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132nd General Assembly  
Regular Session  
2017-2018

. B. No.

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**A BILL**

To amend sections 3301.078, 3301.079, 3301.0711, 1  
3301.0715, 3301.163, 3302.03, 3311.78, 3311.79, 2  
3311.80, 3311.84, 3313.608, 3313.814, 3317.141, 3  
3319.075, 3319.081, 3319.088, 3319.111, 4  
3319.112, 3319.22, 3319.223, 3319.283, 3319.58, 5  
3321.191, 3323.022, 3323.11, 3324.07, 3326.13, 6  
3333.0411, and 3365.07; to enact new sections 7  
3319.226 and 3319.229 and sections 3301.68, 8  
3319.361, 3324.12, and 3365.072; and to repeal 9  
sections 3319.074, 3319.114, 3319.226, and 10  
3319.229 of the Revised Code to enact the "Ohio 11  
Public School Deregulation Act" regarding the 12  
administration of preschool and primary and 13  
secondary education programs. 14

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

**Section 1.** That sections 3301.078, 3301.079, 3301.0711, 15  
3301.0715, 3301.163, 3302.03, 3311.78, 3311.79, 3311.80, 16  
3311.84, 3313.608, 3313.814, 3317.141, 3319.075, 3319.081, 17  
3319.088, 3319.111, 3319.112, 3319.22, 3319.223, 3319.283, 18  
3319.58, 3321.191, 3323.022, 3323.11, 3324.07, 3326.13, 19



3333.0411, and 3365.07 be amended and new sections 3319.226 and 20  
3319.229 and sections 3301.68, 3319.361, 3324.12, and 3365.072 21  
of the Revised Code be enacted to read as follows: 22

**Sec. 3301.078.** (A) No official or board of this state, 23  
whether appointed or elected, shall enter into any agreement or 24  
memorandum of understanding with any federal or private entity 25  
that would require the state to cede any measure of control over 26  
the development, adoption, or revision of academic content 27  
standards. 28

(B) No funds appropriated from the general revenue fund 29  
shall be used to purchase an assessment developed by the 30  
partnership for assessment of readiness for college and careers 31  
for use as the assessments prescribed under sections 3301.0710 32  
and 3301.0712 of the Revised Code. 33

(C) The department of education shall request that each 34  
assessment vendor contracted by the department provide an 35  
analysis explaining how questions on each of the assessments 36  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 37  
Code developed by that vendor are aligned to the academic 38  
content standards adopted under section 3301.079 of the Revised 39  
Code. The analysis shall be provided to all school districts and 40  
schools for all grade levels for which assessments are 41  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 42  
Code. The analysis shall be produced beginning with the 2018- 43  
2019 school year and for each school year thereafter. 44

(D) The department shall request that each assessment 45  
vendor described in division (A) of this section provide 46  
information and materials to school districts and schools for 47  
assistance with the state achievement assessments. The 48  
information and materials shall include practice assessments, 49

study guides, and other preparatory materials. The information 50  
and materials shall be distributed to districts and schools 51  
beginning with the 2018-2019 school year and for each school 52  
year thereafter. 53

**Sec. 3301.079.** (A) (1) The state board of education 54  
periodically shall adopt statewide academic standards with 55  
emphasis on coherence, focus, and essential knowledge and that 56  
are more challenging and demanding when compared to 57  
international standards for each of grades kindergarten through 58  
twelve in English language arts, mathematics, science, and 59  
social studies. 60

(a) The state board shall ensure that the standards do all 61  
of the following: 62

(i) Include the essential academic content and skills that 63  
students are expected to know and be able to do at each grade 64  
level that will allow each student to be prepared for 65  
postsecondary instruction and the workplace for success in the 66  
twenty-first century; 67

(ii) Include the development of skill sets that promote 68  
information, media, and technological literacy; 69

(iii) Include interdisciplinary, project-based, real-world 70  
learning opportunities; 71

(iv) Instill life-long learning by providing essential 72  
knowledge and skills based in the liberal arts tradition, as 73  
well as science, technology, engineering, mathematics, and 74  
career-technical education; 75

(v) Be clearly written, transparent, and understandable by 76  
parents, educators, and the general public. 77

(b) Not later than July 1, 2012, the state board shall 78  
incorporate into the social studies standards for grades four to 79  
twelve academic content regarding the original texts of the 80  
Declaration of Independence, the Northwest Ordinance, the 81  
Constitution of the United States and its amendments, with 82  
emphasis on the Bill of Rights, and the Ohio Constitution, and 83  
their original context. The state board shall revise the model 84  
curricula and achievement assessments adopted under divisions 85  
(B) and (C) of this section as necessary to reflect the 86  
additional American history and American government content. The 87  
state board shall make available a list of suggested grade- 88  
appropriate supplemental readings that place the documents 89  
prescribed by this division in their historical context, which 90  
teachers may use as a resource to assist students in reading the 91  
documents within that context. 92

(c) When the state board adopts or revises academic 93  
content standards in social studies, American history, American 94  
government, or science under division (A)(1) of this section, 95  
the state board shall develop such standards independently and 96  
not as part of a multistate consortium. 97

(2) After completing the standards required by division 98  
(A)(1) of this section, the state board shall adopt standards 99  
and model curricula for instruction in technology, financial 100  
literacy and entrepreneurship, fine arts, and foreign language 101  
for grades kindergarten through twelve. The standards shall meet 102  
the same requirements prescribed in division (A)(1)(a) of this 103  
section. 104

(3) The state board shall adopt the most recent standards 105  
developed by the national association for sport and physical 106  
education for physical education in grades kindergarten through 107

twelve or shall adopt its own standards for physical education 108  
in those grades and revise and update them periodically. 109

The department of education shall employ a full-time 110  
physical education coordinator to provide guidance and technical 111  
assistance to districts, community schools, and STEM schools in 112  
implementing the physical education standards adopted under this 113  
division. The superintendent of public instruction shall 114  
determine that the person employed as coordinator is qualified 115  
for the position, as demonstrated by possessing an adequate 116  
combination of education, license, and experience. 117

(4) Not later than December 31, 2018, the state board 118  
shall adopt standards and a model curriculum for instruction in 119  
computer science in grades kindergarten through twelve, which 120  
shall include standards for introductory and advanced computer 121  
science courses in grades nine through twelve. When developing 122  
the standards and curriculum, the state board shall consider 123  
recommendations from computer science education stakeholder 124  
groups, including teachers and representatives from higher 125  
education, industry, computer science organizations in Ohio, and 126  
national computer science organizations. 127

Any district or school may utilize the computer science 128  
standards or model curriculum or any part thereof adopted 129  
pursuant to division (A) (4) of this section. However, no 130  
district or school shall be required to utilize all or any part 131  
of the standards or curriculum. 132

(5) When academic standards have been completed for any 133  
subject area required by this section, the state board shall 134  
inform all school districts, all community schools established 135  
under Chapter 3314. of the Revised Code, all STEM schools 136  
established under Chapter 3326. of the Revised Code, and all 137

nonpublic schools required to administer the assessments 138  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 139  
Code of the content of those standards. Additionally, upon 140  
completion of any academic standards under this section, the 141  
department shall post those standards on the department's web 142  
site. 143

(B) (1) The state board shall adopt a model curriculum for 144  
instruction in each subject area for which updated academic 145  
standards are required by division (A) (1) of this section and 146  
for each of grades kindergarten through twelve that is 147  
sufficient to meet the needs of students in every community. The 148  
model curriculum shall be aligned with the standards, to ensure 149  
that the academic content and skills specified for each grade 150  
level are taught to students, and shall demonstrate vertical 151  
articulation and emphasize coherence, focus, and rigor. When any 152  
model curriculum has been completed, the state board shall 153  
inform all school districts, community schools, and STEM schools 154  
of the content of that model curriculum. 155

(2) Not later than June 30, 2013, the state board, in 156  
consultation with any office housed in the governor's office 157  
that deals with workforce development, shall adopt model 158  
curricula for grades kindergarten through twelve that embed 159  
career connection learning strategies into regular classroom 160  
instruction. 161

(3) All school districts, community schools, and STEM 162  
schools may utilize the state standards and the model curriculum 163  
established by the state board, together with other relevant 164  
resources, examples, or models to ensure that students have the 165  
opportunity to attain the academic standards. Upon request, the 166  
department shall provide technical assistance to any district, 167

community school, or STEM school in implementing the model 168  
curriculum. 169

Nothing in this section requires any school district to 170  
utilize all or any part of a model curriculum developed under 171  
this section. 172

(C) The state board shall develop achievement assessments 173  
aligned with the academic standards and model curriculum for 174  
each of the subject areas and grade levels required by divisions 175  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 176

When any achievement assessment has been completed, the 177  
state board shall inform all school districts, community 178  
schools, STEM schools, and nonpublic schools required to 179  
administer the assessment of its completion, and the department 180  
shall make the achievement assessment available to the districts 181  
and schools. 182

(D) (1) The state board shall adopt a diagnostic assessment 183  
aligned with the academic standards and model curriculum for 184  
each of grades kindergarten through two in reading, writing, and 185  
mathematics and for grade three in reading and writing. The 186  
diagnostic assessment shall be designed to measure student 187  
comprehension of academic content and mastery of related skills 188  
for the relevant subject area and grade level. Any diagnostic 189  
assessment shall not include components to identify gifted 190  
students. Blank copies of diagnostic assessments shall be public 191  
records. 192

(2) When each diagnostic assessment has been completed, 193  
the state board shall inform all school districts of its 194  
completion and the department shall make the diagnostic 195  
assessment available to the districts at no cost to the 196

district.	197
(3) School districts shall administer the diagnostic	198
assessment pursuant to section 3301.0715 of the Revised Code	199
beginning the first school year following the development of the	200
assessment.	201
However, beginning with the 2017-2018 school year, both of	202
the following shall apply:	203
(a) In the case of the diagnostic assessments for grades	204
one or two in writing or mathematics or for grade three in	205
writing, a school district shall not be required to administer	206
any such assessment, but may do so at the discretion of the	207
district board;	208
(b) In the case of any diagnostic assessment that is not	209
for the grade levels and subject areas specified in division (D)	210
(3) (a) of this section, each school district shall administer	211
the assessment in the manner prescribed by section 3301.0715 of	212
the Revised Code.	213
<u>(4) The department shall approve a list of comparable</u>	214
<u>diagnostic assessments that may be used in lieu of the</u>	215
<u>diagnostic assessment adopted by the state board for students in</u>	216
<u>kindergarten. The department shall make any approved assessment</u>	217
<u>under division (D) (4) of this section available to the districts</u>	218
<u>at no cost to the district.</u>	219
(E) The state board shall not adopt a diagnostic or	220
achievement assessment for any grade level or subject area other	221
than those specified in this section.	222
(F) Whenever the state board or the department consults	223
with persons for the purpose of drafting or reviewing any	224
standards, diagnostic assessments, achievement assessments, or	225



model curriculum required under this section, the state board or 226  
the department shall first consult with parents of students in 227  
kindergarten through twelfth grade and with active Ohio 228  
classroom teachers, other school personnel, and administrators 229  
with expertise in the appropriate subject area. Whenever 230  
practicable, the state board and department shall consult with 231  
teachers recognized as outstanding in their fields. 232

If the department contracts with more than one outside 233  
entity for the development of the achievement assessments 234  
required by this section, the department shall ensure the 235  
interchangeability of those assessments. 236

(G) Whenever the state board adopts standards or model 237  
curricula under this section, the department also shall provide 238  
information on the use of blended or digital learning in the 239  
delivery of the standards or curricula to students in accordance 240  
with division (A) (5) of this section. 241

(H) The fairness sensitivity review committee, established 242  
by rule of the state board of education, shall not allow any 243  
question on any achievement or diagnostic assessment developed 244  
under this section or any proficiency test prescribed by former 245  
section 3301.0710 of the Revised Code, as it existed prior to 246  
September 11, 2001, to include, be written to promote, or 247  
inquire as to individual moral or social values or beliefs. The 248  
decision of the committee shall be final. This section does not 249  
create a private cause of action. 250

(I) (1) (a) The English language arts academic standards 251  
review committee is hereby created to review academic content 252  
standards in the subject of English language arts. The committee 253  
shall consist of the following members: 254

(i) Three experts who are residents of this state and who 255  
primarily conduct research, provide instruction, currently work 256  
in, or possess an advanced degree in the subject area. One 257  
expert shall be appointed by each of the president of the 258  
senate, the speaker of the house of representatives, and the 259  
governor; 260

(ii) One parent or guardian appointed by the president of 261  
the senate; 262

(iii) One educator who is currently teaching in a 263  
classroom, appointed by the speaker of the house of 264  
representatives; 265

(iv) The chancellor of the Ohio board of regents, or the 266  
chancellor's designee; 267

(v) The state superintendent, or the superintendent's 268  
designee, who shall serve as the chairperson of the committee. 269

(b) The mathematics academic standards review committee is 270  
hereby created to review academic content standards in the 271  
subject of mathematics. The committee shall consist of the 272  
following members: 273

(i) Three experts who are residents of this state and who 274  
primarily conduct research, provide instruction, currently work 275  
in, or possess an advanced degree in the subject area. One 276  
expert shall be appointed by each of the president of the 277  
senate, the speaker of the house of representatives, and the 278  
governor; 279

(ii) One parent or guardian appointed by the speaker of 280  
the house of representatives; 281

(iii) One educator who is currently teaching in a 282

classroom, appointed by the president of the senate;	283
(iv) The chancellor, or the chancellor's designee;	284
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	285 286
(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members:	287 288 289 290
(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;	291 292 293 294 295 296
(ii) One parent or guardian appointed by the president of the senate;	297 298
(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;	299 300 301
(iv) The chancellor, or the chancellor's designee;	302
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	303 304
(d) The social studies academic standards review committee is hereby created to review academic content standards in the subject of social studies. The committee shall consist of the following members:	305 306 307 308
(i) Three experts who are residents of this state and who	309

primarily conduct research, provide instruction, currently work 310  
in, or possess an advanced degree in the subject area. One 311  
expert shall be appointed by each of the president of the 312  
senate, the speaker of the house of representatives, and the 313  
governor; 314

(ii) One parent or guardian appointed by the speaker of 315  
the house of representatives; 316

(iii) One educator who is currently teaching in a 317  
classroom, appointed by the president of the senate; 318

(iv) The chancellor, or the chancellor's designee; 319

(v) The state superintendent, or the superintendent's 320  
designee, who shall serve as the chairperson of the committee. 321

(2) (a) Each committee created in division (I) (1) of this 322  
section shall review the academic content standards for its 323  
respective subject area to ensure that such standards are clear, 324  
concise, and appropriate for each grade level and promote higher 325  
student performance, learning, subject matter comprehension, and 326  
improved student achievement. Each committee also shall review 327  
whether the standards for its respective subject area promote 328  
essential knowledge in the subject, lifelong learning, the 329  
liberal arts tradition, and college and career readiness and 330  
whether the standards reduce remediation. 331

(b) Each committee shall determine whether the assessments 332  
submitted to that committee under division (I) (4) of this 333  
section are appropriate for the committee's respective subject 334  
area and meet the academic content standards adopted under this 335  
section and community expectations. 336

(3) The department of education shall provide 337  
administrative support for each committee created in division 338

(I) (1) of this section. Members of each committee shall be 339  
reimbursed for reasonable and necessary expenses related to the 340  
operations of the committee. Members of each committee shall 341  
serve at the pleasure of the appointing authority. 342

(4) Notwithstanding anything to the contrary in division 343  
(O) of section 3301.0711 of the Revised Code, the department 344  
shall submit to the appropriate committee created under division 345  
(I) (1) of this section copies of the questions and corresponding 346  
answers on the relevant assessments required by section 347  
3301.0710 of the Revised Code on the first day of July following 348  
the school year that the assessments were administered. The 349  
department shall provide each committee with the entire content 350  
of each relevant assessment, including corresponding answers. 351

The assessments received by the committees are not public 352  
records of the committees and are not subject to release by the 353  
committees to any other person or entity under section 149.43 of 354  
the Revised Code. However, the assessments shall become public 355  
records in accordance with division (O) of section 3301.0711 of 356  
the Revised Code. 357

(J) Not later than sixty days prior to the adoption by the 358  
state board of updated academic standards under division (A) (1) 359  
of this section or updated model curricula under division (B) (1) 360  
of this section, the superintendent of public instruction shall 361  
present the academic standards or model curricula, as 362  
applicable, in person at a public hearing of the respective 363  
committees of the house of representatives and senate that 364  
consider education legislation. 365

