition period, the transition period 3127
shall end and the district shall be fully subject to this 3128
section again. The district shall resume being fully subject to 3129
this section at the point it began its transition out of being 3130
subject to this section and the division in divisions (H) to (L) 3131
of this section that would have applied to the district had the 3132
district not qualified to begin its transition under division 3133
(N) (1) of this section shall apply to the district. 3134

(O) If at any time there are no longer any schools 3135
operated by the district due to reconstitution or other closure 3136
of the district's schools under this section, the academic 3137
distress commission shall cease to exist and the chief executive 3138
officer shall cease to exercise any powers with respect to the 3139
district. 3140

(P) Beginning ~~on the effective date of this section~~ 3141

October 15, 2015, each collective bargaining agreement entered 3142
into by a school district board of education under Chapter 4117. 3143
of the Revised Code shall incorporate the provisions of this 3144
section. 3145

(Q) The chief executive officer, the members of the 3146
academic distress commission, the state superintendent, and any 3147
person authorized to act on behalf of or assist them shall not 3148
be personally liable or subject to any suit, judgment, or claim 3149
for damages resulting from the exercise of or failure to 3150
exercise the powers, duties, and functions granted to them in 3151
regard to their functioning under this section, but the chief 3152
executive officer, commission, state superintendent, and such 3153
other persons shall be subject to mandamus proceedings to compel 3154
performance of their duties under this section. 3155

(R) The state superintendent shall not exempt any district 3156
from this section by approving an application for an innovative 3157
education pilot program submitted by the district under section 3158
3302.07 of the Revised Code. 3159

Sec. 3302.12. (A) (1) Except as provided in divisions (C) 3160
and (D) of this section, this section applies to a school 3161
building that is ranked according to performance index score 3162
under section 3302.21 of the Revised Code in the lowest five per 3163
cent of public school buildings statewide for three consecutive 3164
years and that meets any combination of the following for three 3165
consecutive years: 3166

(a) The school building is declared to be under an 3167
academic watch or in a state of academic emergency under section 3168
3302.03 of the Revised Code; 3169

(b) The school building that has received a grade of "F" 3170

for either the value-added progress dimension under division (A) 3171
(1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the 3172
Revised Code or progress under division (D) (3) (c) of that 3173
section; 3174

(c) The school building that has received an overall grade 3175
of "F" under section 3302.03 of the Revised Code. 3176

(2) In the case of a building to which this section 3177
applies, the district board of education in control of that 3178
building shall do one of the following at the conclusion of the 3179
school year in which the building first becomes subject to this 3180
section: 3181

(a) Close the school and direct the district 3182
superintendent to reassign the students enrolled in the school 3183
to other school buildings that demonstrate higher academic 3184
achievement; 3185

(b) Contract with another school district or a nonprofit 3186
or for-profit entity with a demonstrated record of effectiveness 3187
to operate the school; 3188

(c) Replace the principal and all teaching staff of the 3189
school and, upon request from the new principal, exempt the 3190
school from all requested policies and regulations of the board 3191
regarding curriculum and instruction. The board also shall 3192
distribute funding to the school in an amount that is at least 3193
equal to the product of the per pupil amount of state and local 3194
revenues received by the district multiplied by the student 3195
population of the school. 3196

(d) Reopen the school as a conversion community school 3197
under Chapter 3314. of the Revised Code. 3198

(B) If an action taken by the board under division (A) (2) 3199

of this section causes the district to no longer maintain all 3200
grades kindergarten through twelve, as required by section 3201
3311.29 of the Revised Code, the board shall enter into a 3202
contract with another school district pursuant to section 3203
3327.04 of the Revised Code for enrollment of students in the 3204
schools of that other district to the extent necessary to comply 3205
with the requirement of section 3311.29 of the Revised Code. 3206
Notwithstanding any provision of the Revised Code to the 3207
contrary, if the board enters into and maintains a contract 3208
under section 3327.04 of the Revised Code, the district shall 3209
not be considered to have failed to comply with the requirement 3210
of section 3311.29 of the Revised Code. If, however, the 3211
district board fails to or is unable to enter into or maintain 3212
such a contract, the state board of education shall take all 3213
necessary actions to dissolve the district as provided in 3214
division (A) of section 3311.29 of the Revised Code. 3215

(C) If a particular school is required to restructure 3216
under this section and a petition with respect to that same 3217
school has been filed and verified under divisions (B) and (C) 3218
of section 3302.042 of the Revised Code, the provisions of that 3219
section and the petition filed and verified under it shall 3220
prevail over the provisions of this section and the school shall 3221
be restructured under that section. However, if division (D) (1), 3222
(2), or (3) of section 3302.042 of the Revised Code also applies 3223
to the school, the school shall be subject to restructuring 3224
under this section and not section 3302.042 of the Revised Code. 3225

If the provisions of this section conflict in any way with 3226
the requirements of federal law, federal law shall prevail over 3227
the provisions of this section. 3228

(D) If a school is restructured under this section, 3229

section 3302.042 or 3302.10 of the Revised Code, or federal law, 3230
the school shall not be required to restructure again under 3231
state law for three consecutive years after the implementation 3232
of that prior restructuring. 3233

Sec. 3302.13. (A) This section applies to any school 3234
district or community school that meets both of the following 3235
criteria, as reported on the past two consecutive report cards 3236
issued for that district or school under section 3302.03 of the 3237
Revised Code: 3238

(1) The district or school received a grade of "D" or "F" 3239
~~on~~ for either the kindergarten through third-grade literacy 3240
progress measure under division (C) (3) (e) of section 3302.03 of 3241
the Revised Code or early literacy under division (D) (3) (e) of 3242
that section. 3243

(2) Less than sixty per cent of the district's students 3244
who took the third grade English language arts assessment 3245
prescribed under section 3301.0710 of the Revised Code for that 3246
school year attained at least a proficient score on that 3247
assessment. 3248

(B) By December 31, 2016, and by the thirty-first day of 3249
each December thereafter, any school district or community 3250
school that meets the criteria set forth in division (A) of this 3251
section shall submit to the department of education a school or 3252
district reading achievement improvement plan, which shall 3253
include all requirements prescribed by the state board of 3254
education pursuant to division (C) of this section. 3255

(C) Not later than December 31, 2014, the state board 3256
shall adopt rules in accordance with Chapter 119. of the Revised 3257
Code prescribing the content of and deadlines for the reading 3258

achievement improvement plans required under division (B) of 3259
this section. The rules shall prescribe that each plan include, 3260
at a minimum, an analysis of relevant student performance data, 3261
measurable student performance goals, strategies to meet 3262
specific student needs, a staffing and professional development 3263
plan, and instructional strategies for improving literacy. 3264

(D) Any school district or community school to which this 3265
section applies shall no longer be required to submit an 3266
improvement plan pursuant to division (B) of this section when 3267
that district or school meets either of the following criteria, 3268
as reported on the most recent report card issued for that 3269
district or school under section 3302.03 of the Revised Code: 3270

(1) The district or school received a grade of "C" or 3271
higher ~~on for either~~ the kindergarten through third-grade 3272
literacy progress measure under division (C) (3) (e) of section 3273
3302.03 of the Revised Code or early literacy under division (D) 3274
(3) (e) of that section. 3275

(2) Not less than sixty per cent of the district's 3276
students who took the third grade English language arts 3277
assessment prescribed under section 3301.0710 of the Revised 3278
Code for that school year attained at least a proficient score 3279
on that assessment. 3280

(E) The department of education shall post in a prominent 3281
location on its web site all plans submitted pursuant to this 3282
section. 3283

Sec. 3302.151. (A) Notwithstanding anything to the 3284
contrary in the Revised Code, a school district that qualifies 3285
under division (D) of this section shall be exempt from all of 3286
the following: 3287