(K) As used in this section: 366

(1) "Blended learning" means the delivery of instruction 367

in a combination of time in a supervised physical location away 368  
from home and online delivery whereby the student has some 369  
element of control over time, place, path, or pace of learning. 370

(2) "Coherence" means a reflection of the structure of the 371  
discipline being taught. 372

(3) "Digital learning" means learning facilitated by 373  
technology that gives students some element of control over 374  
time, place, path, or pace of learning. 375

(4) "Focus" means limiting the number of items included in 376  
a curriculum to allow for deeper exploration of the subject 377  
matter. 378

(5) "Vertical articulation" means key academic concepts 379  
and skills associated with mastery in particular content areas 380  
should be articulated and reinforced in a developmentally 381  
appropriate manner at each grade level so that over time 382  
students acquire a depth of knowledge and understanding in the 383  
core academic disciplines. 384

**Sec. 3301.0711.** (A) The department of education shall: 385

(1) Annually furnish to, grade, and score all assessments 386  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 387  
the Revised Code to be administered by city, local, exempted 388  
village, and joint vocational school districts, except that each 389  
district shall score any assessment administered pursuant to 390  
division (B) (10) of this section. Each assessment so furnished 391  
shall include the data verification code of the student to whom 392  
the assessment will be administered, as assigned pursuant to 393  
division (D) (2) of section 3301.0714 of the Revised Code. In 394  
furnishing the practice versions of Ohio graduation tests 395  
prescribed by division (D) of section 3301.0710 of the Revised 396

Code, the department shall make the tests available on its web 397  
site for reproduction by districts. In awarding contracts for 398  
grading assessments, the department shall give preference to 399  
Ohio-based entities employing Ohio residents. 400

(2) Adopt rules for the ethical use of assessments and 401  
prescribing the manner in which the assessments prescribed by 402  
section 3301.0710 of the Revised Code shall be administered to 403  
students. 404

(B) Except as provided in divisions (C) and (J) of this 405  
section, the board of education of each city, local, and 406  
exempted village school district shall, in accordance with rules 407  
adopted under division (A) of this section: 408

(1) Administer the English language arts assessments 409  
prescribed under division (A) (1) (a) of section 3301.0710 of the 410  
Revised Code twice annually to all students in the third grade 411  
who have not attained the score designated for that assessment 412  
under division (A) (2) (c) of section 3301.0710 of the Revised 413  
Code. 414

(2) Administer the mathematics assessment prescribed under 415  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 416  
least once annually to all students in the third grade. 417

(3) Administer the assessments prescribed under division 418  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 419  
annually to all students in the fourth grade. 420

(4) Administer the assessments prescribed under division 421  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 422  
annually to all students in the fifth grade. 423

(5) Administer the assessments prescribed under division 424  
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 425

annually to all students in the sixth grade.	426
(6) Administer the assessments prescribed under division	427
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	428
annually to all students in the seventh grade.	429
(7) Administer the assessments prescribed under division	430
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	431
annually to all students in the eighth grade.	432
(8) Except as provided in division (B) (9) of this section,	433
administer any assessment prescribed under division (B) (1) of	434
section 3301.0710 of the Revised Code as follows:	435
(a) At least once annually to all tenth grade students and	436
at least twice annually to all students in eleventh or twelfth	437
grade who have not yet attained the score on that assessment	438
designated under that division;	439
(b) To any person who has successfully completed the	440
curriculum in any high school or the individualized education	441
program developed for the person by any high school pursuant to	442
section 3323.08 of the Revised Code but has not received a high	443
school diploma and who requests to take such assessment, at any	444
time such assessment is administered in the district.	445
(9) In lieu of the board of education of any city, local,	446
or exempted village school district in which the student is also	447
enrolled, the board of a joint vocational school district shall	448
administer any assessment prescribed under division (B) (1) of	449
section 3301.0710 of the Revised Code at least twice annually to	450
any student enrolled in the joint vocational school district who	451
has not yet attained the score on that assessment designated	452
under that division. A board of a joint vocational school	453
district may also administer such an assessment to any student	454



described in division (B) (8) (b) of this section. 455

(10) If the district has a three-year average graduation 456  
rate of not more than seventy-five per cent, administer each 457  
assessment prescribed by division (D) of section 3301.0710 of 458  
the Revised Code in September to all ninth grade students who 459  
entered ninth grade prior to July 1, 2014. 460

Except as provided in section 3313.614 of the Revised Code 461  
for administration of an assessment to a person who has 462  
fulfilled the curriculum requirement for a high school diploma 463  
but has not passed one or more of the required assessments, the 464  
assessments prescribed under division (B) (1) of section 465  
3301.0710 of the Revised Code shall not be administered after 466  
the date specified in the rules adopted by the state board of 467  
education under division (D) (1) of section 3301.0712 of the 468  
Revised Code. 469

(11) (a) Except as provided in division (B) (11) (b) of this 470  
section, administer the assessments prescribed by division (B) 471  
(2) of section 3301.0710 and section 3301.0712 of the Revised 472  
Code in accordance with the timeline and plan for implementation 473  
of those assessments prescribed by rule of the state board 474  
adopted under division (D) (1) of section 3301.0712 of the 475  
Revised Code; 476

(b) A student who has presented evidence to the district 477  
or school of having satisfied the condition prescribed by 478  
division (A) (1) of section 3313.618 of the Revised Code to 479  
qualify for a high school diploma prior to the date of the 480  
administration of the assessment prescribed under division (B) 481  
(1) of section 3301.0712 of the Revised Code shall not be 482  
required to take that assessment. However, no board shall 483  
prohibit a student who is not required to take such assessment 484

from taking the assessment. 485

(C) (1) (a) In the case of a student receiving special 486  
education services under Chapter 3323. of the Revised Code, the 487  
individualized education program developed for the student under 488  
that chapter shall specify the manner in which the student will 489  
participate in the assessments administered under this section, 490  
except that a student with significant cognitive disabilities to 491  
whom an alternate assessment is administered in accordance with 492  
division (C) (1) of this section and a student determined to have 493  
a disability that includes an intellectual disability as 494  
outlined in guidance issued by the department shall not be 495  
required to take the assessment prescribed under division (B) (1) 496  
of section 3301.0712 of the Revised Code. The individualized 497  
education program may excuse the student from taking any 498  
particular assessment required to be administered under this 499  
section if it instead specifies an alternate assessment method 500  
approved by the department of education as conforming to 501  
requirements of federal law for receipt of federal funds for 502  
disadvantaged pupils. To the extent possible, the individualized 503  
education program shall not excuse the student from taking an 504  
assessment unless no reasonable accommodation can be made to 505  
enable the student to take the assessment. No board shall 506  
prohibit a student who is not required to take an assessment 507  
under division (C) (1) of this section from taking the 508  
assessment. 509

(b) Any alternate assessment approved by the department 510  
for a student under this division shall produce measurable 511  
results comparable to those produced by the assessment it 512  
replaces in order to allow for the student's results to be 513  
included in the data compiled for a school district or building 514  
under section 3302.03 of the Revised Code. 515

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

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

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

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

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

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

(a) Any limited English proficient student who has been  
enrolled in United States schools for less than two years and  
for whom no appropriate accommodations are available based on  
guidance issued by the department shall not be required to take  
the assessment prescribed under division (B) (1) of section  
3301.0712 of the Revised Code.

(b) Any limited English proficient student who has been  
enrolled in United States schools for less than one full school  
year shall not be required to take any reading, writing, or  
English language arts assessment.

However, no board shall prohibit a limited English  
proficient student who is not required to take an assessment  
under division (C) (3) of this section from taking the  
assessment. A board may permit any limited English proficient  
student to take an assessment required to be administered under  
this section with appropriate accommodations, as determined by  
the department. For each limited English proficient student,  
each school district shall annually assess that student's  
progress in learning English, in accordance with procedures  
approved by the department.

(4) (a) The governing authority of a chartered nonpublic  
school may excuse a limited English proficient student from  
taking any assessment administered under this section.

(b) No governing authority shall require a limited English  
proficient student who has been enrolled in United States

schools for less than two years and for whom no appropriate 575  
accommodations are available based on guidance issued by the 576  
department to take the assessment prescribed under division (B) 577  
(1) of section 3301.0712 of the Revised Code. 578

(c) No governing authority shall prohibit a limited 579  
English proficient student from taking an assessment from which 580  
the student was excused under division (C) (4) of this section. 581

(D) (1) In the school year next succeeding the school year 582  
in which the assessments prescribed by division (A) (1) or (B) (1) 583  
of section 3301.0710 of the Revised Code or former division (A) 584  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 585  
it existed prior to September 11, 2001, are administered to any 586  
student, the board of education of any school district in which 587  
the student is enrolled in that year shall provide to the 588  
student intervention services commensurate with the student's 589  
performance, including any intensive intervention required under 590  
section 3313.608 of the Revised Code, in any skill in which the 591  
student failed to demonstrate at least a score at the proficient 592  
level on the assessment. 593

(2) Following any administration of the assessments 594  
prescribed by division (D) of section 3301.0710 of the Revised 595  
Code to ninth grade students, each school district that has a 596  
three-year average graduation rate of not more than seventy-five 597  
per cent shall determine for each high school in the district 598  
whether the school shall be required to provide intervention 599  
services to any students who took the assessments. In 600  
determining which high schools shall provide intervention 601  
services based on the resources available, the district shall 602  
consider each school's graduation rate and scores on the 603  
practice assessments. The district also shall consider the 604

scores received by ninth grade students on the English language 605  
arts and mathematics assessments prescribed under division (A) 606  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 607  
grade in determining which high schools shall provide 608  
intervention services. 609

Each high school selected to provide intervention services 610  
under this division shall provide intervention services to any 611  
student whose results indicate that the student is failing to 612  
make satisfactory progress toward being able to attain scores at 613  
the proficient level on the Ohio graduation tests. Intervention 614  
services shall be provided in any skill in which a student 615  
demonstrates unsatisfactory progress and shall be commensurate 616  
with the student's performance. Schools shall provide the 617  
intervention services prior to the end of the school year, 618  
during the summer following the ninth grade, in the next 619  
succeeding school year, or at any combination of those times. 620

(E) Except as provided in section 3313.608 of the Revised 621  
Code and division (N) of this section, no school district board 622  
of education shall utilize any student's failure to attain a 623  
specified score on an assessment administered under this section 624  
as a factor in any decision to deny the student promotion to a 625  
higher grade level. However, a district board may choose not to 626  
promote to the next grade level any student who does not take an 627  
assessment administered under this section or make up an 628  
assessment as provided by division (C) (2) of this section and 629  
who is not exempt from the requirement to take the assessment 630  
under division (C) (3) of this section. 631

(F) No person shall be charged a fee for taking any 632  
assessment administered under this section. 633

(G) (1) Each school district board shall designate one 634

location for the collection of assessments administered in the 635  
spring under division (B) (1) of this section and those 636  
administered under divisions (B) (2) to (7) of this section. Each 637  
district board shall submit the assessments to the entity with 638  
which the department contracts for the scoring of the 639  
assessments as follows: 640

(a) If the district's total enrollment in grades 641  
kindergarten through twelve during the first full school week of 642  
October was less than two thousand five hundred, not later than 643  
the Friday after all of the assessments have been administered; 644

(b) If the district's total enrollment in grades 645  
kindergarten through twelve during the first full school week of 646  
October was two thousand five hundred or more, but less than 647  
seven thousand, not later than the Monday after all of the 648  
assessments have been administered; 649

(c) If the district's total enrollment in grades 650  
kindergarten through twelve during the first full school week of 651  
October was seven thousand or more, not later than the Tuesday 652  
after all of the assessments have been administered. 653

However, any assessment that a student takes during the 654  
make-up period described in division (C) (2) of this section 655  
shall be submitted not later than the Friday following the day 656  
the student takes the assessment. 657

(2) The department or an entity with which the department 658  
contracts for the scoring of the assessment shall send to each 659  
school district board a list of the individual scores of all 660  
persons taking a state achievement assessment as follows: 661

(a) Except as provided in division (G) (2) (b) or (c) of 662  
this section, within forty-five days after the administration of 663

the assessments prescribed by sections 3301.0710 and 3301.0712 664  
of the Revised Code, but in no case shall the scores be returned 665  
later than the thirtieth day of June following the 666  
administration; 667

(b) In the case of the third-grade English language arts 668  
assessment, within forty-five days after the administration of 669  
that assessment, but in no case shall the scores be returned 670  
later than the fifteenth day of June following the 671  
administration; 672

(c) In the case of the writing component of an assessment 673  
or end-of-course examination in the area of English language 674  
arts, except for the third-grade English language arts 675  
assessment, the results may be sent after forty-five days of the 676  
administration of the writing component, but in no case shall 677  
the scores be returned later than the thirtieth day of June 678  
following the administration. 679

(3) For assessments administered under this section by a 680  
joint vocational school district, the department or entity shall 681  
also send to each city, local, or exempted village school 682  
district a list of the individual scores of any students of such 683  
city, local, or exempted village school district who are 684  
attending school in the joint vocational school district. 685

(4) A school district, other public school, or chartered 686  
nonpublic school may administer in a paper format any assessment 687  
administered in the third, fourth, or fifth grade under this 688  
section. A district or school shall not be required to 689  
administer in an online format any such assessments. A district 690  
or school may administer any such assessments in any combination 691  
of online and paper formats. A district or school may administer 692  
any such assessments in a particular format on a student-by- 693



student basis. 694

(H) Individual scores on any assessments administered 695  
under this section shall be released by a district board only in 696  
accordance with section 3319.321 of the Revised Code and the 697  
rules adopted under division (A) of this section. No district 698  
board or its employees shall utilize individual or aggregate 699  
results in any manner that conflicts with rules for the ethical 700  
use of assessments adopted pursuant to division (A) of this 701  
section. 702

(I) Except as provided in division (G) of this section, 703  
the department or an entity with which the department contracts 704  
for the scoring of the assessment shall not release any 705  
individual scores on any assessment administered under this 706  
section. The state board shall adopt rules to ensure the 707  
protection of student confidentiality at all times. The rules 708  
may require the use of the data verification codes assigned to 709  
students pursuant to division (D) (2) of section 3301.0714 of the 710  
Revised Code to protect the confidentiality of student scores. 711

(J) Notwithstanding division (D) of section 3311.52 of the 712  
Revised Code, this section does not apply to the board of 713  
education of any cooperative education school district except as 714  
provided under rules adopted pursuant to this division. 715

(1) In accordance with rules that the state board shall 716  
adopt, the board of education of any city, exempted village, or 717  
local school district with territory in a cooperative education 718  
school district established pursuant to divisions (A) to (C) of 719  
section 3311.52 of the Revised Code may enter into an agreement 720  
with the board of education of the cooperative education school 721  
district for administering any assessment prescribed under this 722  
section to students of the city, exempted village, or local 723

school district who are attending school in the cooperative 724  
education school district. 725

(2) In accordance with rules that the state board shall 726  
adopt, the board of education of any city, exempted village, or 727  
local school district with territory in a cooperative education 728  
school district established pursuant to section 3311.521 of the 729  
Revised Code shall enter into an agreement with the cooperative 730  
district that provides for the administration of any assessment 731  
prescribed under this section to both of the following: 732

(a) Students who are attending school in the cooperative 733  
district and who, if the cooperative district were not 734  
established, would be entitled to attend school in the city, 735  
local, or exempted village school district pursuant to section 736  
3313.64 or 3313.65 of the Revised Code; 737

(b) Persons described in division (B) (8) (b) of this 738  
section. 739

Any assessment of students pursuant to such an agreement 740  
shall be in lieu of any assessment of such students or persons 741  
pursuant to this section. 742

(K) (1) Except as otherwise provided in division (K) (1) or 743  
(2) of this section, each chartered nonpublic school for which 744  
at least sixty-five per cent of its total enrollment is made up 745  
of students who are participating in state scholarship programs 746  
shall administer the elementary assessments prescribed by 747  
section 3301.0710 of the Revised Code. In accordance with 748  
procedures and deadlines prescribed by the department, the 749  
parent or guardian of a student enrolled in the school who is 750  
not participating in a state scholarship program may submit 751  
notice to the chief administrative officer of the school that 752

the parent or guardian does not wish to have the student take 753  
the elementary assessments prescribed for the student's grade 754  
level under division (A) of section 3301.0710 of the Revised 755  
Code. If a parent or guardian submits an opt-out notice, the 756  
school shall not administer the assessments to that student. 757  
This option does not apply to any assessment required for a high 758  
school diploma under section 3313.612 of the Revised Code. 759