(1) The teacher qualification requirements under the 3288
third-grade reading guarantee, as prescribed under divisions (B) 3289
(3) (c) and (H) of section 3313.608 of the Revised Code. This 3290
exemption does not relieve a teacher from holding a valid Ohio 3291
license in a subject area and grade level determined appropriate 3292
by the board of education of that district. 3293

(2) The mentoring component of the Ohio teacher residency 3294
program established under division (A) (1) of section 3319.223 of 3295
the Revised Code, so long as the district utilizes a local 3296
approach to train and support new teachers; 3297

(3) Any provision of the Revised Code or rule or standard 3298
of the state board of education prescribing a minimum or maximum 3299
class size; 3300

(4) Any provision of the Revised Code or rule or standard 3301
of the state board requiring teachers to be licensed 3302
specifically in the grade level in which they are teaching, 3303
except unless otherwise prescribed by federal law. This 3304
exemption does not apply to special education teachers. Nor does 3305
this exemption relieve a teacher from holding a valid Ohio 3306
license in the subject area in which that teacher is teaching 3307
and at least some grade level determined appropriate by the 3308
district board. 3309

(B) (1) Notwithstanding anything to the contrary in the 3310
Revised Code, including sections 3319.30 and 3319.36 of the 3311
Revised Code, the superintendent of a school district that 3312
qualifies under division (D) of this section may employ an 3313
individual who is not licensed as required by sections 3319.22 3314
to 3319.30 of the Revised Code, but who is otherwise qualified 3315
based on experience, to teach classes in the district, so long 3316
as the board of education of the school district approves the 3317

individual's employment and provides mentoring and professional 3318
development opportunities to that individual, as determined 3319
necessary by the board. 3320

(2) As a condition of employment under this section, an 3321
individual shall be subject to a criminal records check as 3322
prescribed by section 3319.391 of the Revised Code. In the 3323
manner prescribed by the department of education, the individual 3324
shall submit the criminal records check to the department and 3325
shall register with the department during the period in which 3326
the individual is employed by the district. The department shall 3327
use the information submitted to enroll the individual in the 3328
retained applicant fingerprint database, established under 3329
section 109.5721 of the Revised Code, in the same manner as any 3330
teacher licensed under sections 3319.22 to 3319.31 of the 3331
Revised Code. 3332

(3) An individual employed pursuant to this division is 3333
subject to Chapter 3307. of the Revised Code. 3334

If the department receives notification of the arrest or 3335
conviction of an individual employed under division (B) of this 3336
section, the department shall promptly notify the employing 3337
district and may take any action authorized under sections 3338
3319.31 and 3319.311 of the Revised Code that it considers 3339
appropriate. No district shall employ any individual under 3340
division (B) of this section if the district learns that the 3341
individual has plead guilty to, has been found guilty by a jury 3342
or court of, or has been convicted of any of the offenses listed 3343
in division (C) of section 3319.31 of the Revised Code. 3344

(C) Notwithstanding anything to the contrary in the 3345
Revised Code, noncompliance with any of the requirements listed 3346
in divisions (A) or (B) of this section shall not disqualify a 3347

school district that qualifies under division (D) of this 3348
section from receiving funds under Chapter 3317. of the Revised 3349
Code. 3350

(D) In order for a city, local, or exempted village school 3351
district to qualify for the exemptions described in this 3352
section, the school district shall meet all of the following 3353
benchmarks on the most recent report card issued for that 3354
district under section 3302.03 of the Revised Code: 3355

(1) The district received at least eighty-five per cent of 3356
the total possible points for the performance index score 3357
calculated under division (C) (1) (b) or (D) (1) (c) of that 3358
section; 3359

(2) The district received a grade of an "A" for 3360
performance indicators met under division (C) (1) (c) of that 3361
section~~r~~. However, division (D) (2) of this section shall not 3362
apply for the 2021-2022 school year or any school year 3363
thereafter. 3364

(3) The district has a four-year adjusted cohort 3365
graduation rate of at least ninety-three per cent and a five- 3366
year adjusted cohort graduation rate of at least ninety-five per 3367
cent, as calculated under division (C) (1) (d) or (D) (1) (e) of 3368
that section. 3369

(E) A school district that meets the requirements 3370
prescribed by division (D) of this section shall be qualified 3371
for the exemptions prescribed by this section for three school 3372
years, beginning with the school year in which the qualifying 3373
report card is issued. 3374

(F) As used in this section, "license" has the same 3375
meaning as in section 3319.31 of the Revised Code. 3376

Sec. 3311.741. (A) This section applies only to a 3377
municipal school district in existence on July 1, 2012. 3378

(B) Not later than December 1, 2012, the board of 3379
education of each municipal school district to which this 3380
section applies shall submit to the superintendent of public 3381
instruction an array of measures to be used in evaluating the 3382
performance of the district. The measures shall assess at least 3383
overall student achievement, student progress over time, the 3384
achievement and progress over time of each of the applicable 3385
categories of students described in division ~~(F)~~(G) of section 3386
3302.03 of the Revised Code, and college and career readiness. 3387
The state superintendent shall approve or disapprove the 3388
measures by January 15, 2013. If the measures are disapproved, 3389
the state superintendent shall recommend modifications that will 3390
make the measures acceptable. 3391

(C) Beginning with the 2012-2013 school year, the board 3392
annually shall establish goals for improvement on each of the 3393
measures approved under division (B) of this section. The school 3394
district's performance data for the 2011-2012 school year shall 3395
be used as a baseline for determining improvement. 3396

(D) Not later than October 1, 2013, and by the first day 3397
of October each year thereafter, the board shall issue a report 3398
describing the school district's performance for the previous 3399
school year on each of the measures approved under division (B) 3400
of this section and whether the district has met each of the 3401
improvement goals established for that year under division (C) 3402
of this section. The board shall provide the report to the 3403
governor, the superintendent of public instruction, and, in 3404
accordance with section 101.68 of the Revised Code, the general 3405
assembly. 3406

(E) Not later than November 15, 2017, the superintendent 3407
of public instruction shall evaluate the school district's 3408
performance based on the measures approved under division (B) of 3409
this section and shall issue a report to the governor and 3410
general assembly. 3411

Sec. 3313.413. (A) As used in this section, "high- 3412
performing community school" means either of the following: 3413

(1) A community school established under Chapter 3314. of 3414
the Revised Code that meets the following conditions: 3415

(a) Except as provided in division (A) (1) (b) or (c) of 3416
this section, the school both: 3417

(i) Has received a grade of "A," "B," or "C" for either 3418
the performance index score under division (C) (1) (b) of section 3419
3302.03 of the Revised Code or achievement under division (D) (3) 3420
(b) of that section in each of the previous three years of 3421
operation; or has increased its performance index score under 3422
division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the 3423
Revised Code in each of the previous three years of operation; 3424
and 3425

(ii) Has received a grade of "A" or "B" for either the 3426
value-added progress dimension under division (C) (1) (e) of 3427
section 3302.03 of the Revised Code or progress under division 3428
(D) (3) (c) of that section on its most recent report card rating 3429
issued under that section. 3430

(b) If the school serves only grades kindergarten through 3431
three, the school received a grade of "A" or "B" for either 3432
making progress in improving literacy in grades kindergarten 3433
through three under division (C) (1) (g) of section 3302.03 of the 3434
Revised Code or early literacy under division (D) (3) (e) of that 3435

section on its most recent report card issued under that 3436
section. 3437

(c) If the school primarily serves students enrolled in a 3438
dropout prevention and recovery program as described in division 3439
(A) (4) (a) of section 3314.35 of the Revised Code, the school 3440
received a rating of "exceeds standards" on its most recent 3441
report card issued under section 3314.017 of the Revised Code. 3442

(2) A newly established community school that is 3443
implementing a community school model that has a track record of 3444
high-quality academic performance, as determined by the 3445
department of education. 3446