(2) A chartered nonpublic school may submit to the 760  
superintendent of public instruction a request for a waiver from 761  
administering the elementary assessments prescribed by division 762  
(A) of section 3301.0710 of the Revised Code. The state 763  
superintendent shall approve or disapprove a request for a 764  
waiver submitted under division (K) (2) of this section. No 765  
waiver shall be approved for any school year prior to the 2015- 766  
2016 school year. 767

To be eligible to submit a request for a waiver, a 768  
chartered nonpublic school shall meet the following conditions: 769

(a) At least ninety-five per cent of the students enrolled 770  
in the school are children with disabilities, as defined under 771  
section 3323.01 of the Revised Code, or have received a 772  
diagnosis by a school district or from a physician, including a 773  
neuropsychiatrist or psychiatrist, or a psychologist who is 774  
authorized to practice in this or another state as having a 775  
condition that impairs academic performance, such as dyslexia, 776  
dyscalculia, attention deficit hyperactivity disorder, or 777  
Asperger's syndrome. 778

(b) The school has solely served a student population 779  
described in division (K) (1) (a) of this section for at least ten 780  
years. 781

(c) The school provides to the department at least five 782  
years of records of internal testing conducted by the school 783  
that affords the department data required for accountability 784  
purposes, including diagnostic assessments and nationally 785  
standardized norm-referenced achievement assessments that 786  
measure reading and math skills. 787

(3) Any chartered nonpublic school that is not subject to 788  
division (K)(1) of this section may participate in the 789  
assessment program by administering any of the assessments 790  
prescribed by division (A) of section 3301.0710 of the Revised 791  
Code. The chief administrator of the school shall specify which 792  
assessments the school will administer. Such specification shall 793  
be made in writing to the superintendent of public instruction 794  
prior to the first day of August of any school year in which 795  
assessments are administered and shall include a pledge that the 796  
nonpublic school will administer the specified assessments in 797  
the same manner as public schools are required to do under this 798  
section and rules adopted by the department. 799

(4) The department of education shall furnish the 800  
assessments prescribed by section 3301.0710 of the Revised Code 801  
to each chartered nonpublic school that is subject to division 802  
(K)(1) of this section or participates under division (K)(3) of 803  
this section. 804

(L) If a chartered nonpublic school is educating students 805  
in grades nine through twelve, the following shall apply: 806

(1) For a student who is enrolled in a chartered nonpublic 807  
school that is accredited through the independent schools 808  
association of the central states and who is attending the 809  
school under a state scholarship program, the student shall 810  
either take all of the assessments prescribed by division (B) of 811

section 3301.0712 of the Revised Code or take an alternative 812  
assessment approved by the department under section 3313.619 of 813  
the Revised Code. However, a student who is excused from taking 814  
an assessment under division (C) of this section or has 815  
presented evidence to the chartered nonpublic school of having 816  
satisfied the condition prescribed by division (A) (1) of section 817  
3313.618 of the Revised Code to qualify for a high school 818  
diploma prior to the date of the administration of the 819  
assessment prescribed under division (B) (1) of section 3301.0712 820  
of the Revised Code shall not be required to take that 821  
assessment. No governing authority of a chartered nonpublic 822  
school shall prohibit a student who is not required to take such 823  
assessment from taking the assessment. 824

(2) For a student who is enrolled in a chartered nonpublic 825  
school that is accredited through the independent schools 826  
association of the central states, and who is not attending the 827  
school under a state scholarship program, the student shall not 828  
be required to take any assessment prescribed under section 829  
3301.0712 or 3313.619 of the Revised Code. 830

(3) (a) Except as provided in division (L) (3) (b) of this 831  
section, for a student who is enrolled in a chartered nonpublic 832  
school that is not accredited through the independent schools 833  
association of the central states, regardless of whether the 834  
student is attending or is not attending the school under a 835  
state scholarship program, the student shall do one of the 836  
following: 837

(i) Take all of the assessments prescribed by division (B) 838  
of section 3301.0712 of the Revised Code; 839

(ii) Take only the assessment prescribed by division (B) 840  
(1) of section 3301.0712 of the Revised Code, provided that the 841

student's school publishes the results of that assessment for 842  
each graduating class. The published results of that assessment 843  
shall include the overall composite scores, mean scores, twenty- 844  
fifth percentile scores, and seventy-fifth percentile scores for 845  
each subject area of the assessment. 846

(iii) Take an alternative assessment approved by the 847  
department under section 3313.619 of the Revised Code. 848

(b) A student who is excused from taking an assessment 849  
under division (C) of this section or has presented evidence to 850  
the chartered nonpublic school of having satisfied the condition 851  
prescribed by division (A) (1) of section 3313.618 of the Revised 852  
Code to qualify for a high school diploma prior to the date of 853  
the administration of the assessment prescribed under division 854  
(B) (1) of section 3301.0712 of the Revised Code shall not be 855  
required to take that assessment. No governing authority of a 856  
chartered nonpublic school shall prohibit a student who is not 857  
required to take such assessment from taking the assessment. 858

(M) (1) The superintendent of the state school for the 859  
blind and the superintendent of the state school for the deaf 860  
shall administer the assessments described by sections 3301.0710 861  
and 3301.0712 of the Revised Code. Each superintendent shall 862  
administer the assessments in the same manner as district boards 863  
are required to do under this section and rules adopted by the 864  
department of education and in conformity with division (C) (1) 865  
(a) of this section. 866

(2) The department of education shall furnish the 867  
assessments described by sections 3301.0710 and 3301.0712 of the 868  
Revised Code to each superintendent. 869

(N) Notwithstanding division (E) of this section, a school 870

district may use a student's failure to attain a score in at 871  
least the proficient range on the mathematics assessment 872  
described by division (A) (1) (a) of section 3301.0710 of the 873  
Revised Code or on an assessment described by division (A) (1) 874  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 875  
Code as a factor in retaining that student in the current grade 876  
level. 877

(0) (1) In the manner specified in divisions (0) (3), (4), 878  
(6), and (7) of this section, the assessments required by 879  
division (A) (1) of section 3301.0710 of the Revised Code shall 880  
become public records pursuant to section 149.43 of the Revised 881  
Code on the thirty-first day of July following the school year 882  
that the assessments were administered. 883

(2) The department may field test proposed questions with 884  
samples of students to determine the validity, reliability, or 885  
appropriateness of questions for possible inclusion in a future 886  
year's assessment. The department also may use anchor questions 887  
on assessments to ensure that different versions of the same 888  
assessment are of comparable difficulty. 889

Field test questions and anchor questions shall not be 890  
considered in computing scores for individual students. Field 891  
test questions and anchor questions may be included as part of 892  
the administration of any assessment required by division (A) (1) 893  
or (B) of section 3301.0710 and division (B) of section 894  
3301.0712 of the Revised Code. 895

(3) Any field test question or anchor question 896  
administered under division (0) (2) of this section shall not be 897  
a public record. Such field test questions and anchor questions 898  
shall be redacted from any assessments which are released as a 899  
public record pursuant to division (0) (1) of this section. 900

(4) This division applies to the assessments prescribed by 901  
division (A) of section 3301.0710 of the Revised Code. 902

(a) The first administration of each assessment, as 903  
specified in former section 3301.0712 of the Revised Code, shall 904  
be a public record. 905

(b) For subsequent administrations of each assessment 906  
prior to the 2011-2012 school year, not less than forty per cent 907  
of the questions on the assessment that are used to compute a 908  
student's score shall be a public record. The department shall 909  
determine which questions will be needed for reuse on a future 910  
assessment and those questions shall not be public records and 911  
shall be redacted from the assessment prior to its release as a 912  
public record. However, for each redacted question, the 913  
department shall inform each city, local, and exempted village 914  
school district of the statewide academic standard adopted by 915  
the state board under section 3301.079 of the Revised Code and 916  
the corresponding benchmark to which the question relates. The 917  
preceding sentence does not apply to field test questions that 918  
are redacted under division (O)(3) of this section. 919

(c) The administrations of each assessment in the 2011- 920  
2012, 2012-2013, and 2013-2014 school years shall not be a 921  
public record. 922

(5) Each assessment prescribed by division (B)(1) of 923  
section 3301.0710 of the Revised Code shall not be a public 924  
record. 925

(6) (a) Except as provided in division (O)(6)(b) of this 926  
section, for the administrations in the 2014-2015, 2015-2016, 927  
and 2016-2017 school years, questions on the assessments 928  
prescribed under division (A) of section 3301.0710 and division 929



(B) (2) of section 3301.0712 of the Revised Code and the 930  
corresponding preferred answers that are used to compute a 931  
student's score shall become a public record as follows: 932

(i) Forty per cent of the questions and preferred answers 933  
on the assessments on the thirty-first day of July following the 934  
administration of the assessment; 935

(ii) Twenty per cent of the questions and preferred 936  
answers on the assessment on the thirty-first day of July one 937  
year after the administration of the assessment; 938

(iii) The remaining forty per cent of the questions and 939  
preferred answers on the assessment on the thirty-first day of 940  
July two years after the administration of the assessment. 941

The entire content of an assessment shall become a public 942  
record within three years of its administration. 943

The department shall make the questions that become a 944  
public record under this division readily accessible to the 945  
public on the department's web site. Questions on the spring 946  
administration of each assessment shall be released on an annual 947  
basis, in accordance with this division. 948

(b) No questions and corresponding preferred answers shall 949  
become a public record under division (O) (6) of this section 950  
after July 31, 2017. 951

(7) Division (O) (7) of this section applies to the 952  
assessments prescribed by division (A) of section 3301.0710 and 953  
division (B) (2) of section 3301.0712 of the Revised Code. 954

Beginning with the assessments administered in the spring 955  
of the 2017-2018 school year, not less than forty per cent of 956  
the questions on each assessment that are used to compute a 957

student's score shall be a public record. The department shall 958  
determine which questions will be needed for reuse on a future 959  
assessment and those questions shall not be public records and 960  
shall be redacted from the assessment prior to its release as a 961  
public record. However, for each redacted question, the 962  
department shall inform each city, local, and exempted village 963  
school district of the corresponding statewide academic standard 964  
adopted by the state board under section 3301.079 of the Revised 965  
Code and the corresponding benchmark to which the question 966  
relates. The department is not required to provide corresponding 967  
standards and benchmarks to field test questions that are 968  
redacted under division (O) (3) of this section. 969

(P) As used in this section: 970

(1) "Three-year average" means the average of the most 971  
recent consecutive three school years of data. 972

(2) "Dropout" means a student who withdraws from school 973  
before completing course requirements for graduation and who is 974  
not enrolled in an education program approved by the state board 975  
of education or an education program outside the state. 976  
"Dropout" does not include a student who has departed the 977  
country. 978

(3) "Graduation rate" means the ratio of students 979  
receiving a diploma to the number of students who entered ninth 980  
grade four years earlier. Students who transfer into the 981  
district are added to the calculation. Students who transfer out 982  
of the district for reasons other than dropout are subtracted 983  
from the calculation. If a student who was a dropout in any 984  
previous year returns to the same school district, that student 985  
shall be entered into the calculation as if the student had 986  
entered ninth grade four years before the graduation year of the 987

graduating class that the student joins. 988

(4) "State scholarship programs" means the educational 989  
choice scholarship pilot program established under sections 990  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 991  
program established under section 3310.41 of the Revised Code, 992  
the Jon Peterson special needs scholarship program established 993  
under sections 3310.51 to 3310.64 of the Revised Code, and the 994  
pilot project scholarship program established under sections 995  
3313.974 to 3313.979 of the Revised Code. 996

(5) "Other public school" means a community school 997  
established under Chapter 3314., a STEM school established under 998  
Chapter 3326., or a college-preparatory boarding school 999  
established under Chapter 3328. of the Revised Code. 1000

**Sec. 3301.0715.** (A) Except as required under division (B) 1001  
(1) of section 3313.608 or as specified in division (D) (3) of 1002  
section 3301.079 of the Revised Code, the board of education of 1003  
each city, local, and exempted village school district shall 1004  
administer each applicable diagnostic assessment developed and 1005  
provided to the district in accordance with section 3301.079 of 1006  
the Revised Code to the following: 1007

(1) Any student who transfers into the district or to a 1008  
different school within the district if each applicable 1009  
diagnostic assessment was not administered by the district or 1010  
school the student previously attended in the current school 1011  
year, within thirty days after the date of transfer. If the 1012  
district or school into which the student transfers cannot 1013  
determine whether the student has taken any applicable 1014  
diagnostic assessment in the current school year, the district 1015  
or school may administer the diagnostic assessment to the 1016  
student. However, if a student transfers into the district prior 1017

to the administration of the diagnostic assessments to all 1018  
students under division (B) of this section, the district may 1019  
administer the diagnostic assessments to that student on the 1020  
date or dates determined under that division. 1021

(2) Each kindergarten student, not earlier than the first 1022  
day of the school year and not later than the first day of 1023  
November. However, a board of education may administer the 1024  
selected response and performance task items portion of the 1025  
diagnostic assessment up to two weeks prior to the first day of 1026  
the school year. 1027

For the purpose of division (A) (2) of this section, the 1028  
district shall administer either the kindergarten readiness 1029  
~~assessment provided by the department of education prescribed~~ 1030  
under division (D) of section 3301.079 of the Revised Code or a 1031  
comparable assessment approved by the department of education 1032  
under that section. In no case shall the results of ~~the~~ 1033  
~~readiness any such~~ assessment be used to prohibit a student from 1034  
enrolling in kindergarten. 1035

(3) Each student enrolled in first, second, or third 1036  
grade. 1037

Division (A) of this section does not apply to students 1038  
with significant cognitive disabilities, as defined by the 1039  
department of education. 1040

(B) Each district board shall administer each diagnostic 1041  
assessment when the board deems appropriate, provided the 1042  
administration complies with section 3313.608 of the Revised 1043  
Code. However, the board shall administer any diagnostic 1044  
assessment at least once annually to all students in the 1045  
appropriate grade level. A district board may administer any 1046

diagnostic assessment in the fall and spring of a school year to 1047  
measure the amount of academic growth attributable to the 1048  
instruction received by students during that school year. 1049

(C) Any district that received a grade of "A" or "B" for 1050  
the performance index score under division (A) (1) (b), (B) (1) (b), 1051  
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 1052  
value-added progress dimension under division (A) (1) (e), (B) (1) 1053  
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 1054  
immediately preceding school year may use different diagnostic 1055  
assessments from those adopted under division (D) of section 1056  
3301.079 of the Revised Code in order to satisfy the 1057  
requirements of division (A) (3) of this section. 1058

(D) Each district board shall utilize and score any 1059  
diagnostic assessment administered under division (A) of this 1060  
section in accordance with rules established by the department. 1061  
After the administration of any diagnostic assessment, each 1062  
district shall provide a student's completed diagnostic 1063  
assessment, the results of such assessment, and any other 1064  
accompanying documents used during the administration of the 1065  
assessment to the parent of that student, and shall include all 1066  
such documents and information in any plan developed for the 1067  
student under division (C) of section 3313.608 of the Revised 1068  
Code. Each district shall submit to the department, in the 1069  
manner the department prescribes, the results of the diagnostic 1070  
assessments administered under this section, regardless of the 1071  
type of assessment used under section 3313.608 of the Revised 1072  
Code. The department may issue reports with respect to the data 1073  
collected. The department may report school and district level 1074  
kindergarten diagnostic assessment data and use diagnostic 1075  
assessment data to calculate the measure prescribed by divisions 1076  
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 1077

(E) Each district board shall provide intervention 1078  
services to students whose diagnostic assessments show that they 1079  
are failing to make satisfactory progress toward attaining the 1080  
academic standards for their grade level. 1081

(F) Beginning in the 2018-2019 school year, any chartered 1082  
nonpublic school may elect to administer the kindergarten 1083  
readiness assessment to all kindergarten students enrolled in 1084  
the school. If the school so elects, the chief administrator of 1085  
the school shall notify the superintendent of public instruction 1086  
not later than the thirty-first day of March prior to any school 1087  
year in which the school will administer the assessment. The 1088  
department shall furnish either the kindergarten readiness 1089  
assessment prescribed under division (D) of section 3301.079 of 1090  
the Revised Code or a comparable assessment approved by the 1091  
department under that section to the school at no cost to the 1092  
school. In administering the assessment, the school shall do all 1093  
of the following: 1094