(B) When a school district board of education decides to 3447
dispose of real property it owns in its corporate capacity under 3448
section 3313.41 of the Revised Code, the board shall first offer 3449
that property to the governing authorities of all start-up 3450
community schools, the boards of trustees of any college- 3451
preparatory boarding schools, and the governing bodies of any 3452
STEM schools that are located within the territory of the 3453
district. Not later than sixty days after the district board 3454
makes the offer, interested governing authorities, boards of 3455
trustees, and governing bodies shall notify the district 3456
treasurer in writing of the intention to purchase the property. 3457

The district board shall give priority to the governing 3458
authorities of high-performing community schools that are 3459
located within the territory of the district. 3460

(1) If more than one governing authority of a high- 3461
performing community school notifies the district treasurer of 3462
its intention to purchase the property pursuant to division (B) 3463
of this section, the board shall conduct a public auction in the 3464

manner required for auctions of district property under division 3465
(A) of section 3313.41 of the Revised Code. Only the governing 3466
authorities of high-performing community schools that notified 3467
the district treasurer pursuant to division (B) of this section 3468
are eligible to bid at the auction. 3469

(2) If no governing authority of a high-performing 3470
community school notifies the district treasurer of its 3471
intention to purchase the property pursuant to division (B) of 3472
this section, the board shall then proceed with the offers from 3473
all other start-up community schools, college-preparatory 3474
boarding schools, and STEM schools made pursuant to that 3475
division. If more than one such entity notifies the district 3476
treasurer of its intention to purchase the property pursuant to 3477
division (B) of this section, the board shall conduct a public 3478
auction in the manner required for auctions of district property 3479
under division (A) of section 3313.41 of the Revised Code. Only 3480
the entities that notified the district treasurer pursuant to 3481
division (B) of this section are eligible to bid at the auction. 3482

(3) If no governing authority, board of trustees, or 3483
governing body notifies the district treasurer of its intention 3484
to purchase the property pursuant to division (B) of this 3485
section, the district may then offer the property for sale in 3486
the manner prescribed under divisions (A) to (F) of section 3487
3313.41 of the Revised Code. 3488

(C) Notwithstanding anything to the contrary in sections 3489
3313.41 and 3313.411 of the Revised Code, the purchase price of 3490
any real property sold to any of the entities in accordance with 3491
division (B) of this section shall not be more than the 3492
appraised fair market value of that property as determined in an 3493
appraisal of the property that is not more than one year old. 3494

(D) Not later than the first day of October of each year, 3495
the department of education shall post in a prominent location 3496
on its web site a list of schools that qualify as high- 3497
performing community schools for purposes of this section and 3498
section 3313.411 of the Revised Code. 3499

Sec. 3313.618. (A) In addition to the curriculum 3500
requirements specified by the board of education of a school 3501
district or governing authority of a chartered nonpublic school, 3502
each student entering ninth grade for the first time on or after 3503
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 3504
one of the following conditions or the conditions prescribed 3505
under division (B) of this section in order to qualify for a 3506
high school diploma: 3507

(1) Be remediation-free, in accordance with standards 3508
adopted under division (F) of section 3345.061 of the Revised 3509
Code, on each of the nationally standardized assessments in 3510
English, mathematics, and reading; 3511

(2) Attain a score specified under division (B) (5) (c) of 3512
section 3301.0712 of the Revised Code on the end-of-course 3513
examinations prescribed under division (B) of section 3301.0712 3514
of the Revised Code. 3515

(3) Attain a score that demonstrates workforce readiness 3516
and employability on a nationally recognized job skills 3517
assessment selected by the state board of education under 3518
division (G) of section 3301.0712 of the Revised Code and obtain 3519
either an industry-recognized credential or a license issued by 3520
a state agency or board for practice in a vocation that requires 3521
an examination for issuance of that license. 3522

For the purposes of this division, the industry-recognized 3523

credentials and licenses shall be as approved under section 3524
3313.6113 of the Revised Code. 3525

A student may choose to qualify for a high school diploma 3526
by satisfying any of the separate requirements prescribed by 3527
divisions (A) (1) to (3) of this section. If the student's school 3528
district or school does not administer the examination 3529
prescribed by one of those divisions that the student chooses to 3530
take to satisfy the requirements of this section, the school 3531
district or school may require that student to arrange for the 3532
applicable scores to be sent directly to the district or school 3533
by the company or organization that administers the examination. 3534

(B) In addition to the curriculum requirements specified 3535
by the district board or school governing authority, each 3536
student entering ninth grade for the first time on or after July 3537
1, 2019, shall satisfy the following conditions in order to 3538
qualify for a high school diploma: 3539

(1) Attain a competency score as determined under division 3540
(B) (10) of section 3301.0712 of the Revised Code on each of the 3541
Algebra I and English language arts II end-of-course 3542
examinations prescribed under division (B) (2) of section 3543
3301.0712 of the Revised Code. 3544

School districts shall offer remedial support to any 3545
student who fails to attain a competency score on one or both of 3546
the Algebra I and English language arts II end-of-course 3547
examinations. 3548

Following the first administration of the exam, if a 3549
student fails to attain a competency score on one or both of the 3550
Algebra I and English language arts II end-of-course 3551
examinations that student must retake the respective examination 3552

at least once. 3553

If a student fails to attain a competency score on a 3554
retake examination, the student may demonstrate competency in 3555
the failed subject area through one of the following options: 3556

(a) Earn course credit taken through the college credit 3557
plus program established under Chapter 3365. of the Revised Code 3558
in the failed subject area; 3559

(b) Complete two of the following options, one of which 3560
must be foundational: 3561

(i) Foundational options to demonstrate competency, which 3562
include earning a score of proficient or higher on three or more 3563
state technical assessments aligned with section 3313.903 of the 3564
Revised Code in a single career pathway, obtaining an industry- 3565
recognized credential approved under section 3313.6113 of the 3566
Revised Code or a license issued by a state agency or board for 3567
practice in a vocation that requires an examination for issuance 3568
of that license approved under that section, completing a pre- 3569
apprenticeship or apprenticeship in the student's chosen career 3570
field, or providing evidence of acceptance into an 3571
apprenticeship program after high school that is restricted to 3572
participants eighteen years of age or older; 3573

(ii) Supporting options to demonstrate competency, which 3574
include completing two hundred fifty hours of a work-based 3575
learning experience with evidence of positive evaluations, 3576
obtaining an OhioMeansJobs-readiness seal under section 3577
3313.6112 of the Revised Code, or attaining a workforce 3578
readiness score, as determined by the department of education, 3579
on the nationally recognized job skills assessment selected by 3580
the state board under division (G) of section 3301.0712 of the 3581

Revised Code.	3582
(c) Provide evidence that the student has enlisted in a	3583
branch of the armed services of the United States as defined in	3584
section 5910.01 of the Revised Code.	3585
For any students receiving special education and related	3586
services under Chapter 3323. of the Revised Code, the	3587
individualized education program developed for the student under	3588
that chapter shall specify the manner in which the student will	3589
participate in the assessments administered under this division.	3590
(2) Earn at least two of the state diploma seals	3591
prescribed under division (A) of section 3313.6114 of the	3592
Revised Code, at least one of which shall be any of the	3593
following:	3594
(a) The state seal of biliteracy established under section	3595
3313.6111 of the Revised Code;	3596
(b) The OhioMeansJobs-readiness seal established under	3597
section 3313.6112 of the Revised Code;	3598
(c) One of the state diploma seals established under	3599
divisions (C) (1) to (7) of section 3313.6114 of the Revised	3600
Code.	3601
(C) The state board of education shall not create or	3602
require any additional assessment for the granting of any type	3603
of high school diploma other than as prescribed by this section.	3604
Except as provided in sections 3313.6111, 3313.6112, and	3605
3313.6114 of the Revised Code, the state board or the	3606
superintendent of public instruction shall not create any	3607
endorsement or designation that may be affiliated with a high	3608
school diploma.	3609

Sec. 3313.6113. (A) The superintendent of public 3610
instruction, in collaboration with the governor's office of 3611
workforce transformation and representatives of business 3612
organizations, shall establish a committee to develop a list of 3613
industry-recognized credentials and licenses that may be used to 3614
qualify for a high school diploma under ~~division (A) (3) of~~ 3615
section 3313.618 of the Revised Code and shall be used for state 3616
report card purposes under section 3302.03 of the Revised Code. 3617
The state superintendent shall appoint the members of the 3618
committee not later than January 1, 2018. 3619

(B) The committee shall do the following: 3620

(1) Establish criteria for acceptable industry-recognized 3621
credentials and licenses aligned with the in-demand jobs list 3622
published by the department of job and family services; 3623

(2) Review the list of industry-recognized credentials and 3624
licenses that was in existence on January 1, 2018, and update 3625
the list as it considers necessary; 3626

(3) Review and update the list of industry-recognized 3627
credentials and licenses at least biennially; 3628

(4) Assign a point value for each industry-recognized 3629
credential and establish the total number of points for 3630
industry-recognized credentials that a student must earn to 3631
qualify for a high school diploma under sections 3313.618 and 3632
3313.6114 of the Revised Code. 3633

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 3634
(D) (1) (h) of section 3302.03 of the Revised Code, the department 3635
of education shall include only those students who earn an 3636
industry-recognized credential, or group of credentials, at 3637
least equal to the total number of points established by the 3638

committee under this section to qualify for a high school 3639
diploma. 3640

Sec. 3313.6114. (A) The state board of education shall 3641
establish a system of state diploma seals for the purposes of 3642
allowing a student to qualify for graduation under section 3643
3313.618 of the Revised Code. State diploma seals may be 3644
attached or affixed to the high school diploma of a student 3645
enrolled in a public or chartered nonpublic school. The system 3646
of state diploma seals shall consist of all of the following: 3647

(1) The state seal of biliteracy established under section 3648
3313.6111 of the Revised Code; 3649

(2) The OhioMeansJobs-readiness seal established under 3650
section 3313.6112 of the Revised Code; 3651

(3) The state diploma seals prescribed under division (C) 3652
of this section. 3653

(B) A school district, community school established under 3654
Chapter 3314. of the Revised Code, STEM school established under 3655
Chapter 3326. of the Revised Code, college-preparatory boarding 3656
school established under Chapter 3328. of the Revised Code, or 3657
chartered nonpublic school shall attach or affix the state seals 3658
prescribed under division (C) of this section to the diploma and 3659
transcript of a student enrolled in the district or school who 3660
meets the requirements established under that division. 3661

(C) The state board shall establish all of the following 3662
state diploma seals: 3663

(1) An industry-recognized credential seal. A student 3664
shall meet the requirement for this seal by ~~earning~~ doing any of 3665
the following: 3666

(a) Earning an industry-recognized credential approved 3667
under section 3313.6113 of the Revised Code that is aligned to a 3668
job that is determined to be in demand in this state and its 3669
regions under section 6301.11 of the Revised Code; 3670

(b) Obtaining a license issued by a state agency or board 3671
for practice in a vocation that requires an examination for 3672
issuance of that license approved under section 3313.6113 of the 3673
Revised Code. 3674

(2) A college-ready seal. A student shall meet the 3675
requirement for this seal by attaining a score that is 3676
remediation-free, in accordance with standards adopted under 3677
division (F) of section 3345.061 of the Revised Code, on a 3678
nationally standardized assessment prescribed under division (B) 3679
(1) of section 3301.0712 of the Revised Code. 3680

(3) A military enlistment seal. A student shall meet the 3681
requirement for this seal by doing either of the following: 3682

(a) Providing evidence that the student has enlisted in a 3683
branch of the armed services of the United States as defined in 3684
section 5910.01 of the Revised Code; 3685

(b) Participating in a junior reserve officer training 3686
program approved by the congress of the United States under 3687
title 10 of the United States Code. 3688

(4) A citizenship seal. A student shall meet the 3689
requirement for this seal by doing any of the following: 3690

(a) Demonstrating at least a proficient level of skill as 3691
prescribed under division (B) (5) (a) of section 3301.0712 of the 3692
Revised Code on both the American history and American 3693
government end-of-course examinations prescribed under division 3694
(B) (2) of section 3301.0712 of the Revised Code; 3695

(b) Attaining a score level prescribed under division (B) 3696
(5) (d) of section 3301.0712 of the Revised Code that is at least 3697
the equivalent of a proficient level of skill in appropriate 3698
advanced placement or international baccalaureate examinations 3699
in lieu of the American history and American government end-of- 3700
course examinations; 3701

(c) Attaining a final course grade that is the equivalent 3702
of a "B" or higher in appropriate courses taken through the 3703
college credit plus program established under Chapter 3365. of 3704
the Revised Code in lieu of the American history and American 3705
government end-of-course examinations. 3706

(5) A science seal. A student shall meet the requirement 3707
for this seal by doing any of the following: 3708

(a) Demonstrating at least a proficient level of skill as 3709
prescribed under division (B) (5) (a) of section 3301.0712 of the 3710
Revised Code on the science end-of-course examination prescribed 3711
under division (B) (2) of section 3301.0712 of the Revised Code; 3712

(b) Attaining a score level prescribed under division (B) 3713
(5) (d) of section 3301.0712 of the Revised Code that is at least 3714
the equivalent of a proficient level of skill in an appropriate 3715
advanced placement or international baccalaureate examination in 3716
lieu of the science end-of-course examination; 3717

(c) Attaining a final course grade that is the equivalent 3718
of a "B" or higher in an appropriate course taken through the 3719
college credit plus program established under Chapter 3365. of 3720
the Revised Code in lieu of the science end-of-course 3721
examination. 3722

(6) An honors diploma seal. A student shall meet the 3723
requirement for this seal by meeting the additional criteria for 3724

an honors diploma under division (B) of section 3313.61 of the Revised Code. 3725
3726

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following: 3727
3728

(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination; 3729
3730
3731
3732

(b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code; 3733
3734
3735
3736

(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department. 3737
3738
3739
3740
3741

(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority. 3742
3743
3744
3745

(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority. 3746
3747
3748
3749
3750

(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a 3751
3752
3753

meaningful extent, as determined by guidelines adopted by the 3754
student's district board or school governing authority. 3755

(D) Each district or school shall develop guidelines for 3756
at least one of the state seals prescribed under divisions (C) 3757
(8) to (10) of this section. 3758

(E) Each district or school shall maintain appropriate 3759
records to identify students who have met the requirements 3760
prescribed under division (C) of this section for earning the 3761
state seals established under that division. 3762

(F) The department shall prepare and deliver to each 3763
district or school an appropriate mechanism for assigning a 3764
state diploma seal established under division (C) of this 3765
section. 3766

(G) A student shall not be charged a fee to be assigned a 3767
state seal prescribed under division (C) of this section on the 3768
student's diploma and transcript. 3769

Sec. 3314.012. (A) Within ninety days of September 28, 3770
1999, the superintendent of public instruction shall appoint 3771
representatives of the department of education, including 3772
employees who work with the education management information 3773
system, to a committee to develop report card models for 3774
community schools. The committee shall design model report cards 3775
appropriate for the various types of community schools approved 3776
to operate in the state. Sufficient models shall be developed to 3777
reflect the variety of grade levels served and the missions of 3778
the state's community schools. All models shall include both 3779
financial and academic data. The initial models shall be 3780
developed by March 31, 2000. 3781

(B) Except as provided in section 3314.017 of the Revised 3782

Code, the department of education shall issue an annual report card for each community school, regardless of how long the school has been in operation. The report card shall report the academic and financial performance of the school utilizing one of the models developed under division (A) of this section. The report card shall include all information applicable to school buildings under divisions (A), (B), (C), ~~and (D)~~, and (E) of section 3302.03 of the Revised Code. The ratings a community school receives under section 3302.03 of the Revised Code for its first two full school years shall not be considered toward automatic closure of the school under section 3314.35 of the Revised Code or any other matter that is based on report card ratings.