(1) Enter into a written agreement with the department 1095  
specifying that the school will share each participating 1096  
student's assessment data with the department and, that for the 1097  
purpose of reporting the data to the department, each 1098  
participating student will be assigned a data verification code 1099  
as described in division (D) (2) of section 3301.0714 of the 1100  
Revised Code; 1101

(2) Require the assessment to be administered by a teacher 1102  
certified under section 3301.071 of the Revised Code who either 1103  
has completed training on administering the kindergarten 1104  
readiness assessment provided by the department or has been 1105  
trained by another person who has completed such training; 1106

(3) Administer the assessment in the same manner as school 1107

districts are required to do under this section and the rules 1108  
established under division (D) of this section. 1109

(G) Beginning in the 2017-2018 school year, a school 1110  
district in which less than eighty per cent of its students 1111  
score at the proficient level or higher on the third-grade 1112  
English language arts assessment prescribed under section 1113  
3301.0710 of the Revised Code shall establish a reading 1114  
improvement plan supported by reading specialists. Prior to 1115  
implementation, the plan shall be approved by the school 1116  
district board of education. 1117

**Sec. 3301.163.** (A) Beginning July 1, 2015, any third-grade 1118  
student who attends a chartered nonpublic school with a 1119  
scholarship awarded under either the educational choice 1120  
scholarship pilot program, prescribed in sections 3310.01 to 1121  
3310.17, or the pilot project scholarship program prescribed in 1122  
sections 3313.974 to 3313.979 of the Revised Code, shall be 1123  
subject to the third-grade reading guarantee retention 1124  
provisions under division (A) (2) of section 3313.608 of the 1125  
Revised Code, including the exemptions prescribed by that 1126  
division. For purposes of determining if a child with a 1127  
disability is exempt from retention under this section, an 1128  
individual services plan created for the child that has been 1129  
reviewed by either the student's school district of residence or 1130  
the school district in which the chartered nonpublic school is 1131  
located and that specifies that the student is not subject to 1132  
retention shall be considered in the same manner as an 1133  
individualized education program or plan under section 504 of 1134  
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 1135  
as amended, as prescribed by division (A) (2) of section 3313.608 1136  
of the Revised Code. 1137

As used in this section, "child with a disability" and 1138  
"school district of residence" have the same meanings as in 1139  
section 3323.01 of the Revised Code. 1140

(B) (1) Each chartered nonpublic school that enrolls 1141  
students in any of grades kindergarten through three and that 1142  
accepts students under the educational choice scholarship pilot 1143  
program or the pilot project scholarship program shall adopt 1144  
policies and procedures for the annual assessment of the reading 1145  
skills of those students. Each school may use the diagnostic 1146  
assessment to measure reading ability for the appropriate grade 1147  
level prescribed in division (D) of section 3301.079 of the 1148  
Revised Code, or for students in kindergarten the comparable 1149  
assessments approved by the department of education in that 1150  
section. If the school uses such assessments, the department of 1151  
education shall furnish them to the chartered nonpublic school. 1152

(2) For each student identified as having reading skills 1153  
below grade level, the school shall do both of the following: 1154

(a) Provide to the student's parent or guardian, in 1155  
writing, all of the following: 1156

(i) Notification that the student has been identified as 1157  
having a substantial deficiency in reading; 1158

(ii) Notification that if the student attains a score in 1159  
the range designated under division (A) (3) of section 3301.0710 1160  
of the Revised Code on the assessment prescribed under that 1161  
section to measure skill in English language arts expected at 1162  
the end of third grade, the student shall be retained unless the 1163  
student is exempt under division (A) (1) of section 3313.608 of 1164  
the Revised Code. 1165

(b) Provide intensive reading instruction services, as 1166



determined appropriate by the school, to each student identified 1167  
under this section. 1168

(C) Each chartered nonpublic school subject to this 1169  
section annually shall report to the department the number of 1170  
students identified as reading at grade level and the number of 1171  
students identified as reading below grade level. 1172

Sec. 3301.68. (A) The department of education shall 1173  
establish a consolidated school mandate report for school 1174  
districts. The report shall be distributed and monitored by the 1175  
department. Each district or school shall complete and file the 1176  
report not later than the thirtieth day of November each year. 1177  
The report shall require each district or school to denote "yes" 1178  
to indicate compliance or "no" to indicate noncompliance with 1179  
the items prescribed under division (B) of this section, and to 1180  
provide any other information that the department requests 1181  
regarding those items. If a district or school denotes "no" on 1182  
any item, it shall provide, within thirty days, to its board of 1183  
education a written explanation for why that item was not 1184  
completed and a written plan of action for accurately and 1185  
efficiently addressing the problem. 1186

(B) The report shall contain the following items: 1187

(1) Training on the use of physical restraint or seclusion 1188  
on students pursuant to section 3319.46 of the Revised Code; 1189

(2) Training on harassment, intimidation, or bullying 1190  
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 1191  
Revised Code; 1192

(3) Training on the use of cardiopulmonary resuscitation 1193  
and an automated external defibrillator under sections 3313.60, 1194  
3313.6023, 3313.717, and 3314.16, and training on crisis 1195

<u>prevention intervention;</u>	1196
<u>(4) The establishment of a wellness committee;</u>	1197
<u>(5) The establishment and review of a school emergency management plan pursuant to section 3313.536 of the Revised Code;</u>	1198 1199 1200
<u>(6) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;</u>	1201 1202 1203
<u>(7) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code.</u>	1204 1205 1206 1207
<u>(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section.</u>	1208 1209 1210 1211
<b>Sec. 3302.03.</b> Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and	1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1224

that must be calculated separately and used to calculate the 1225  
building's overall grade. The department shall issue annual 1226  
report cards reflecting the performance of each school district, 1227  
each building within each district, and for the state as a whole 1228  
using the performance measures and letter grade system described 1229  
in this section. The department shall include on the report card 1230  
for each district and each building within each district the 1231  
most recent two-year trend data in student achievement for each 1232  
subject and each grade. 1233

(A) (1) For the 2012-2013 school year, the department shall 1234  
issue grades as described in division (E) of this section for 1235  
each of the following performance measures: 1236

(a) Annual measurable objectives; 1237

(b) Performance index score for a school district or 1238  
building. Grades shall be awarded as a percentage of the total 1239  
possible points on the performance index system as adopted by 1240  
the state board. In adopting benchmarks for assigning letter 1241  
grades under division (A) (1) (b) of this section, the state board 1242  
of education shall designate ninety per cent or higher for an 1243  
"A," at least seventy per cent but not more than eighty per cent 1244  
for a "C," and less than fifty per cent for an "F." 1245

(c) The extent to which the school district or building 1246  
meets each of the applicable performance indicators established 1247  
by the state board under section 3302.02 of the Revised Code and 1248  
the percentage of applicable performance indicators that have 1249  
been achieved. In adopting benchmarks for assigning letter 1250  
grades under division (A) (1) (c) of this section, the state board 1251  
shall designate ninety per cent or higher for an "A." 1252

(d) The four- and five-year adjusted cohort graduation 1253

rates. 1254

In adopting benchmarks for assigning letter grades under 1255  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1256  
department shall designate a four-year adjusted cohort 1257  
graduation rate of ninety-three per cent or higher for an "A" 1258  
and a five-year cohort graduation rate of ninety-five per cent 1259  
or higher for an "A." 1260

(e) The overall score under the value-added progress 1261  
dimension of a school district or building, for which the 1262  
department shall use up to three years of value-added data as 1263  
available. The letter grade assigned for this growth measure 1264  
shall be as follows: 1265

(i) A score that is at least two standard errors of 1266  
measure above the mean score shall be designated as an "A." 1267

(ii) A score that is at least one standard error of 1268  
measure but less than two standard errors of measure above the 1269  
mean score shall be designated as a "B." 1270

(iii) A score that is less than one standard error of 1271  
measure above the mean score but greater than or equal to one 1272  
standard error of measure below the mean score shall be 1273  
designated as a "C." 1274

(iv) A score that is not greater than one standard error 1275  
of measure below the mean score but is greater than or equal to 1276  
two standard errors of measure below the mean score shall be 1277  
designated as a "D." 1278

(v) A score that is not greater than two standard errors 1279  
of measure below the mean score shall be designated as an "F." 1280

Whenever the value-added progress dimension is used as a 1281

graded performance measure, whether as an overall measure or as 1282  
a measure of separate subgroups, the grades for the measure 1283  
shall be calculated in the same manner as prescribed in division 1284  
(A) (1) (e) of this section. 1285

(f) The value-added progress dimension score for a school 1286  
district or building disaggregated for each of the following 1287  
subgroups: students identified as gifted, students with 1288  
disabilities, and students whose performance places them in the 1289  
lowest quintile for achievement on a statewide basis. Each 1290  
subgroup shall be a separate graded measure. 1291

(2) Not later than April 30, 2013, the state board of 1292  
education shall adopt a resolution describing the performance 1293  
measures, benchmarks, and grading system for the 2012-2013 1294  
school year and, not later than June 30, 2013, shall adopt rules 1295  
in accordance with Chapter 119. of the Revised Code that 1296  
prescribe the methods by which the performance measures under 1297  
division (A) (1) of this section shall be assessed and assigned a 1298  
letter grade, including performance benchmarks for each letter 1299  
grade. 1300

At least forty-five days prior to the state board's 1301  
adoption of rules to prescribe the methods by which the 1302  
performance measures under division (A) (1) of this section shall 1303  
be assessed and assigned a letter grade, the department shall 1304  
conduct a public presentation before the standing committees of 1305  
the house of representatives and the senate that consider 1306  
education legislation describing such methods, including 1307  
performance benchmarks. 1308

(3) There shall not be an overall letter grade for a 1309  
school district or building for the 2012-2013 school year. 1310

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

(a) Annual measurable objectives;

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

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

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

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

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324.

of the Revised Code, students with disabilities, and students 1340  
whose performance places them in the lowest quintile for 1341  
achievement on a statewide basis. Each subgroup shall be a 1342  
separate graded measure. 1343

(g) Whether a school district or building is making 1344  
progress in improving literacy in grades kindergarten through 1345  
three, as determined using a method prescribed by the state 1346  
board. The state board shall adopt rules to prescribe benchmarks 1347  
and standards for assigning grades to districts and buildings 1348  
for purposes of division (B) (1) (g) of this section. In adopting 1349  
benchmarks for assigning letter grades under divisions (B) (1) (g) 1350  
and (C) (1) (g) of this section, the state board shall determine 1351  
progress made based on the reduction in the total percentage of 1352  
students scoring below grade level, or below proficient, 1353  
compared from year to year on the reading and writing diagnostic 1354  
assessments administered under section 3301.0715 of the Revised 1355  
Code and the third grade English language arts assessment under 1356  
section 3301.0710 of the Revised Code, as applicable. The state 1357  
board shall designate for a "C" grade a value that is not lower 1358  
than the statewide average value for this measure. No grade 1359  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1360  
section for a district or building in which less than five per 1361  
cent of students have scored below grade level on the diagnostic 1362  
assessment administered to students in kindergarten under 1363  
division (B) (1) of section 3313.608 of the Revised Code. 1364

(h) For a high mobility school district or building, an 1365  
additional value-added progress dimension score. For this 1366  
measure, the department shall use value-added data from the most 1367  
recent school year available and shall use assessment scores for 1368  
only those students to whom the district or building has 1369  
administered the assessments prescribed by section 3301.0710 of 1370

the Revised Code for each of the two most recent consecutive 1371  
school years. 1372

As used in this division, "high mobility school district 1373  
or building" means a school district or building where at least 1374  
twenty-five per cent of its total enrollment is made up of 1375  
students who have attended that school district or building for 1376  
less than one year. 1377

(2) In addition to the graded measures in division (B) (1) 1378  
of this section, the department shall include on a school 1379  
district's or building's report card all of the following 1380  
without an assigned letter grade: 1381

(a) The percentage of students enrolled in a district or 1382  
building participating in advanced placement classes and the 1383  
percentage of those students who received a score of three or 1384  
better on advanced placement examinations; 1385

(b) The number of a district's or building's students who 1386  
have earned at least three college credits through dual 1387  
enrollment or advanced standing programs, such as the post- 1388  
secondary enrollment options program under Chapter 3365. of the 1389  
Revised Code and state-approved career-technical courses offered 1390  
through dual enrollment or statewide articulation, that appear 1391  
on a student's transcript or other official document, either of 1392  
which is issued by the institution of higher education from 1393  
which the student earned the college credit. The credits earned 1394  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1395  
this section shall not include any that are remedial or 1396  
developmental and shall include those that count toward the 1397  
curriculum requirements established for completion of a degree. 1398

(c) The percentage of students enrolled in a district or 1399



building who have taken a national standardized test used for 1400  
college admission determinations and the percentage of those 1401  
students who are determined to be remediation-free in accordance 1402  
with standards adopted under division (F) of section 3345.061 of 1403  
the Revised Code; 1404

(d) The percentage of the district's or the building's 1405  
students who receive industry-recognized credentials as approved 1406  
under section 3313.6113 of the Revised Code. 1407

(e) The percentage of students enrolled in a district or 1408  
building who are participating in an international baccalaureate 1409  
program and the percentage of those students who receive a score 1410  
of four or better on the international baccalaureate 1411  
examinations. 1412

(f) The percentage of the district's or building's 1413  
students who receive an honors diploma under division (B) of 1414  
section 3313.61 of the Revised Code. 1415

(3) Not later than December 31, 2013, the state board 1416  
shall adopt rules in accordance with Chapter 119. of the Revised 1417  
Code that prescribe the methods by which the performance 1418  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1419  
will be assessed and assigned a letter grade, including 1420  
performance benchmarks for each grade. 1421

At least forty-five days prior to the state board's 1422  
adoption of rules to prescribe the methods by which the 1423  
performance measures under division (B) (1) of this section shall 1424  
be assessed and assigned a letter grade, the department shall 1425  
conduct a public presentation before the standing committees of 1426  
the house of representatives and the senate that consider 1427  
education legislation describing such methods, including 1428

performance benchmarks.	1429
(4) There shall not be an overall letter grade for a	1430
school district or building for the 2013-2014, 2014-2015, 2015-	1431
2016, and 2016-2017 school years.	1432
(C) (1) For the 2014-2015 school year and each school year	1433
thereafter, the department shall issue grades as described in	1434
division (E) of this section for each of the performance	1435
measures prescribed in division (C) (1) of this section. The	1436
graded measures are as follows:	1437
(a) Annual measurable objectives;	1438
(b) Performance index score for a school district or	1439
building. Grades shall be awarded as a percentage of the total	1440
possible points on the performance index system as created by	1441
the department. In adopting benchmarks for assigning letter	1442
grades under division (C) (1) (b) of this section, the state board	1443
shall designate ninety per cent or higher for an "A," at least	1444
seventy per cent but not more than eighty per cent for a "C,"	1445
and less than fifty per cent for an "F."	1446
(c) The extent to which the school district or building	1447
meets each of the applicable performance indicators established	1448
by the state board under section 3302.03 of the Revised Code and	1449
the percentage of applicable performance indicators that have	1450
been achieved. In adopting benchmarks for assigning letter	1451
grades under division (C) (1) (c) of this section, the state board	1452
shall designate ninety per cent or higher for an "A."	1453
(d) The four- and five-year adjusted cohort graduation	1454
rates;	1455
(e) The overall score under the value-added progress	1456
dimension, or another measure of student academic progress if	1457

adopted by the state board, of a school district or building, 1458  
for which the department shall use up to three years of value- 1459  
added data as available. 1460

In adopting benchmarks for assigning letter grades for 1461  
overall score on value-added progress dimension under division 1462  
(C) (1) (e) of this section, the state board shall prohibit the 1463  
assigning of a grade of "A" for that measure unless the 1464  
district's or building's grade assigned for value-added progress 1465  
dimension for all subgroups under division (C) (1) (f) of this 1466  
section is a "B" or higher. 1467

For the metric prescribed by division (C) (1) (e) of this 1468  
section, the state board may adopt a student academic progress 1469  
measure to be used instead of the value-added progress 1470  
dimension. If the state board adopts such a measure, it also 1471  
shall prescribe a method for assigning letter grades for the new 1472  
measure that is comparable to the method prescribed in division 1473  
(A) (1) (e) of this section. 1474