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

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

Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code

from obtaining approval, and with which the governing authority 3813
of a community school enters into a contract under section 3814
3314.03 of the Revised Code. 3815

(2) "Pilot project area" means the school districts 3816
included in the territory of the former community school pilot 3817
project established by former Section 50.52 of Am. Sub. H.B. No. 3818
215 of the 122nd general assembly. 3819

(3) "Challenged school district" means any of the 3820
following: 3821

(a) A school district that is part of the pilot project 3822
area; 3823

(b) A school district that meets one of the following 3824
conditions: 3825

(i) On March 22, 2013, the district was in a state of 3826
academic emergency or in a state of academic watch under section 3827
3302.03 of the Revised Code, as that section existed prior to 3828
March 22, 2013; 3829

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 3830
2015-2016 school years, the district received a grade of "D" or 3831
"F" for the performance index score and a grade of "F" for the 3832
value-added progress dimension under section 3302.03 of the 3833
Revised Code; 3834

(iii) For the 2016-2017 school year and for any school 3835
year thereafter, the district has received an overall grade of 3836
"D" or "F" under division (C) (3) or (D) (3) of section 3302.03 of 3837
the Revised Code, or, for at least two of the three most recent 3838
school years, the district received a grade of "F" either for 3839
the value-added progress dimension under division (C) (1) (e) of 3840
that section or progress under division (D) (3) (c) of that 3841

<u>section.</u>	3842
(c) A big eight school district;	3843
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	3844 3845 3846
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	3847 3848
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	3849 3850 3851 3852
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	3853 3854 3855
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	3856 3857 3858 3859 3860
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	3861 3862 3863 3864
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional	3865 3866 3867 3868 3869

method that does not rely on regular classroom instruction or 3870
via comprehensive instructional methods that include internet- 3871
based, other computer-based, and noncomputer-based learning 3872
opportunities unless a student receives career-technical 3873
education under section 3314.086 of the Revised Code. 3874

A community school that operates mainly as an internet- or 3875
computer-based community school and provides career-technical 3876
education under section 3314.086 of the Revised Code shall be 3877
considered an internet- or computer-based community school, even 3878
if it provides some classroom-based instruction, so long as it 3879
provides instruction via the methods described in this division. 3880

(8) "Operator" or "management company" means either of the 3881
following: 3882

(a) An individual or organization that manages the daily 3883
operations of a community school pursuant to a contract between 3884
the operator or management company and the school's governing 3885
authority; 3886

(b) A nonprofit organization that provides programmatic 3887
oversight and support to a community school under a contract 3888
with the school's governing authority and that retains the right 3889
to terminate its affiliation with the school if the school fails 3890
to meet the organization's quality standards. 3891

(9) "Alliance municipal school district" has the same 3892
meaning as in section 3311.86 of the Revised Code. 3893

(B) (1) Any person or group of individuals may initially 3894
propose under this division the conversion of all or a portion 3895
of a public school to a community school. The proposal shall be 3896
made to the board of education of the city, local, exempted 3897
village, or joint vocational school district in which the public 3898

school is proposed to be converted. 3899

(2) Any person or group of individuals may initially 3900
propose under this division the conversion of all or a portion 3901
of a building operated by an educational service center to a 3902
community school. The proposal shall be made to the governing 3903
board of the service center. 3904

On or after July 1, 2017, except as provided in section 3905
3314.027 of the Revised Code, any educational service center 3906
that sponsors a community school shall be approved by and enter 3907
into a written agreement with the department as described in 3908
section 3314.015 of the Revised Code. 3909

(3) Upon receipt of a proposal, and after an agreement has 3910
been entered into pursuant to section 3314.015 of the Revised 3911
Code, a board may enter into a preliminary agreement with the 3912
person or group proposing the conversion of the public school or 3913
service center building, indicating the intention of the board 3914
to support the conversion to a community school. A proposing 3915
person or group that has a preliminary agreement under this 3916
division may proceed to finalize plans for the school, establish 3917
a governing authority for the school, and negotiate a contract 3918
with the board. Provided the proposing person or group adheres 3919
to the preliminary agreement and all provisions of this chapter, 3920
the board shall negotiate in good faith to enter into a contract 3921
in accordance with section 3314.03 of the Revised Code and 3922
division (C) of this section. 3923

(4) The sponsor of a conversion community school proposed 3924
to open in an alliance municipal school district shall be 3925
subject to approval by the department of education for 3926
sponsorship of that school using the criteria established under 3927
division (A) of section 3311.87 of the Revised Code. 3928

Division (B) (4) of this section does not apply to a 3929
sponsor that, on or before September 29, 2015, was exempted 3930
under section 3314.021 or 3314.027 of the Revised Code from the 3931
requirement to be approved for sponsorship under divisions (A) 3932
(2) and (B) (1) of section 3314.015 of the Revised Code. 3933

(5) A school established in accordance with division (B) 3934
of this section that later enters into a sponsorship contract 3935
with an entity that is not a school district or educational 3936
service center shall, at the time of entering into the new 3937
contract, be deemed a community school established in accordance 3938
with division (C) of this section. 3939

(C) (1) Any person or group of individuals may propose 3940
under this division the establishment of a new start-up school 3941
to be located in a challenged school district. The proposal may 3942
be made to any of the following entities: 3943

(a) The board of education of the district in which the 3944
school is proposed to be located; 3945

(b) The board of education of any joint vocational school 3946
district with territory in the county in which is located the 3947
majority of the territory of the district in which the school is 3948
proposed to be located; 3949

(c) The board of education of any other city, local, or 3950
exempted village school district having territory in the same 3951
county where the district in which the school is proposed to be 3952
located has the major portion of its territory; 3953

(d) The governing board of any educational service center, 3954
regardless of the location of the proposed school, may sponsor a 3955
new start-up school in any challenged school district in the 3956
state if all of the following are satisfied: 3957

(i) If applicable, it satisfies the requirements of	3958
division (E) of section 3311.86 of the Revised Code;	3959
(ii) It is approved to do so by the department;	3960
(iii) It enters into an agreement with the department	3961
under section 3314.015 of the Revised Code.	3962
(e) A sponsoring authority designated by the board of	3963
trustees of any of the thirteen state universities listed in	3964
section 3345.011 of the Revised Code or the board of trustees	3965
itself as long as a mission of the proposed school to be	3966
specified in the contract under division (A) (2) of section	3967
3314.03 of the Revised Code and as approved by the department	3968
under division (B) (3) of section 3314.015 of the Revised Code	3969
will be the practical demonstration of teaching methods,	3970
educational technology, or other teaching practices that are	3971
included in the curriculum of the university's teacher	3972
preparation program approved by the state board of education;	3973
(f) Any qualified tax-exempt entity under section 501(c)	3974
(3) of the Internal Revenue Code as long as all of the following	3975
conditions are satisfied:	3976
(i) The entity has been in operation for at least five	3977
years prior to applying to be a community school sponsor.	3978
(ii) The entity has assets of at least five hundred	3979
thousand dollars and a demonstrated record of financial	3980
responsibility.	3981
(iii) The department has determined that the entity is an	3982
education-oriented entity under division (B) (4) of section	3983
3314.015 of the Revised Code and the entity has a demonstrated	3984
record of successful implementation of educational programs.	3985

(iv) The entity is not a community school. 3986

(g) The mayor of a city in which the majority of the 3987
territory of a school district to which section 3311.60 of the 3988
Revised Code applies is located, regardless of whether that 3989
district has created the position of independent auditor as 3990
prescribed by that section. The mayor's sponsorship authority 3991
under this division is limited to community schools that are 3992
located in that school district. Such mayor may sponsor 3993
community schools only with the approval of the city council of 3994
that city, after establishing standards with which community 3995
schools sponsored by the mayor must comply, and after entering 3996
into a sponsor agreement with the department as prescribed under 3997
section 3314.015 of the Revised Code. The mayor shall establish 3998
the standards for community schools sponsored by the mayor not 3999
later than one hundred eighty days after July 15, 2013, and 4000
shall submit them to the department upon their establishment. 4001
The department shall approve the mayor to sponsor community 4002
schools in the district, upon receipt of an application by the 4003
mayor to do so. Not later than ninety days after the 4004
department's approval of the mayor as a community school 4005
sponsor, the department shall enter into the sponsor agreement 4006
with the mayor. 4007

Any entity described in division (C) (1) of this section 4008
may enter into a preliminary agreement pursuant to division (C) 4009
(2) of this section with the proposing person or group, provided 4010
that entity has been approved by and entered into a written 4011
agreement with the department pursuant to section 3314.015 of 4012
the Revised Code. 4013

(2) A preliminary agreement indicates the intention of an 4014
entity described in division (C) (1) of this section to sponsor 4015

the community school. A proposing person or group that has such 4016
a preliminary agreement may proceed to finalize plans for the 4017
school, establish a governing authority as described in division 4018
(E) of this section for the school, and negotiate a contract 4019
with the entity. Provided the proposing person or group adheres 4020
to the preliminary agreement and all provisions of this chapter, 4021
the entity shall negotiate in good faith to enter into a 4022
contract in accordance with section 3314.03 of the Revised Code. 4023

(3) A new start-up school that is established in a school 4024
district described in either division (A) (3) (b) or (d) of this 4025
section may continue in existence once the school district no 4026
longer meets the conditions described in either division, 4027
provided there is a valid contract between the school and a 4028
sponsor. 4029

(4) A copy of every preliminary agreement entered into 4030
under this division shall be filed with the superintendent of 4031
public instruction. 4032

(D) A majority vote of the board of a sponsoring entity 4033
and a majority vote of the members of the governing authority of 4034
a community school shall be required to adopt a contract and 4035
convert the public school or educational service center building 4036
to a community school or establish the new start-up school. 4037
Beginning September 29, 2005, adoption of the contract shall 4038
occur not later than the fifteenth day of March, and signing of 4039
the contract shall occur not later than the fifteenth day of 4040
May, prior to the school year in which the school will open. The 4041
governing authority shall notify the department of education 4042
when the contract has been signed. Subject to sections 3314.013 4043
and 3314.016 of the Revised Code, an unlimited number of 4044
community schools may be established in any school district 4045

provided that a contract is entered into for each community 4046
school pursuant to this chapter. 4047

(E) (1) As used in this division, "immediate relatives" are 4048
limited to spouses, children, parents, grandparents, and 4049
siblings, as well as in-laws residing in the same household as 4050
the person serving on the governing authority. 4051

Each new start-up community school established under this 4052
chapter shall be under the direction of a governing authority 4053
which shall consist of a board of not less than five 4054
individuals. 4055

(2) (a) No person shall serve on the governing authority or 4056
operate the community school under contract with the governing 4057
authority under any of the following circumstances: 4058

(i) The person owes the state any money or is in a dispute 4059
over whether the person owes the state any money concerning the 4060
operation of a community school that has closed. 4061

(ii) The person would otherwise be subject to division (B) 4062
of section 3319.31 of the Revised Code with respect to refusal, 4063
limitation, or revocation of a license to teach, if the person 4064
were a licensed educator. 4065

(iii) The person has pleaded guilty to or been convicted 4066
of theft in office under section 2921.41 of the Revised Code, or 4067
has pleaded guilty to or been convicted of a substantially 4068
similar offense in another state. 4069

(b) No person shall serve on the governing authority or 4070
engage in the financial day-to-day management of the community 4071
school under contract with the governing authority unless and 4072
until that person has submitted to a criminal records check in 4073
the manner prescribed by section 3319.39 of the Revised Code. 4074

(c) Each sponsor of a community school shall annually 4075
verify that a finding for recovery has not been issued by the 4076
auditor of state against any individual or individuals who 4077
propose to create a community school or any member of the 4078
governing authority, the operator, or any employee of each 4079
community school with responsibility for fiscal operations or 4080
authorization to expend money on behalf of the school. 4081

(3) No person shall serve on the governing authorities of 4082
more than five start-up community schools at the same time 4083
unless both of the following apply: 4084

(a) The person serves in a volunteer capacity and receives 4085
no compensation under division (E) (5) of this section from any 4086
governing authority on which the person serves. 4087

(b) For any school that has an operator, the operator is a 4088
nonprofit organization. 4089

(4) (a) For a community school established under this 4090
chapter that is not sponsored by a school district or an 4091
educational service center, no present or former member, or 4092
immediate relative of a present or former member, of the 4093
governing authority shall be an owner, employee, or consultant 4094
of the community school's sponsor or operator, unless at least 4095
one year has elapsed since the conclusion of the person's 4096
membership on the governing authority. 4097

(b) For a community school established under this chapter 4098
that is sponsored by a school district or an educational service 4099
center, no present or former member, or immediate relative of a 4100
present or former member, of the governing authority shall: 4101

(i) Be an officer of the district board or service center 4102
governing board that serves as the community school's sponsor, 4103

unless at least one year has elapsed since the conclusion of the 4104
person's membership on the governing authority; 4105

(ii) Serve as an employee of, or a consultant for, the 4106
department, division, or section of the sponsoring district or 4107
service center that is directly responsible for sponsoring 4108
community schools, or have supervisory authority over such a 4109
department, division, or section, unless at least one year has 4110
elapsed since the conclusion of the person's membership on the 4111
governing authority. 4112

(5) The governing authority of a start-up or conversion 4113
community school may provide by resolution for the compensation 4114
of its members. However, no individual who serves on the 4115
governing authority of a start-up or conversion community school 4116
shall be compensated more than one hundred twenty-five dollars 4117
per meeting of that governing authority and no such individual 4118
shall be compensated more than a total amount of five thousand 4119
dollars per year for all governing authorities upon which the 4120
individual serves. Each member of the governing authority may be 4121
paid compensation for attendance at an approved training 4122
program, provided that such compensation shall not exceed sixty 4123
dollars a day for attendance at a training program three hours 4124
or less in length and one hundred twenty-five dollars a day for 4125
attendance at a training program longer than three hours in 4126
length. 4127

(6) No person who is the employee of a school district or 4128
educational service center shall serve on the governing 4129
authority of any community school sponsored by that school 4130
district or service center. 4131

(7) Each member of the governing authority of a community 4132
school shall annually file a disclosure statement setting forth 4133

the names of any immediate relatives or business associates 4134
employed by any of the following within the previous three 4135
years: 4136

(a) The sponsor or operator of that community school; 4137

(b) A school district or educational service center that 4138
has contracted with that community school; 4139

(c) A vendor that is or has engaged in business with that 4140
community school. 4141

(8) No person who is a member of a school district board 4142
of education shall serve on the governing authority of any 4143
community school. 4144

(F) (1) A new start-up school that is established prior to 4145
August 15, 2003, in an urban school district that is not also a 4146
big-eight school district may continue to operate after that 4147
date and the contract between the school's governing authority 4148
and the school's sponsor may be renewed, as provided under this 4149
chapter, after that date, but no additional new start-up schools 4150
may be established in such a district unless the district is a 4151
challenged school district as defined in this section as it 4152
exists on and after that date. 4153

(2) A community school that was established prior to June 4154
29, 1999, and is located in a county contiguous to the pilot 4155
project area and in a school district that is not a challenged 4156
school district may continue to operate after that date, 4157
provided the school complies with all provisions of this 4158
chapter. The contract between the school's governing authority 4159
and the school's sponsor may be renewed, but no additional 4160
start-up community school may be established in that district 4161
unless the district is a challenged school district. 4162

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school, unless the governing board of the service center has entered into an agreement with the department authorizing the service center to sponsor a community school in any challenged school district in the state.