(f) The value-added progress dimension score of a school 1475  
district or building disaggregated for each of the following 1476  
subgroups: ~~students identified as gifted in superior cognitive~~ 1477  
~~ability and specific academic ability fields under Chapter 3324.~~ 1478  
~~of the Revised Code,~~ students with disabilities, and students 1479  
whose performance places them in the lowest quintile for 1480  
achievement on a statewide basis, as determined by a method 1481  
prescribed by the state board. Each subgroup shall be a separate 1482  
graded measure. 1483

The state board may adopt student academic progress 1484  
measures to be used instead of the value-added progress 1485  
dimension. If the state board adopts such measures, it also 1486  
shall prescribe a method for assigning letter grades for the new 1487

measures that is comparable to the method prescribed in division 1488  
(A) (1) (e) of this section. 1489

(g) Whether a school district or building is making 1490  
progress in improving literacy in grades kindergarten through 1491  
three, as determined using a method prescribed by the state 1492  
board. The state board shall adopt rules to prescribe benchmarks 1493  
and standards for assigning grades to a district or building for 1494  
purposes of division (C) (1) (g) of this section. The state board 1495  
shall designate for a "C" grade a value that is not lower than 1496  
the statewide average value for this measure. No grade shall be 1497  
issued under division (C) (1) (g) of this section for a district 1498  
or building in which less than five per cent of students have 1499  
scored below grade level on the kindergarten diagnostic 1500  
assessment under division (B) (1) of section 3313.608 of the 1501  
Revised Code. 1502

(h) For a high mobility school district or building, an 1503  
additional value-added progress dimension score. For this 1504  
measure, the department shall use value-added data from the most 1505  
recent school year available and shall use assessment scores for 1506  
only those students to whom the district or building has 1507  
administered the assessments prescribed by section 3301.0710 of 1508  
the Revised Code for each of the two most recent consecutive 1509  
school years. 1510

As used in this division, "high mobility school district 1511  
or building" means a school district or building where at least 1512  
twenty-five per cent of its total enrollment is made up of 1513  
students who have attended that school district or building for 1514  
less than one year. 1515

(2) In addition to the graded measures in division (C) (1) 1516  
of this section, the department shall include on a school 1517

district's or building's report card all of the following	1518
without an assigned letter grade:	1519
(a) The percentage of students enrolled in a district or	1520
building who have taken a national standardized test used for	1521
college admission determinations and the percentage of those	1522
students who are determined to be remediation-free in accordance	1523
with the standards adopted under division (F) of section	1524
3345.061 of the Revised Code;	1525
(b) The percentage of students enrolled in a district or	1526
building participating in advanced placement classes and the	1527
percentage of those students who received a score of three or	1528
better on advanced placement examinations;	1529
(c) The percentage of a district's or building's students	1530
who have earned at least three college credits through advanced	1531
standing programs, such as the college credit plus program under	1532
Chapter 3365. of the Revised Code and state-approved career-	1533
technical courses offered through dual enrollment or statewide	1534
articulation, that appear on a student's college transcript	1535
issued by the institution of higher education from which the	1536
student earned the college credit. The credits earned that are	1537
reported under divisions (B) (2) (b) and (C) (2) (c) of this section	1538
shall not include any that are remedial or developmental and	1539
shall include those that count toward the curriculum	1540
requirements established for completion of a degree.	1541
(d) The percentage of the district's or building's	1542
students who receive an honor's diploma under division (B) of	1543
section 3313.61 of the Revised Code;	1544
(e) The percentage of the district's or building's	1545
students who receive industry-recognized credentials as approved	1546

under section 3313.6113 of the Revised Code; 1547

(f) The percentage of students enrolled in a district or 1548  
building who are participating in an international baccalaureate 1549  
program and the percentage of those students who receive a score 1550  
of four or better on the international baccalaureate 1551  
examinations; 1552

(g) The results of the college and career-ready 1553  
assessments administered under division (B)(1) of section 1554  
3301.0712 of the Revised Code. 1555

(3) The state board shall adopt rules pursuant to Chapter 1556  
119. of the Revised Code that establish a method to assign an 1557  
overall grade for a school district or school building for the 1558  
2017-2018 school year and each school year thereafter. The rules 1559  
shall group the performance measures in divisions (C)(1) and (2) 1560  
of this section into the following components: 1561

(a) Gap closing, which shall include the performance 1562  
measure in division (C)(1)(a) of this section; 1563

(b) Achievement, which shall include the performance 1564  
measures in divisions (C)(1)(b) and (c) of this section; 1565

(c) Progress, which shall include the performance measures 1566  
in divisions (C)(1)(e) and (f) of this section; 1567

(d) Graduation, which shall include the performance 1568  
measure in division (C)(1)(d) of this section; 1569

(e) Kindergarten through third-grade literacy, which shall 1570  
include the performance measure in division (C)(1)(g) of this 1571  
section; 1572

(f) Prepared for success, which shall include the 1573  
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 1574

and (f) of this section. The state board shall develop a method 1575  
to determine a grade for the component in division (C) (3) (f) of 1576  
this section using the performance measures in divisions (C) (2) 1577  
(a), (b), (c), (d), (e), and (f) of this section. When 1578  
available, the state board may incorporate the performance 1579  
measure under division (C) (2) (g) of this section into the 1580  
component under division (C) (3) (f) of this section. When 1581  
determining the overall grade for the prepared for success 1582  
component prescribed by division (C) (3) (f) of this section, no 1583  
individual student shall be counted in more than one performance 1584  
measure. However, if a student qualifies for more than one 1585  
performance measure in the component, the state board may, in 1586  
its method to determine a grade for the component, specify an 1587  
additional weight for such a student that is not greater than or 1588  
equal to 1.0. In determining the overall score under division 1589  
(C) (3) (f) of this section, the state board shall ensure that the 1590  
pool of students included in the performance measures aggregated 1591  
under that division are all of the students included in the 1592  
four- and five-year adjusted graduation cohort. 1593

In the rules adopted under division (C) (3) of this 1594  
section, the state board shall adopt a method for determining a 1595  
grade for each component in divisions (C) (3) (a) to (f) of this 1596  
section. The state board also shall establish a method to assign 1597  
an overall grade of "A," "B," "C," "D," or "F" using the grades 1598  
assigned for each component. The method the state board adopts 1599  
for assigning an overall grade shall give equal weight to the 1600  
components in divisions (C) (3) (b) and (c) of this section. 1601

At least forty-five days prior to the state board's 1602  
adoption of rules to prescribe the methods for calculating the 1603  
overall grade for the report card, as required by this division, 1604  
the department shall conduct a public presentation before the 1605

standing committees of the house of representatives and the 1606  
senate that consider education legislation describing the format 1607  
for the report card, weights that will be assigned to the 1608  
components of the overall grade, and the method for calculating 1609  
the overall grade. 1610

(D) On or after July 1, 2015, the state board may develop 1611  
a measure of student academic progress for high school students 1612  
using only data from assessments in English language arts and 1613  
mathematics. If the state board develops this measure, each 1614  
school district and applicable school building shall be assigned 1615  
a separate letter grade for it not sooner than the 2017-2018 1616  
school year. The district's or building's grade for that measure 1617  
shall not be included in determining the district's or 1618  
building's overall letter grade. 1619

(E) The letter grades assigned to a school district or 1620  
building under this section shall be as follows: 1621

(1) "A" for a district or school making excellent 1622  
progress; 1623

(2) "B" for a district or school making above average 1624  
progress; 1625

(3) "C" for a district or school making average progress; 1626

(4) "D" for a district or school making below average 1627  
progress; 1628

(5) "F" for a district or school failing to meet minimum 1629  
progress. 1630

(F) When reporting data on student achievement and 1631  
progress, the department shall disaggregate that data according 1632  
to the following categories: 1633



(1) Performance of students by grade-level;	1634
(2) Performance of students by race and ethnic group;	1635
(3) Performance of students by gender;	1636
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1637 1638
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	1639 1640 1641
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1642 1643
(7) Performance of students grouped by those who are economically disadvantaged;	1644 1645
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1646 1647 1648
(9) Performance of students grouped by those who are classified as limited English proficient;	1649 1650
(10) Performance of students grouped by those who have disabilities;	1651 1652
(11) Performance of students grouped by those who are classified as migrants;	1653 1654
<del>(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</del>	1655 1656 1657 1658 1659 1660

~~in math and reading. If any other academic field is assessed,~~ 1661  
~~the department shall also include data for students with~~ 1662  
~~specific academic ability in that field as well.~~ 1663

~~(13)~~ Performance of students grouped by those who perform 1664  
in the lowest quintile for achievement on a statewide basis, as 1665  
determined by a method prescribed by the state board. 1666

The department may disaggregate data on student 1667  
performance according to other categories that the department 1668  
determines are appropriate. To the extent possible, the 1669  
department shall disaggregate data on student performance 1670  
according to any combinations of two or more of the categories 1671  
listed in divisions (F) (1) to ~~(13)~~ (12) of this section that it 1672  
deems relevant. 1673

In reporting data pursuant to division (F) of this 1674  
section, the department shall not include in the report cards 1675  
any data statistical in nature that is statistically unreliable 1676  
or that could result in the identification of individual 1677  
students. For this purpose, the department shall not report 1678  
student performance data for any group identified in division 1679  
(F) of this section that contains less than ~~ten~~ thirty students. 1680  
If the department does not report student performance data for a 1681  
group because it contains less than ~~ten~~ thirty students, the 1682  
department shall indicate on the report card that is why data 1683  
was not reported. 1684

(G) The department may include with the report cards any 1685  
additional education and fiscal performance data it deems 1686  
valuable. 1687

(H) The department shall include on each report card a 1688  
list of additional information collected by the department that 1689

is available regarding the district or building for which the 1690  
report card is issued. When available, such additional 1691  
information shall include student mobility data disaggregated by 1692  
race and socioeconomic status, college enrollment data, and the 1693  
reports prepared under section 3302.031 of the Revised Code. 1694

The department shall maintain a site on the world wide 1695  
web. The report card shall include the address of the site and 1696  
shall specify that such additional information is available to 1697  
the public at that site. The department shall also provide a 1698  
copy of each item on the list to the superintendent of each 1699  
school district. The district superintendent shall provide a 1700  
copy of any item on the list to anyone who requests it. 1701

(I) (1) (a) Except as provided in division (I) (1) (b) of this 1702  
section, for any district that sponsors a conversion community 1703  
school under Chapter 3314. of the Revised Code, the department 1704  
shall combine data regarding the academic performance of 1705  
students enrolled in the community school with comparable data 1706  
from the schools of the district for the purpose of determining 1707  
the performance of the district as a whole on the report card 1708  
issued for the district under this section or section 3302.033 1709  
of the Revised Code. 1710

(b) The department shall not combine data from any 1711  
conversion community school that a district sponsors if a 1712  
majority of the students enrolled in the conversion community 1713  
school are enrolled in a dropout prevention and recovery program 1714  
that is operated by the school, as described in division (A) (4) 1715  
(a) of section 3314.35 of the Revised Code. The department shall 1716  
include as an addendum to the district's report card the ratings 1717  
and performance measures that are required under section 1718  
3314.017 of the Revised Code for any community school to which 1719

division (I) (1) (b) of this section applies. This addendum shall 1720  
include, at a minimum, the data specified in divisions (C) (1) 1721  
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 1722

(2) Any district that leases a building to a community 1723  
school located in the district or that enters into an agreement 1724  
with a community school located in the district whereby the 1725  
district and the school endorse each other's programs may elect 1726  
to have data regarding the academic performance of students 1727  
enrolled in the community school combined with comparable data 1728  
from the schools of the district for the purpose of determining 1729  
the performance of the district as a whole on the district 1730  
report card. Any district that so elects shall annually file a 1731  
copy of the lease or agreement with the department. 1732

(3) Any municipal school district, as defined in section 1733  
3311.71 of the Revised Code, that sponsors a community school 1734  
located within the district's territory, or that enters into an 1735  
agreement with a community school located within the district's 1736  
territory whereby the district and the community school endorse 1737  
each other's programs, may exercise either or both of the 1738  
following elections: 1739

(a) To have data regarding the academic performance of 1740  
students enrolled in that community school combined with 1741  
comparable data from the schools of the district for the purpose 1742  
of determining the performance of the district as a whole on the 1743  
district's report card; 1744

(b) To have the number of students attending that 1745  
community school noted separately on the district's report card. 1746

The election authorized under division (I) (3) (a) of this 1747  
section is subject to approval by the governing authority of the 1748

community school. 1749

Any municipal school district that exercises an election 1750  
to combine or include data under division (I) (3) of this 1751  
section, by the first day of October of each year, shall file 1752  
with the department documentation indicating eligibility for 1753  
that election, as required by the department. 1754

(J) The department shall include on each report card the 1755  
percentage of teachers in the district or building who are 1756  
highly qualified, as defined by the No Child Left Behind Act of 1757  
2001, and a comparison of that percentage with the percentages 1758  
of such teachers in similar districts and buildings. 1759

This division shall not apply after the effective date of 1760  
this amendment. 1761

(K) (1) In calculating English language arts, mathematics, 1762  
or science assessment passage rates used to determine school 1763  
district or building performance under this section, the 1764  
department shall include all students taking an assessment with 1765  
accommodation or to whom an alternate assessment is administered 1766  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 1767  
Revised Code. 1768

(2) In calculating performance index scores, rates of 1769  
achievement on the performance indicators established by the 1770  
state board under section 3302.02 of the Revised Code, and 1771  
annual measurable objectives for determining adequate yearly 1772  
progress for school districts and buildings under this section, 1773  
the department shall do all of the following: 1774

(a) Include for each district or building only those 1775  
students who are included in the ADM certified for the first 1776  
full school week of October and are continuously enrolled in the 1777

district or building through the time of the spring 1778  
administration of any assessment prescribed by division (A) (1) 1779  
or (B) (1) of section 3301.0710 or division (B) of section 1780  
3301.0712 of the Revised Code that is administered to the 1781  
student's grade level; 1782

(b) Include cumulative totals from both the fall and 1783  
spring administrations of the third grade English language arts 1784  
achievement assessment; 1785

(c) Except as required by the No Child Left Behind Act of 1786  
2001, exclude for each district or building any limited English 1787  
proficient student who has been enrolled in United States 1788  
schools for less than one full school year. 1789

(L) Beginning with the 2015-2016 school year and at least 1790  
once every three years thereafter, the state board of education 1791  
shall review and may adjust the benchmarks for assigning letter 1792  
grades to the performance measures and components prescribed 1793  
under divisions (C) (3) and (D) of this section. 1794

**Sec. 3311.78.** Notwithstanding any provision of the Revised 1795  
Code to the contrary, a municipal school district shall be 1796  
subject to this section instead of sections 3317.13, 3317.14, 1797  
and 3317.141 of the Revised Code. 1798

(A) As used in this section, "principal" includes an 1799  
assistant principal. 1800

(B) The board of education of each municipal school 1801  
district annually shall adopt a differentiated salary schedule 1802  
for teachers based upon performance as described in division (D) 1803  
of this section. The board also annually shall adopt a 1804  
differentiated salary schedule for principals based upon 1805  
performance as described in division (D) of this section. 1806

For each teacher or principal hired on or after October 1, 1807  
2012, the board shall determine the teacher's or principal's 1808  
initial placement on the applicable salary schedule based on 1809  
years of experience and area of licensure and any other factors 1810  
the board considers appropriate. For each teacher hired prior to 1811  
October 1, 2012, the board shall initially place the teacher on 1812  
the applicable salary schedule so that the teacher's annual 1813  
salary on the schedule is comparable to the teacher's annual 1814  
salary for the school year immediately prior to the school year 1815  
covered by the schedule. For each principal hired prior to 1816  
October 1, 2012, the board shall initially place the principal 1817  
on the applicable salary schedule consistent with the 1818  
principal's employment contract. 1819

(C) The salary of a teacher shall not be reduced unless 1820  
such reduction is accomplished as part of a negotiated 1821  
collective bargaining agreement. The salary of a principal shall 1822  
not be reduced during the term of the principal's employment 1823  
contract unless such reduction is by mutual agreement of the 1824  
board and the principal or is part of a uniform plan affecting 1825  
the entire district. 1826

(D) For purposes of the schedules, the board shall measure 1827  
a teacher's or principal's performance by considering all of the 1828  
following: 1829