Sec. 3314.034. (A) Subject to division (B) of this section, any community school to which either of the following conditions apply shall be prohibited from entering into a contract with a new sponsor:

(1) The community school has received ~~a,~~ on the most recent report card issued for that school under section 3302.03 of the Revised Code, either of the following:

(a) A grade of "D" or "F" for the performance index score, under division (C) (1) (b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the state board of education, under division (C) (1) (e) of that section, ~~on the most recent report card issued for the school pursuant to that section;~~

(b) A grade of "D" or "F" for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and a grade of "D" or "F" for progress under division (D) (3) (c) of that section.

(2) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery program, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

(3) The community school has not submitted a prior request that was granted.

(4) The department grants the school's request pursuant to division (C) of this section.

(C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the state board of education, which shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community

school shall file its notice of appeal to the state board not 4221
later than ten days after receiving the decision from the 4222
department. The state board shall conduct the hearing not later 4223
than thirty days after receiving the school's notice of appeal 4224
and act upon the determination of the hearing officer not later 4225
than the twenty-fifth day of June of the year in which the 4226
school wishes to change sponsors. 4227

(D) Factors to be considered during a hearing held 4228
pursuant to division (C) of this section include, but are not 4229
limited to, the following: 4230

(1) The school's impact on the students and the community 4231
or communities it serves; 4232

(2) The quality and quantity of academic and 4233
administrative support the school receives from its current 4234
sponsor to help the school to improve; 4235

(3) The sponsor's annual evaluations of the community 4236
school under division (D) (2) of section 3314.03 of the Revised 4237
Code for the previous three years; 4238

(4) The academic performance of the school, taking into 4239
account the demographic information of the students enrolled in 4240
the school; 4241

(5) The academic performance of alternative schools that 4242
serve comparable populations of students as those served by the 4243
community school; 4244

(6) The fiscal stability of the school; 4245

(7) The results of any audits of the school by the auditor 4246
of state; 4247

(8) The length of time the school has been under the 4248

oversight of its current sponsor; 4249

(9) The number of times the school has changed sponsors 4250
prior to the current request; 4251

(10) Parent and student satisfaction rates as demonstrated 4252
by surveys, if available. 4253

Sec. 3314.05. (A) The contract between the community 4254
school and the sponsor shall specify the facilities to be used 4255
for the community school and the method of acquisition. Except 4256
as provided in divisions (B) (3) and (4) of this section, no 4257
community school shall be established in more than one school 4258
district under the same contract. 4259

(B) Division (B) of this section shall not apply to 4260
internet- or computer-based community schools. 4261

(1) A community school may be located in multiple 4262
facilities under the same contract only if the limitations on 4263
availability of space prohibit serving all the grade levels 4264
specified in the contract in a single facility or division (B) 4265
(2), (3), or (4) of this section applies to the school. The 4266
school shall not offer the same grade level classrooms in more 4267
than one facility. 4268

(2) A community school may be located in multiple 4269
facilities under the same contract and, notwithstanding division 4270
(B) (1) of this section, may assign students in the same grade 4271
level to multiple facilities, as long as all of the following 4272
apply: 4273

(a) The governing authority has entered into and maintains 4274
a contract with an operator of the type described in division 4275
(A) (8) (b) of section 3314.02 of the Revised Code. 4276

(b) The contract with that operator qualified the school 4277
to be established pursuant to division (A) of former section 4278
3314.016 of the Revised Code. 4279

(c) The school's rating under section 3302.03 of the 4280
Revised Code does not fall below a combination of any of the 4281
following for two or more consecutive years: 4282

(i) A rating of "in need of continuous improvement" under 4283
section 3302.03 of the Revised Code, as that section existed 4284
prior to March 22, 2013; 4285

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 4286
2016 school years, a rating of "C" for both the performance 4287
index score under division (A) (1) (b) or (B) (1) (b) and the value- 4288
added dimension under division (A) (1) (e) or (B) (1) (e) of section 4289
3302.03 of the Revised Code; or if the building serves only 4290
grades ten through twelve, the building received a grade of "C" 4291
for the performance index score under division (A) (1) (b) or (B) 4292
(1) (b) of section 3302.03 of the Revised Code; 4293

(iii) For the 2016-2017 school year and for any school 4294
year thereafter, an overall grade of "C" under division (C) (3) 4295
or (D) (3) of section 3302.03 of the Revised Code or an overall 4296
performance designation of "meets standards" under division (E) 4297
(3) (e) of section 3314.017 of the Revised Code. 4298

(3) A new start-up community school may be established in 4299
two school districts under the same contract if all of the 4300
following apply: 4301

(a) At least one of the school districts in which the 4302
school is established is a challenged school district; 4303

(b) The school operates not more than one facility in each 4304
school district and, in accordance with division (B) (1) of this 4305

section, the school does not offer the same grade level 4306
classrooms in both facilities; and 4307

(c) Transportation between the two facilities does not 4308
require more than thirty minutes of direct travel time as 4309
measured by school bus. 4310

In the case of a community school to which division (B) (3) 4311
of this section applies, if only one of the school districts in 4312
which the school is established is a challenged school district, 4313
that district shall be considered the school's primary location 4314
and the district in which the school is located for the purposes 4315
of division (A) (19) of section 3314.03 and divisions (C) and (H) 4316
of section 3314.06 of the Revised Code and for all other 4317
purposes of this chapter. If both of the school districts in 4318
which the school is established are challenged school districts, 4319
the school's governing authority shall designate one of those 4320
districts to be considered the school's primary location and the 4321
district in which the school is located for the purposes of 4322
those divisions and all other purposes of this chapter and shall 4323
notify the department of education of that designation. 4324

(4) A community school may be located in multiple 4325
facilities under the same contract and, notwithstanding division 4326
(B) (1) of this section, may assign students in the same grade 4327
level to multiple facilities, as long as both of the following 4328
apply: 4329

(a) The facilities are all located in the same county. 4330

(b) Either of the following conditions are satisfied: 4331

(i) The community school is sponsored by a board of 4332
education of a city, local, or exempted village school district 4333
having territory in the same county where the facilities of the 4334

community school are located; 4335

(ii) The community school is managed by an operator. 4336

In the case of a community school to which division (B) (4) 4337
of this section applies and that maintains facilities in more 4338
than one school district, the school's governing authority shall 4339
designate one of those districts to be considered the school's 4340
primary location and the district in which the school is located 4341
for the purposes of division (A) (19) of section 3314.03 and 4342
divisions (C) and (H) of section 3314.06 of the Revised Code and 4343
for all other purposes of this chapter and shall notify the 4344
department of that designation. 4345

(5) Any facility used for a community school shall meet 4346
all health and safety standards established by law for school 4347
buildings. 4348

(C) In the case where a community school is proposed to be 4349
located in a facility owned by a school district or educational 4350
service center, the facility may not be used for such community 4351
school unless the district or service center board owning the 4352
facility enters into an agreement for the community school to 4353
utilize the facility. Use of the facility may be under any terms 4354
and conditions agreed to by the district or service center board 4355
and the school. 4356

(D) Two or more separate community schools may be located 4357
in the same facility. 4358

(E) In the case of a community school that is located in 4359
multiple facilities, beginning July 1, 2012, the department 4360
shall assign a unique identification number to the school and to 4361
each facility maintained by the school. Each number shall be 4362
used for identification purposes only. Nothing in this division 4363

shall be construed to require the department to calculate the 4364
amount of funds paid under this chapter, or to compute any data 4365
required for the report cards issued under section 3314.012 of 4366
the Revised Code, for each facility separately. The department 4367
shall make all such calculations or computations for the school 4368
as a whole. 4369