(1) The level of license issued under section 3319.22 of 1830  
the Revised Code that the teacher or principal holds; 1831

~~(2) Whether the teacher or principal is a highly qualified 1832  
teacher, as defined in section 3319.074 of the Revised Code;~~ 1833

~~(3) Ratings received by the teacher or principal on 1834  
performance evaluations conducted under section 3311.80 or 1835~~

3311.84 of the Revised Code; 1836

~~(4)~~(3) Any specialized training and experience in the 1837  
assigned position. 1838

(E) The salary schedules adopted under this section may 1839  
provide for additional compensation for teachers or principals 1840  
who perform duties, not contracted for under a supplemental 1841  
contract, that the board determines warrant additional 1842  
compensation. Those duties may include, but are not limited to, 1843  
assignment to a school building eligible for funding under Title 1844  
I of the "Elementary and Secondary Education Act of 1965," 20 1845  
U.S.C. 6301 et seq.; assignment to a building in "school 1846  
improvement" status under the "No Child Left Behind Act of 1847  
2001," as defined in section 3302.01 of the Revised Code; 1848  
teaching in a grade level or subject area in which the board has 1849  
determined there is a shortage within the district; assignment 1850  
to a hard-to-staff school, as determined by the board; or 1851  
teaching in a school with an extended school day or school year. 1852

(F) The chief executive officer of the district, or the 1853  
chief executive officer's designee, annually shall review the 1854  
salary of each teacher and principal and make a recommendation 1855  
to the board. Based on the recommendation, the board may 1856  
increase a teacher's or principal's salary based on the 1857  
teacher's or principal's performance and duties as provided for 1858  
in divisions (D) and (E) of this section. The performance-based 1859  
increase for a teacher or principal rated as accomplished shall 1860  
be greater than the performance-based increase for a teacher or 1861  
principal rated as skilled. Notwithstanding division (C) of this 1862  
section, division (C) of section 3319.02, and section 3319.12 of 1863  
the Revised Code, the board may decrease the teacher's or 1864  
principal's salary if the teacher or principal will perform 1865



fewer or different duties described in division (E) of this 1866  
section in the school year for which the salary is decreased. 1867

(G) Notwithstanding any provision to the contrary in 1868  
Chapter 4117. of the Revised Code, the requirements of this 1869  
section prevail over any conflicting provisions of a collective 1870  
bargaining agreement entered into on or after October 1, 2012. 1871  
However, the board and the teachers' labor organization shall 1872  
negotiate the implementation of the differentiated salary 1873  
schedule for teachers and may negotiate additional factors 1874  
regarding teacher salaries, provided those factors are 1875  
consistent with this section. 1876

**Sec. 3311.79.** (A) When assigning teachers to schools of a 1877  
municipal school district prior to the start of a school year, 1878  
teachers may apply for open positions. All applicants shall be 1879  
considered. Applicants may be interviewed by a building level 1880  
team comprised of the building principal, a representative of 1881  
the district teachers' labor organization, a parent, a staff 1882  
member in the same job classification as the posted position, 1883  
and any other members mutually agreed upon by the principal and 1884  
the labor organization representative. When openings occur, the 1885  
principal and labor organization representative shall mutually 1886  
select the members of the building level team. Interviews by the 1887  
building level team shall not be delayed due to the 1888  
unavailability of duly notified team members. The team shall 1889  
make recommendations whether to assign a teacher to an open 1890  
position in the building based on how suitably the teacher's 1891  
credentials fulfill the needs of the particular school. For this 1892  
purpose, the building level team shall consider the following 1893  
credentials: 1894

(1) The level of license issued under section 3319.22 of 1895

the Revised Code that the teacher holds;	1896
(2) The number of subject areas the teacher is licensed to teach;	1897 1898
<del>(3) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code;</del>	1899 1900
<del>(4)</del> The results of the teacher's performance evaluations conducted under section 3311.80 of the Revised Code;	1901 1902
<del>(5)</del> <u>(4)</u> Whether the teacher has recently taught and been evaluated in the subject areas the teacher would teach at the school;	1903 1904 1905
<del>(6)</del> <u>(5)</u> Any specialized training or experience the teacher possesses that are relevant to the open position;	1906 1907
<del>(7)</del> <u>(6)</u> Any other credentials established by the district chief executive officer or a building level team.	1908 1909
(B) The building level team shall make its recommendations to the district chief executive officer or the chief executive officer's designee for the chief executive officer's or designee's final approval of the assignment.	1910 1911 1912 1913
(C) In the event that open positions in one or more school buildings have not been filled through the procedures set forth in divisions (A) and (B) of this section, or if the building level team has not been able to reach a consensus on a candidate, by ten days prior to the first work day for teachers of the school year, the district chief executive officer or the chief executive officer's designee shall assign teachers to any of those open positions based on the best interests of the district. In making an assignment under this division, the chief executive officer or the chief executive officer's designee	1914 1915 1916 1917 1918 1919 1920 1921 1922 1923

shall take into consideration all input from the building level 1924  
team members. 1925

(D) In the event that a position opens after the first 1926  
student day of the school year, the building level team 1927  
interview and recommendation procedures set forth in divisions 1928  
(A) and (B) of this section shall be used to fill the open 1929  
position. If any positions remain open, or if the building level 1930  
team has not been able to reach a consensus on a candidate, 1931  
after a reasonable period of time as determined by the chief 1932  
executive officer or the chief executive officer's designee, the 1933  
chief executive officer or the chief executive officer's 1934  
designee shall assign teachers to any of those open positions 1935  
based on the best interests of the district. In making an 1936  
assignment under this division, the chief executive officer or 1937  
the chief executive officer's designee shall take into 1938  
consideration all input from the building level team members. 1939

(E) In the event it becomes necessary to assign, reassign, 1940  
or transfer a teacher, whether voluntarily or involuntarily on 1941  
the part of the teacher, for the purpose of promoting the best 1942  
interests of the district, the chief executive officer or the 1943  
chief executive officer's designee shall first meet with the 1944  
teacher, the principals of the affected buildings, and a 1945  
representative of the district teachers' labor organization. The 1946  
assignment, reassignment, or transfer shall not be delayed due 1947  
to the unavailability of the meeting participants who have been 1948  
duly notified. 1949

(F) The district chief executive officer or a building 1950  
level team shall not use seniority or continuing contract status 1951  
as the primary factor in determining any teacher's assignment to 1952  
a school. 1953

(G) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this section~~ October 1, 2012. However, the board and the teachers' labor organization shall negotiate regarding the implementation of this section, including the processes by which each building level team conducts its interviews and makes recommendations, consistent with this section.

**Sec. 3311.80.** Notwithstanding any provision of the Revised Code to the contrary, a not later than July 1, 2018, the board of education of each municipal school district and the teachers' labor organization jointly shall decide whether to update the district's standards-based teacher evaluation procedures to conform with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code, as it exists on and after the effective date of this amendment. If the board of education and the teachers' labor organization decide not to conform the framework to the evaluation framework developed under section 3319.112 of the Revised Code, the district shall be subject to this section instead of section 3319.111 of the Revised Code.

(A) Not later than July 1, ~~2013~~ 2018, the board of education of each municipal school district and the teachers' labor organization jointly shall develop and adopt standards-based teacher evaluation procedures that conform with either the framework for evaluation of teachers developed under section 3319.112 of the Revised Code, as it existed prior to the effective date of this amendment, or the evaluation framework developed under section 3319.112 of the Revised Code, as it exists on and after the effective date of this amendment. The

evaluation procedures shall include at least formal observations 1985  
and classroom walk-throughs, which may be announced or 1986  
unannounced; examinations of samples of work, such as lesson 1987  
plans or assessments designed by a teacher; and multiple 1988  
measures of student academic growth. 1989

(B) When using measures of student academic growth as a 1990  
component of a teacher's evaluation, those measures shall 1991  
include the value-added progress dimension prescribed by section 1992  
3302.021 of the Revised Code or the alternative student academic 1993  
progress measure if adopted under division (C) (1) (e) of section 1994  
3302.03 of the Revised Code. For teachers of grade levels and 1995  
subjects for which the value-added progress dimension or 1996  
alternative student academic achievement measure is not 1997  
applicable, the board shall administer assessments on the list 1998  
developed under former division (B) (2) of section 3319.112 of 1999  
the Revised Code as it existed prior to the effective date of 2000  
this amendment. 2001

(C) (1) Each teacher employed by the board shall be 2002  
evaluated at least once each school year, except as provided in 2003  
division (C) (2) of this section. The composite evaluation shall 2004  
be completed not later than the first day of June and the 2005  
teacher shall receive a written report of the results of the 2006  
composite evaluation not later than ten days after its 2007  
completion or the last teacher work day of the school year, 2008  
whichever is earlier. 2009

(2) Each teacher who received a rating of accomplished on 2010  
the teacher's most recent evaluation conducted under this 2011  
section may be evaluated once every two school years, except 2012  
that the teacher shall be evaluated in any school year in which 2013  
the teacher's contract is due to expire. The biennial composite 2014

evaluation shall be completed not later than the first day of 2015  
June of the applicable school year, and the teacher shall 2016  
receive a written report of the results of the composite 2017  
evaluation not later than ten days after its completion or the 2018  
last teacher work day of the school year, whichever is earlier. 2019

(D) Each evaluation conducted pursuant to this section 2020  
shall be conducted by one or more of the following persons who 2021  
have been trained to conduct evaluations in accordance with 2022  
criteria that shall be developed jointly by the chief executive 2023  
officer of the district, or the chief executive officer's 2024  
designee, and the teachers' labor organization: 2025

(1) The chief executive officer or a subordinate officer 2026  
of the district with responsibility for instruction or academic 2027  
affairs; 2028

(2) A person who is under contract with the board pursuant 2029  
to section 3319.02 of the Revised Code and holds a license 2030  
designated for being a principal issued under section 3319.22 of 2031  
the Revised Code; 2032

(3) A person who is under contract with the board pursuant 2033  
to section 3319.02 of the Revised Code and holds a license 2034  
designated for being a vocational director or a supervisor in 2035  
any educational area issued under section 3319.22 of the Revised 2036  
Code; 2037

(4) A person designated to conduct evaluations under an 2038  
agreement providing for peer assistance and review entered into 2039  
by the board and the teachers' labor organization. 2040

(E) The evaluation procedures shall describe how the 2041  
evaluation results will be used for decisions regarding 2042  
compensation, retention, promotion, and reductions in force and 2043

for removal of poorly performing teachers. 2044

(F) A teacher may challenge any violations of the 2045  
evaluation procedures in accordance with the grievance procedure 2046  
specified in any applicable collective bargaining agreement. A 2047  
challenge under this division is limited to the determination of 2048  
procedural errors that have resulted in substantive harm to the 2049  
teacher and to ordering the correction of procedural errors. The 2050  
failure of the board or a person conducting an evaluation to 2051  
strictly comply with any deadline or evaluation forms 2052  
established as part of the evaluation process shall not be cause 2053  
for an arbitrator to determine that a procedural error occurred, 2054  
unless the arbitrator finds that the failure resulted in 2055  
substantive harm to the teacher. The arbitrator shall have no 2056  
jurisdiction to modify the evaluation results, but the 2057  
arbitrator may stay any decision taken pursuant to division (E) 2058  
of this section pending the board's correction of any procedural 2059  
error. The board shall correct any procedural error within 2060  
fifteen business days after the arbitrator's determination that 2061  
a procedural error occurred. 2062

(G) Notwithstanding any provision to the contrary in 2063  
Chapter 4117. of the Revised Code, the requirements of this 2064  
section prevail over any conflicting provisions of a collective 2065  
bargaining agreement entered into on or after October 1, 2012. 2066  
However, the board and the teachers' labor organization may 2067  
negotiate additional evaluation procedures, including an 2068  
evaluation process incorporating peer assistance and review, 2069  
provided the procedures are consistent with this section. 2070

(H) This section does not apply to administrators 2071  
appointed by the chief executive officer of a municipal school 2072  
district under section 3311.72 of the Revised Code, 2073

administrators subject to evaluation procedures under section 2074  
3311.84 or 3319.02 of the Revised Code, or to any teacher 2075  
employed as a substitute for less than one hundred twenty days 2076  
during a school year pursuant to section 3319.10 of the Revised 2077  
Code. 2078

**Sec. 3311.84.** Notwithstanding any provision of the Revised 2079  
Code to the contrary, unless a municipal school district updates 2080  
its evaluation framework to conform with the evaluation 2081  
framework developed under section 3319.112 of the Revised Code, 2082  
as it exists on and after the effective date of this amendment, 2083  
the district shall be subject to this section instead of 2084  
division (D) of section 3319.02 of the Revised Code with respect 2085  
to principals and assistant principals, but all other provisions 2086  
of that section shall apply to the district with respect to 2087  
principals and assistant principals. Section 3319.02 of the 2088  
Revised Code in its entirety shall apply to the district with 2089  
respect to employees other than principals and assistant 2090  
principals who are covered by that section, except as otherwise 2091  
provided in section 3311.72 of the Revised Code. 2092

(A) As used in this section, "principal" includes an 2093  
assistant principal. 2094

(B) The board of education of each municipal school 2095  
district shall adopt procedures for the evaluation of principals 2096  
and shall evaluate all principals in accordance with those 2097  
procedures. The procedures shall be based on principles 2098  
comparable to the teacher evaluation procedures adopted under 2099  
section 3311.80 of the Revised Code, but shall be tailored to 2100  
the duties and responsibilities of principals and the 2101  
environment in which principals work. Each evaluation shall 2102  
measure the principal's effectiveness in performing the duties 2103



included in the principal's job description and shall be 2104  
considered by the board in deciding whether to renew the 2105  
principal's contract of employment. 2106

(C) The evaluation procedures adopted under this section 2107  
shall require each principal to be evaluated annually through a 2108  
written evaluation process. The evaluation shall be conducted by 2109  
the chief executive officer of the district, or the chief 2110  
executive officer's designee. 2111

(D) To provide time to show progress in correcting 2112  
deficiencies identified in the evaluation, each evaluation shall 2113  
be completed as follows: 2114

(1) In any school year that the principal's contract of 2115  
employment is not due to expire, at least one evaluation shall 2116  
be completed in that year. A written copy of the evaluation 2117  
shall be provided to the principal by the end of the principal's 2118  
contract year as defined by the principal's annual salary 2119  
notice. 2120

(2) In any school year that the principal's contract of 2121  
employment is due to expire, at least a preliminary evaluation 2122  
and a final evaluation shall be completed in that year. A 2123  
written copy of the preliminary evaluation shall be provided to 2124  
the principal at least sixty days prior to any action by the 2125  
board on the principal's contract of employment. The final 2126  
evaluation shall indicate the chief executive officer's intended 2127  
recommendation to the board regarding a contract of employment 2128  
for the principal. A written copy of the final evaluation shall 2129  
be provided to the principal at least five days prior to the 2130  
chief executive officer making the recommendation to the board. 2131

(E) At least thirty days prior to taking action to renew 2132

or not renew the contract of a principal, the board shall notify 2133  
the principal of the board's intended action and that the 2134  
principal may request a meeting with the board regarding the 2135  
board's intended action. Upon request of the principal, the 2136  
board shall grant the principal a meeting in executive session. 2137  
In that meeting, the board shall discuss its reasons for 2138  
considering renewal or nonrenewal of the contract. The principal 2139  
shall be permitted to have a representative, chosen by the 2140  
principal, present at the meeting. 2141

The establishment of evaluation procedures in accordance 2142  
with this section shall not create an expectancy of continued 2143  
employment. Nothing in this section shall prevent the board from 2144  
making the final determination regarding the renewal or 2145  
nonrenewal of a principal's contract. 2146

(F) Termination of a principal's contract shall be in 2147  
accordance with section 3319.16 of the Revised Code, except as 2148  
follows: 2149

(1) Failure of the principal's building to meet academic 2150  
performance standards established by the chief executive officer 2151  
shall be considered good and just cause for termination under 2152  
that section. 2153

(2) If the chief executive officer intends to recommend to 2154  
the board that the principal's contract be terminated, the chief 2155  
executive officer shall provide the principal a written copy of 2156  
the principal's evaluation at least five days prior to making 2157  
the recommendation to the board. 2158

**Sec. 3313.608.** (A) (1) Beginning with students who enter 2159  
third grade in the school year that starts July 1, 2009, and 2160  
until June 30, 2013, unless the student is excused under 2161

division (C) of section 3301.0711 of the Revised Code from 2162  
taking the assessment described in this section, for any student 2163  
who does not attain at least the equivalent level of achievement 2164  
designated under division (A) (3) of section 3301.0710 of the 2165  
Revised Code on the assessment prescribed under that section to 2166  
measure skill in English language arts expected at the end of 2167  
third grade, each school district, in accordance with the policy 2168  
adopted under section 3313.609 of the Revised Code, shall do one 2169  
of the following: 2170

(a) Promote the student to fourth grade if the student's 2171  
principal and reading teacher agree that other evaluations of 2172  
the student's skill in reading demonstrate that the student is 2173  
academically prepared to be promoted to fourth grade; 2174

(b) Promote the student to fourth grade but provide the 2175  
student with intensive intervention services in fourth grade; 2176

(c) Retain the student in third grade. 2177

(2) Beginning with students who enter third grade in the 2178  
2013-2014 school year, unless the student is excused under 2179  
division (C) of section 3301.0711 of the Revised Code from 2180  
taking the assessment described in this section, no school 2181  
district shall promote to fourth grade any student who does not 2182  
attain at least the equivalent level of achievement designated 2183  
under division (A) (3) of section 3301.0710 of the Revised Code 2184  
on the assessment prescribed under that section to measure skill 2185  
in English language arts expected at the end of third grade, 2186  
unless one of the following applies: 2187

(a) The student is a limited English proficient student 2188  
who has been enrolled in United States schools for less than 2189  
three full school years and has had less than three years of 2190

instruction in an English as a second language program.	2191
(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.	2192 2193 2194 2195
(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.	2196 2197 2198
(d) All of the following apply:	2199
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	2200 2201 2202
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	2203 2204 2205
(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.	2206 2207 2208 2209 2210
(iv) The student previously was retained in any of grades kindergarten to three.	2211 2212
(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.	2213 2214 2215 2216
(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading	2217 2218

instruction in grade four. The instruction shall include an 2219  
altered instructional day that includes specialized diagnostic 2220  
information and specific research-based reading strategies for 2221  
the student that have been successful in improving reading among 2222  
low-performing readers. 2223

(B) (1) Beginning in the 2012-2013 school year, to assist 2224  
students in meeting the third grade guarantee established by 2225  
this section, each school district board of education shall 2226  
adopt policies and procedures with which it annually shall 2227  
assess the reading skills of each student, except those students 2228  
with significant cognitive disabilities or other disabilities as 2229  
authorized by the department on a case-by-case basis, enrolled 2230  
in kindergarten to third grade and shall identify students who 2231  
are reading below their grade level. The reading skills 2232  
assessment shall be completed by the thirtieth day of September 2233  
for students in grades one to three, and by the first day of 2234  
November for students in kindergarten. Each district shall use 2235  
the diagnostic assessment to measure reading ability for the 2236  
appropriate grade level adopted under section 3301.079 of the 2237  
Revised Code, or a comparable assessment or tool approved by the 2238  
department of education, to identify such students. The policies 2239  
and procedures shall require the students' classroom teachers to 2240  
be involved in the assessment and the identification of students 2241  
reading below grade level. The assessment may be administered 2242  
electronically using live, two-way video and audio connections 2243  
whereby the teacher administering the assessment may be in a 2244  
separate location from the student. 2245

(2) For each student identified by the diagnostic 2246  
assessment prescribed under this section as having reading 2247  
skills below grade level, the district shall do both of the 2248  
following: 2249

(a) Provide to the student's parent or guardian, in writing, all of the following:	2250 2251
(i) Notification that the student has been identified as having a substantial deficiency in reading;	2252 2253
(ii) A description of the current services that are provided to the student;	2254 2255
(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;	2256 2257 2258 2259
(iv) Notification that if the student attains a score in the range designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.	2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271
(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-	2272 2273 2274 2275 2276 2277 2278

performing readers and instruction targeted at the student's	2279
identified reading deficiencies.	2280
(3) For each student retained under division (A) of this	2281
section, the district shall do all of the following:	2282
(a) Provide intense remediation services until the student	2283
is able to read at grade level. The remediation services shall	2284
include intensive interventions in reading that address the	2285
areas of deficiencies identified under this section including,	2286
but not limited to, not less than ninety minutes of reading	2287
instruction per day, and may include any of the following:	2288
(i) Small group instruction;	2289
(ii) Reduced teacher-student ratios;	2290
(iii) More frequent progress monitoring;	2291
(iv) Tutoring or mentoring;	2292
(v) Transition classes containing third and fourth grade	2293
students;	2294
(vi) Extended school day, week, or year;	2295
(vii) Summer reading camps.	2296
(b) Establish a policy for the mid-year promotion of a	2297
student retained under division (A) of this section who	2298
demonstrates that the student is reading at or above grade	2299
level;	2300
(c) Provide each student with a teacher who satisfies one	2301
or more of the criteria set forth in division (H) of this	2302
section.	2303
The district shall offer the option for students to	2304
receive applicable services from one or more providers other	2305

than the district. Providers shall be screened and approved by 2306  
the district or the department of education. If the student 2307  
participates in the remediation services and demonstrates 2308  
reading proficiency in accordance with standards adopted by the 2309  
department prior to the start of fourth grade, the district 2310  
shall promote the student to that grade. 2311

(4) For each student retained under division (A) of this 2312  
section who has demonstrated proficiency in a specific academic 2313  
ability field, each district shall provide instruction 2314  
commensurate with student achievement levels in that specific 2315  
academic ability field. 2316

As used in this division, "specific academic ability 2317  
field" has the same meaning as in section 3324.01 of the Revised 2318  
Code. 2319

(C) For each student required to be provided intervention 2320  
services under this section, the district shall develop a 2321  
reading improvement and monitoring plan within sixty days after 2322  
receiving the student's results on the diagnostic assessment or 2323  
comparable tool administered under division (B)(1) of this 2324  
section. The district shall involve the student's parent or 2325  
guardian and classroom teacher in developing the plan. The plan 2326  
shall include all of the following: 2327

(1) Identification of the student's specific reading 2328  
deficiencies; 2329

(2) A description of the additional instructional services 2330  
and support that will be provided to the student to remediate 2331  
the identified reading deficiencies; 2332

(3) Opportunities for the student's parent or guardian to 2333  
be involved in the instructional services and support described 2334



in division (C) (2) of this section;	2335
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;	2336 2337 2338
(5) A reading curriculum during regular school hours that does all of the following:	2339 2340
(a) Assists students to read at grade level;	2341
(b) Provides scientifically based and reliable assessment;	2342
(c) Provides initial and ongoing analysis of each student's reading progress.	2343 2344
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	2345 2346 2347 2348 2349 2350
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	2351 2352 2353 2354
The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.	2355 2356 2357 2358
(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction	2359 2360 2361 2362

annually shall report to the governor and general assembly the 2363  
number and percentage of students in grades kindergarten through 2364  
four reading below grade level based on the diagnostic 2365  
assessments administered under division (B) of this section and 2366  
the achievement assessments administered under divisions (A)(1) 2367  
(a) and (b) of section 3301.0710 of the Revised Code in English 2368  
language arts, aggregated by school district and building; the 2369  
types of intervention services provided to students; and, if 2370  
available, an evaluation of the efficacy of the intervention 2371  
services provided. 2372

(E) Any summer remediation services funded in whole or in 2373  
part by the state and offered by school districts to students 2374  
under this section shall meet the following conditions: 2375

(1) The remediation methods are based on reliable 2376  
educational research. 2377

(2) The school districts conduct assessment before and 2378  
after students participate in the program to facilitate 2379  
monitoring results of the remediation services. 2380

(3) The parents of participating students are involved in 2381  
programming decisions. 2382

(F) Any intervention or remediation services required by 2383  
this section shall include intensive, explicit, and systematic 2384  
instruction. 2385

(G) This section does not create a new cause of action or 2386  
a substantive legal right for any person. 2387

(H) (1) Except as provided under divisions (H) (2), (3), and 2388  
(4) of this section, each student described in division (B) (3) 2389  
or (C) of this section who enters third grade for the first time 2390  
on or after July 1, 2013, shall be assigned a teacher who has at 2391

least one year of teaching experience and who satisfies one or 2392  
more of the following criteria: 2393

(a) The teacher holds a reading endorsement on the 2394  
teacher's license and has attained a passing score on the 2395  
corresponding assessment for that endorsement, as applicable. 2396

(b) The teacher has completed a master's degree program 2397  
with a major in reading. 2398

(c) The teacher was rated "most effective" for reading 2399  
instruction consecutively for the most recent two years based on 2400  
assessments of student growth measures developed by a vendor and 2401  
that is on the list of student assessments approved by the state 2402  
board under former division (B) (2) of section 3319.112 of the 2403  
Revised Code as it existed prior to the effective date of this 2404  
amendment. 2405

(d) The teacher was rated "above expected value added," in 2406  
reading instruction, as determined by criteria established by 2407  
the department, for the most recent, consecutive two years. 2408

(e) The teacher has earned a passing score on a rigorous 2409  
test of principles of scientifically research-based reading 2410  
instruction as approved by the state board. 2411

(f) The teacher holds an educator license for teaching 2412  
grades pre-kindergarten through three or four through nine 2413  
issued on or after July 1, 2017. 2414

(2) Notwithstanding division (H) (1) of this section, a 2415  
student described in division (B) (3) or (C) of this section who 2416  
enters third grade for the first time on or after July 1, 2013, 2417  
may be assigned to a teacher with less than one year of teaching 2418  
experience provided that the teacher meets one or more of the 2419  
criteria described in divisions (H) (1) (a) to (f) of this section 2420

and that teacher is assigned a teacher mentor who meets the 2421  
qualifications of division (H) (1) of this section. 2422

(3) Notwithstanding division (H) (1) of this section, a 2423  
student described in division (B) (3) or (C) of this section who 2424  
enters third grade for the first time on or after July 1, 2013, 2425  
but prior to July 1, 2016, may be assigned to a teacher who 2426  
holds an alternative credential approved by the department or 2427  
who has successfully completed training that is based on 2428  
principles of scientifically research-based reading instruction 2429  
that has been approved by the department. Beginning on July 1, 2430  
2014, the alternative credentials and training described in 2431  
division (H) (3) of this section shall be aligned with the 2432  
reading competencies adopted by the state board of education 2433  
under section 3301.077 of the Revised Code. 2434

(4) Notwithstanding division (H) (1) of this section, a 2435  
student described in division (B) (3) or (C) of this section who 2436  
enters third grade for the first time on or after July 1, 2013, 2437  
may receive reading intervention or remediation services under 2438  
this section from an individual employed as a speech-language 2439  
pathologist who holds a license issued by the state speech and 2440  
hearing professionals board under Chapter 4753. of the Revised 2441  
Code and a professional pupil services license as a school 2442  
speech-language pathologist issued by the state board of 2443  
education. 2444

(5) A teacher, other than a student's teacher of record, 2445  
may provide any services required under this section, so long as 2446  
that other teacher meets the requirements of division (H) of 2447  
this section and the teacher of record and the school principal 2448  
agree to the assignment. Any such assignment shall be documented 2449  
in the student's reading improvement and monitoring plan. 2450

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B) (3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community

school that has submitted a plan under this division shall 2481  
submit to the department a detailed report of the progress the 2482  
district or school has made in meeting the requirements under 2483  
this section. 2484

A school district or community school may request an 2485  
extension of a staffing plan beyond the 2013-2014 school year. 2486  
Extension requests must be submitted to the department not later 2487  
than the thirtieth day of April prior to the start of the 2488  
applicable school year. The department may grant extensions 2489  
valid through the 2015-2016 school year. 2490

Until June 30, 2015, the department annually shall review 2491  
all staffing plans and report to the state board not later than 2492  
the thirtieth day of June of each year the progress of school 2493  
districts and community schools in meeting the requirements of 2494  
this section. 2495

(K) The department of education shall designate one or 2496  
more staff members to provide guidance and assistance to school 2497  
districts and community schools in implementing the third grade 2498  
guarantee established by this section, including any standards 2499  
or requirements adopted to implement the guarantee and to 2500  
provide information and support for reading instruction and 2501  
achievement. 2502

**Sec. 3313.814.** (A) As used in this section and sections 2503  
3313.816 and 3313.817 of the Revised Code: 2504

(1) "A la carte item" means an individually priced food or 2505  
beverage item that is available for sale to students through any 2506  
of the following: 2507

(a) A school food service program; 2508

(b) A vending machine located on school property; 2509

(c) A store operated by the school, a student association, 2510  
or other school-sponsored organization. 2511

"A la carte item" does not include any food or beverage 2512  
item available for sale in connection with a school-sponsored 2513  
fundraiser held outside of the regular school day, any other 2514  
school-sponsored event held outside of the regular school day, 2515  
or an interscholastic athletic event. "A la carte item" also 2516  
does not include any food or beverage item that is part of a 2517  
reimbursable meal and that is available for sale as an 2518  
individually priced item in a serving portion of the same size 2519  
as in the reimbursable meal, regardless of whether the food or 2520  
beverage item is included in the reimbursable meal served on a 2521  
particular school day. 2522

(2) "Added sweeteners" means any additives that enhance 2523  
the sweetness of a beverage, including processed sugar. "Added 2524  
sweeteners" do not include any natural sugars found in fruit 2525  
juices that are a component of the beverage. 2526

(3) "Extended school day" means the period before and 2527  
after the regular school day during which students participate 2528  
in school-sponsored extracurricular activities, latchkey 2529  
programs as defined in section 3313.207 of the Revised Code, or 2530  
other academic or enrichment programs. 2531

(4) "Regular school day" means the period each school day 2532  
between the designated arrival time for students and the end of 2533  
the final instructional period. 2534

(5) "Reimbursable meal" means a meal that is provided to 2535  
students through a school breakfast or lunch program established 2536  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 2537  
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 2538

80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 2539  
criteria for reimbursement established by the United States 2540  
department of agriculture. 2541

(6) "School food service program" means a school food 2542  
service program operated under section 3313.81 or 3313.813 of 2543  
the Revised Code. 2544

(B) Each school district board of education and each 2545  
chartered nonpublic school governing authority shall adopt and 2546  
enforce nutrition standards governing the types of food and 2547  
beverages that may be sold on the premises of its schools, and 2548  
specifying the time and place each type of food or beverage may 2549  
be sold. 2550

(1) In adopting the standards, the board or governing 2551  
authority shall do all of the following: 2552

(a) Consider the nutritional value of each food or 2553  
beverage; 2554

(b) Consult with a dietitian licensed under Chapter 4759. 2555  
of the Revised Code, a dietetic technician registered by the 2556  
commission on dietetic registration, or a school nutrition 2557  
specialist certified or credentialed by the school nutrition 2558  
association. The person with whom the board or governing 2559  
authority consults may be an employee of the board or governing 2560  
authority, a person contracted by the board or governing 2561  
authority, or a volunteer, provided the person meets the 2562  
requirements of this division. 2563

(c) Consult the dietary guidelines for Americans jointly 2564  
developed by the United States department of agriculture and the 2565  
United States department of health and human services and, to 2566  
the maximum extent possible, incorporate the guidelines into the 2567



standards. 2568

(2) No food or beverage may be sold on any school premises 2569  
except in accordance with the standards adopted by the board or 2570  
governing authority. 2571

(3) The standards shall comply with sections 3313.816 and 2572  
3313.817 of the Revised Code, but nothing in this section shall 2573  
prohibit the standards from being more restrictive than 2574  
otherwise required by those sections. 2575

(C) The nutrition standards adopted under this section 2576  
shall prohibit the placement of vending machines in any 2577  
classroom where students are provided instruction, unless the 2578  
classroom also is used to serve students meals. This division 2579  
does not apply to vending machines that sell only milk, 2580  
reimbursable meals, or food and beverage items that are part of 2581  
a reimbursable meal and are available for sale as individually 2582  
priced items in serving portions of the same size as in the 2583  
reimbursable meal. 2584

(D) Each board or governing authority shall designate 2585  
staff to be responsible for ensuring that the school district or 2586  
school meets the nutrition standards adopted under this section. 2587  
The staff shall prepare an annual report regarding the 2588  
district's or school's compliance with the standards and ~~submit~~ 2589  
include it in the report to the department of education 2590  
prescribed in section 3301.68 of the Revised Code. The board or 2591  
governing authority annually shall schedule a presentation on 2592  
the nutrition standards report at one of its regular meetings. 2593  
Each district or school shall make copies of the nutrition 2594  
standards report available to the public upon request. 2595