Sec. 3314.35. (A) (1) Except as provided in division (A) (4) 4370
of this section, this section applies to any community school 4371
that meets one of the following criteria after July 1, 2009, but 4372
before July 1, 2011: 4373

(a) The school does not offer a grade level higher than 4374
three and has been declared to be in a state of academic 4375
emergency under section 3302.03 of the Revised Code for three of 4376
the four most recent school years. 4377

(b) The school satisfies all of the following conditions: 4378

(i) The school offers any of grade levels four to eight 4379
but does not offer a grade level higher than nine. 4380

(ii) The school has been declared to be in a state of 4381
academic emergency under section 3302.03 of the Revised Code for 4382
two of the three most recent school years. 4383

(iii) In at least two of the three most recent school 4384
years, the school showed less than one standard year of academic 4385
growth in either reading or mathematics, as determined by the 4386
department of education in accordance with rules adopted under 4387
division (A) of section 3302.021 of the Revised Code. 4388

(c) The school offers any of grade levels ten to twelve 4389
and has been declared to be in a state of academic emergency 4390
under section 3302.03 of the Revised Code for three of the four 4391
most recent school years. 4392

(2) Except as provided in division (A) (4) of this section, 4393
this section applies to any community school that meets one of 4394
the following criteria after July 1, 2011, but before July 1, 4395
2013: 4396

(a) The school does not offer a grade level higher than 4397
three and has been declared to be in a state of academic 4398
emergency under section 3302.03 of the Revised Code for two of 4399
the three most recent school years. 4400

(b) The school satisfies all of the following conditions: 4401

(i) The school offers any of grade levels four to eight 4402
but does not offer a grade level higher than nine. 4403

(ii) The school has been declared to be in a state of 4404
academic emergency under section 3302.03 of the Revised Code for 4405
two of the three most recent school years. 4406

(iii) In at least two of the three most recent school 4407
years, the school showed less than one standard year of academic 4408
growth in either reading or mathematics, as determined by the 4409
department in accordance with rules adopted under division (A) 4410
of section 3302.021 of the Revised Code. 4411

(c) The school offers any of grade levels ten to twelve 4412
and has been declared to be in a state of academic emergency 4413
under section 3302.03 of the Revised Code for two of the three 4414
most recent school years. 4415

(3) Except as provided in division (A) (4) of this section, 4416
this section applies to any community school that meets one of 4417
the following criteria on or after July 1, 2013: 4418

(a) The school does not offer a grade level higher than 4419
three and, for the three most recent school years, satisfies any 4420

of the following criteria: 4421

(i) The school has been declared to be in a state of 4422
academic emergency under section 3302.03 of the Revised Code, as 4423
it existed prior to March 22, 2013; 4424

(ii) The school has received a grade of "F" ~~in for~~ 4425
improving literacy in grades kindergarten through three under 4426
division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the 4427
Revised Code or early literacy under division (D) (3) (e) of that 4428
section; 4429

(iii) The school has received an overall grade of "F" 4430
under division (C) or (D) of section 3302.03 of the Revised 4431
Code. 4432

(b) The school offers any of grade levels four to eight 4433
but does not offer a grade level higher than nine and, for the 4434
three most recent school years, satisfies any of the following 4435
criteria: 4436

(i) The school has been declared to be in a state of 4437
academic emergency under section 3302.03 of the Revised Code, as 4438
it existed prior to March 22, 2013, and the school showed less 4439
than one standard year of academic growth in either reading or 4440
mathematics, as determined by the department in accordance with 4441
rules adopted under division (A) of section 3302.021 of the 4442
Revised Code; 4443

(ii) The school has received a grade of "F" for the 4444
performance index score under division (A) (1) (b), (B) (1) (b), or 4445
(C) (1) (b) and a grade of "F" for the value-added progress 4446
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 4447
section 3302.03 of the Revised Code; or the school has received 4448
a grade of "F" for both achievement under division (D) (3) (b) of 4449

section 3302.03 of the Revised Code and progress under division 4450
(D) (3) (c) of that section; 4451

(iii) The school has received an overall grade of "F" 4452
under division (C) or (D) and a grade of "F" for either the 4453
value-added progress dimension under division (C) (1) (e) of 4454
section 3302.03 of the Revised Code or progress under division 4455
(D) (3) (c) of that section. 4456

(c) The school offers any of grade levels ten to twelve 4457
and, for the three most recent school years, satisfies any of 4458
the following criteria: 4459

(i) The school has been declared to be in a state of 4460
academic emergency under section 3302.03 of the Revised Code, as 4461
it existed prior to March 22, 2013; 4462

(ii) The school has received a grade of "F" for either the 4463
performance index score under division (A) (1) (b), (B) (1) (b), or 4464
(C) (1) (b) of section 3302.03 of the Revised Code or achievement 4465
under division (D) (3) (b) of that section; and has not met annual 4466
measurable objectives under division (A) (1) (a), (B) (1) (a), ~~or~~ 4467
(C) (1) (a), or (D) (1) (a) of section 3302.03 of the Revised Code; 4468

(iii) The school has received an overall grade of "F" 4469
under division (C) or (D) of section 3302.03 of the Revised Code 4470
and a grade of "F" for either the value-added progress dimension 4471
under division (C) (1) (e) of section 3302.03 of the Revised Code 4472
or progress under division (D) (1) (b) of that section. 4473

For purposes of division (A) (3) of this section only, the 4474
department of education shall calculate the value-added progress 4475
dimension for a community school using assessment scores for 4476
only those students to whom the school has administered the 4477
achievement assessments prescribed by section 3301.0710 of the 4478

Revised Code for at least the two most recent school years but 4479
using value-added data from only the most recent school year. 4480

(4) This section does not apply to either of the 4481
following: 4482

(a) Any community school in which a majority of the 4483
students are enrolled in a dropout prevention and recovery 4484
program that is operated by the school. Rather, such schools 4485
shall be subject to closure only as provided in section 3314.351 4486
of the Revised Code. However, prior to July 1, 2014, a community 4487
school in which a majority of the students are enrolled in a 4488
dropout prevention and recovery program shall be exempt from 4489
this section only if it has been granted a waiver under section 4490
3314.36 of the Revised Code. 4491

(b) Any community school in which a majority of the 4492
enrolled students are children with disabilities receiving 4493
special education and related services in accordance with 4494
Chapter 3323. of the Revised Code. 4495

(B) Any community school to which this section applies 4496
shall permanently close at the conclusion of the school year in 4497
which the school first becomes subject to this section. The 4498
sponsor and governing authority of the school shall comply with 4499
all procedures for closing a community school adopted by the 4500
department under division (E) of section 3314.015 of the Revised 4501
Code. The governing authority of the school shall not enter into 4502
a contract with any other sponsor under section 3314.03 of the 4503
Revised Code after the school closes. 4504

(C) In accordance with division (B) of section 3314.012 of 4505
the Revised Code, the department shall not consider the 4506
performance ratings assigned to a community school for its first 4507

two years of operation when determining whether the school meets 4508
the criteria prescribed by division (A) (1) or (2) of this 4509
section. 4510

(D) Nothing in this section or in any other provision of 4511
the Revised Code prohibits the sponsor of a community school 4512
from exercising its option not to renew a contract for any 4513
reason or from terminating a contract prior to its expiration 4514
for any of the reasons set forth in section 3314.07 of the 4515
Revised Code. 4516

Section 2. That existing sections 3301.0710, 3301.0712, 4517
3301.0714, 3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 4518
3302.03, 3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 4519
3302.151, 3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 4520
3314.012, 3314.02, 3314.034, 3314.05, and 3314.35 of the Revised 4521
Code are hereby repealed. 4522