(E) The state board of education shall formulate and adopt 2596

guidelines, which boards of education and chartered nonpublic schools may follow in enforcing and implementing this section. 2597  
2598

**Sec. 3317.141.** The board of education of any city, 2599  
exempted village, local, or joint vocational school district 2600  
that is the recipient of moneys from a grant awarded under the 2601  
federal race to the top program, Division (A), Title XIV, 2602  
Sections 14005 and 14006 of the "American Recovery and 2603  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2604  
shall comply with this section in accordance with the timeline 2605  
contained in the board's scope of work, as approved by the 2606  
superintendent of public instruction, and shall not be subject 2607  
to sections 3317.13 and 3317.14 of the Revised Code. The board 2608  
of education of any other school district, and the governing 2609  
board of each educational service center, shall comply with 2610  
either this section or sections 3317.13 and 3317.14 of the 2611  
Revised Code. 2612

(A) The board annually shall adopt a salary schedule for 2613  
teachers based upon performance as described in division (B) of 2614  
this section. 2615

(B) For purposes of the schedule, a board shall measure a 2616  
teacher's performance by considering all of the following: 2617

(1) The level of license issued under section 3319.22 of 2618  
the Revised Code that the teacher holds; 2619

(2) ~~Whether the teacher is a highly qualified teacher, as~~ 2620  
~~defined in section 3319.074 of the Revised Code;~~ 2621

~~(3) Ratings received by the teacher on performance~~ 2622  
evaluations conducted under section 3319.111 of the Revised 2623  
Code. 2624

(C) The schedule shall provide for annual adjustments 2625

based on performance on the evaluations conducted under section 2626  
3319.111 of the Revised Code. The annual performance-based 2627  
adjustment for a teacher rated as accomplished shall be greater 2628  
than the annual performance-based adjustment for a teacher rated 2629  
as skilled. 2630

(D) The salary schedule adopted under this section may 2631  
provide for additional compensation for teachers who agree to 2632  
perform duties, not contracted for under a supplemental 2633  
contract, that the employing board determines warrant additional 2634  
compensation. Those duties may include, but are not limited to, 2635  
assignment to a school building eligible for funding under Title 2636  
I of the "Elementary and Secondary Education Act of 1965," 20 2637  
U.S.C. 6301 et seq.; assignment to a building in "school 2638  
improvement" status under the "No Child Left Behind Act of 2639  
2001," as defined in section 3302.01 of the Revised Code; 2640  
teaching in a grade level or subject area in which the board has 2641  
determined there is a shortage within the district or service 2642  
center; or assignment to a hard-to-staff school, as determined 2643  
by the board. 2644

**Sec. 3319.075.** Once the state board of education adopts 2645  
professional development standards pursuant to section 3319.61 2646  
of the Revised Code, the board of education of each school 2647  
district shall use the standards for the following purposes: 2648

(A) To guide the design of teacher education programs 2649  
serving both teacher candidates and experienced teachers; 2650

(B) To guide school-based professional development that is 2651  
aligned with student achievement; 2652

(C) To determine what types of professional development 2653  
the school district and the schools within the district should 2654

provide;	2655
(D) To guide how state and federal funding for professional development should be spent;	2656 2657
(E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code;	2658 2659 2660
(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards;	2661 2662 2663
(G) To guide all licensed school personnel in developing their own plans for professional growth;	2664 2665
<u>(H) To guide the development of professional growth plans and improvement plans resulting from the teacher evaluations conducted under section 3319.111 of the Revised Code.</u>	2666 2667 2668
<b>Sec. 3319.081.</b> Except as otherwise provided in division (G) of this section, in all school districts wherein the provisions of Chapter 124. of the Revised Code do not apply, the following employment contract system shall control for employees whose contracts of employment are not otherwise provided by law:	2669 2670 2671 2672 2673
(A) Newly hired regular nonteaching school employees, including regular hourly rate and per diem employees, shall enter into written contracts for their employment which shall be for a period of not more than one year. If such employees are rehired, their <u>three</u> subsequent <del>contract</del> <u>contracts</u> shall be for a period of two years <u>each</u> .	2674 2675 2676 2677 2678 2679
(B) After the termination of the <u>third</u> two-year contract provided in division (A) of this section, if the contract of a nonteaching employee is renewed, the employee shall be continued	2680 2681 2682

in employment, and the salary provided in the contract may be 2683  
increased but not reduced unless such reduction is a part of a 2684  
uniform plan affecting the nonteaching employees of the entire 2685  
district. 2686

(C) The contracts as provided for in this section may be 2687  
terminated by a majority vote of the board of education. Except 2688  
as provided in sections 3319.0810 and 3319.172 of the Revised 2689  
Code, the contracts may be terminated only for violation of 2690  
written rules and regulations as set forth by the board of 2691  
education or for incompetency, inefficiency, dishonesty, 2692  
drunkenness, immoral conduct, insubordination, discourteous 2693  
treatment of the public, neglect of duty, or any other acts of 2694  
misfeasance, malfeasance, or nonfeasance. In addition to the 2695  
right of the board of education to terminate the contract of an 2696  
employee, the board may suspend an employee for a definite 2697  
period of time or demote the employee for the reasons set forth 2698  
in this division. The action of the board of education 2699  
terminating the contract of an employee or suspending or 2700  
demoting the employee shall be served upon the employee by 2701  
certified mail. Within ten days following the receipt of such 2702  
notice by the employee, the employee may file an appeal, in 2703  
writing, with the court of common pleas of the county in which 2704  
such school board is situated. After hearing the appeal the 2705  
common pleas court may affirm, disaffirm, or modify the action 2706  
of the school board. 2707

A violation of division (A) (7) of section 2907.03 of the 2708  
Revised Code is grounds for termination of employment of a 2709  
nonteaching employee under this division. 2710

(D) All employees who have been employed by a school 2711  
district where the provisions of Chapter 124. of the Revised 2712

Code do not apply, for a period of at least three years on 2713  
November 24, 1967, shall hold continuing contracts of employment 2714  
pursuant to this section. 2715

(E) Any nonteaching school employee may terminate the 2716  
nonteaching school employee's contract of employment thirty days 2717  
subsequent to the filing of a written notice of such termination 2718  
with the treasurer of the board. 2719

(F) A person hired exclusively for the purpose of 2720  
replacing a nonteaching school employee while such employee is 2721  
on leave of absence granted under section 3319.13 of the Revised 2722  
Code is not a regular nonteaching school employee under this 2723  
section. 2724

(G) All nonteaching employees employed pursuant to this 2725  
section and Chapter 124. of the Revised Code shall be paid for 2726  
all time lost when the schools in which they are employed are 2727  
closed owing to an epidemic or other public calamity. Nothing in 2728  
this division shall be construed as requiring payment in excess 2729  
of an employee's regular wage rate or salary for any time worked 2730  
while the school in which the employee is employed is officially 2731  
closed for the reasons set forth in this division. 2732

**Sec. 3319.088.** As used in this section, "educational 2733  
assistant" means any nonteaching employee working in a federally 2734  
funded program in a school district who directly assists a 2735  
teacher as defined in section 3319.09 of the Revised Code, by 2736  
performing duties for which a license issued pursuant to 2737  
sections 3319.22 to 3319.30 of the Revised Code is not required. 2738

(A) The state board of education shall issue educational 2739  
aide permits and educational paraprofessional licenses for 2740  
educational assistants ~~and~~ to applicants who undergo criminal 2741

records checks in accordance with section 3319.291 of the 2742  
Revised Code that do not indicate a plea of guilty, a finding of 2743  
guilt by a jury or court of, or a conviction of any of the 2744  
offenses listed in divisions (B) and (C) of section 3319.31 of 2745  
the Revised Code. The state board shall adopt rules for the 2746  
issuance and renewal of such permits and licenses which shall be 2747  
consistent with the provisions of this section. Educational aide 2748  
permits and educational paraprofessional licenses may be of 2749  
several types ~~and the rules shall prescribe the minimum~~ 2750  
~~qualifications of education, health, and character for the~~ 2751  
~~service to be authorized under each type. The prescribed minimum~~ 2752  
~~qualifications may require special training or educational~~ 2753  
~~courses designed to qualify a person to perform effectively the~~ 2754  
~~duties authorized under an educational aide permit or~~ 2755  
~~educational paraprofessional license~~ as prescribed in the rules 2756  
adopted by the state board. 2757

(B) (1) Any application for a permit or license, or a 2758  
renewal or duplicate of a permit or license, under this section 2759  
shall be accompanied by the payment of a fee in the amount 2760  
established under division (A) of section 3319.51 of the Revised 2761  
Code. Any fees received under this division shall be paid into 2762  
the state treasury to the credit of the state board of education 2763  
licensure fund established under division (B) of section 3319.51 2764  
of the Revised Code. 2765

(2) Any person applying for or holding a permit or license 2766  
pursuant to this section is subject to sections 3123.41 to 2767  
3123.50 of the Revised Code and any applicable rules adopted 2768  
under section 3123.63 of the Revised Code and sections 3319.31 2769  
and 3319.311 of the Revised Code. 2770

(C) Educational assistants shall at all times while in the 2771

performance of their duties be under the supervision and 2772  
direction of a teacher as defined in section 3319.09 of the 2773  
Revised Code. Educational assistants may assist a teacher to 2774  
whom assigned in the supervision of pupils, in assisting with 2775  
instructional tasks, and in the performance of duties which, in 2776  
the judgment of the teacher to whom the assistant is assigned, 2777  
may be performed by a person not licensed pursuant to sections 2778  
3319.22 to 3319.30 of the Revised Code and for which a teaching 2779  
license, issued pursuant to sections 3319.22 to 3319.30 of the 2780  
Revised Code is not required. The duties of an educational 2781  
assistant shall not include the assignment of grades to pupils. 2782  
The duties of an educational assistant need not be performed in 2783  
the physical presence of the teacher to whom assigned, but the 2784  
activity of an educational assistant shall at all times be under 2785  
the direction of the teacher to whom assigned. The assignment of 2786  
an educational assistant need not be limited to assisting a 2787  
single teacher. In the event an educational assistant is 2788  
assigned to assist more than one teacher the assignments shall 2789  
be clearly delineated and so arranged that the educational 2790  
assistant shall never be subject to simultaneous supervision or 2791  
direction by more than one teacher. 2792

Educational assistants assigned to supervise children 2793  
shall, when the teacher to whom assigned is not physically 2794  
present, maintain the degree of control and discipline that 2795  
would be maintained by the teacher. 2796

Educational assistants may not be used in place of 2797  
classroom teachers or other employees and any payment of 2798  
compensation by boards of education to educational assistants 2799  
for such services is prohibited. The ratio between the number of 2800  
licensed teachers and the pupils in a school district may not be 2801  
decreased by utilization of educational assistants and no 2802



grouping, or other organization of pupils, for utilization of 2803  
educational assistants shall be established which is 2804  
inconsistent with sound educational practices and procedures. A 2805  
school district may employ up to one full time equivalent 2806  
educational assistant for each six full time equivalent licensed 2807  
employees of the district. Educational assistants shall not be 2808  
counted as licensed employees for purposes of state support in 2809  
the school foundation program and no grouping or regrouping of 2810  
pupils with educational assistants may be counted as a class or 2811  
unit for school foundation program purposes. Neither special 2812  
courses required by the regulations of the state board of 2813  
education, prescribing minimum qualifications of education for 2814  
an educational assistant, nor years of service as an educational 2815  
assistant shall be counted in any way toward qualifying for a 2816  
teacher license, for a teacher contract of any type, or for 2817  
determining placement on a salary schedule in a school district 2818  
as a teacher. 2819

(D) Educational assistants employed by a board of 2820  
education shall have all rights, benefits, and legal protection 2821  
available to other nonteaching employees in the school district, 2822  
except that provisions of Chapter 124. of the Revised Code shall 2823  
not apply to any person employed as an educational assistant, 2824  
and shall be members of the school employees retirement system. 2825  
Educational assistants shall be compensated according to a 2826  
salary plan adopted annually by the board. 2827

Except as provided in this section nonteaching employees 2828  
shall not serve as educational assistants without first 2829  
obtaining an appropriate educational aide permit or educational 2830  
paraprofessional license from the state board of education. A 2831  
nonteaching employee who is the holder of a valid educational 2832  
aide permit or educational paraprofessional license shall 2833

neither render nor be required to render services inconsistent 2834  
with the type of services authorized by the permit or license 2835  
held. No person shall receive compensation from a board of 2836  
education for services rendered as an educational assistant in 2837  
violation of this provision. 2838

Nonteaching employees whose functions are solely 2839  
secretarial-clerical and who do not perform any other duties as 2840  
educational assistants, even though they assist a teacher and 2841  
work under the direction of a teacher shall not be required to 2842  
hold a permit or license issued pursuant to this section. 2843  
Students preparing to become licensed teachers or educational 2844  
assistants shall not be required to hold an educational aide 2845  
permit or paraprofessional license for such periods of time as 2846  
such students are assigned, as part of their training program, 2847  
to work with a teacher in a school district. Such students shall 2848  
not be compensated for such services. 2849

Nonteaching employees whose services are needed to 2850  
substitute for educational assistants shall not be required to 2851  
hold a permit or license issued pursuant to this section. 2852

Following the determination of the assignment and general 2853  
job description of an educational assistant and subject to 2854  
supervision by the teacher's immediate administrative officer, a 2855  
teacher to whom an educational assistant is assigned shall make 2856  
all final determinations of the duties to be assigned to such 2857  
assistant. Teachers shall not be required to hold a license 2858  
designated for being a supervisor or administrator in order to 2859  
perform the necessary supervision of educational assistants. 2860

(E) No person who is, or who has been employed as an 2861  
educational assistant shall divulge, except to the teacher to 2862  
whom assigned, or the administrator of the school in the absence 2863

of the teacher to whom assigned, or when required to testify in 2864  
a court or proceedings, any personal information concerning any 2865  
pupil in the school district which was obtained or obtainable by 2866  
the educational assistant while so employed. Violation of this 2867  
provision is grounds for disciplinary action or dismissal, or 2868  
both. 2869

(F) Notwithstanding anything to the contrary in this 2870  
section, the superintendent of a school district may allow an 2871  
employee who does not hold a permit or license issued under this 2872  
section to work as a substitute for an educational assistant who 2873  
is absent on account of illness or on a leave of absence, or to 2874  
fill a temporary position created by an emergency, provided that 2875  
the superintendent believes the employee's application materials 2876  
indicate that the employee is qualified to obtain a permit or 2877  
license under this section. 2878

An employee shall begin work as a substitute under this 2879  
division not earlier than on the date on which the employee 2880  
files an application with the state board for a permit or 2881  
license under this section. An employee shall cease working as a 2882  
substitute under this division on the earliest of the following: 2883

(1) The date on which the employee files a valid permit or 2884  
license issued under this section with the superintendent; 2885

(2) The date on which the employee is denied a permit or 2886  
license under this section; 2887

(3) Sixty days following the date on which the employee 2888  
began work as a substitute under this division. 2889

The superintendent shall ensure that an employee assigned 2890  
to work as a substitute under division (F) of this section has 2891  
undergone a criminal records check in accordance with section 2892

3319.391 of the Revised Code. 2893

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 2894  
Revised Code, this section applies to any person who is employed 2895  
under a teacher license issued under this chapter, or under a 2896  
professional or permanent teacher's certificate issued under 2897  
former section 3319.222 of the Revised Code, and who spends at 2898  
least fifty per cent of the time employed providing student 2899  
instruction. However, this section does not apply to any person 2900  
who is employed as a substitute teacher or as an instructor of 2901  
adult education. 2902

(A) Not later than July 1, ~~2013~~ 2018, the board of 2903  
education of each school district, in consultation with teachers 2904  
employed by the board, shall ~~adopt a~~ update its standards-based 2905  
teacher evaluation policy ~~that conforms to conform~~ with the 2906  
framework for evaluation of teachers ~~developed~~ adopted under 2907  
section 3319.112 of the Revised Code. The policy shall become 2908  
operative at the expiration of any collective bargaining 2909  
agreement covering teachers employed by the board that is in 2910  
effect on ~~September 29, 2011~~ the effective date of this 2911  
amendment, and shall be included in any renewal or extension of 2912  
such an agreement. 2913

(B) When using measures of student ~~academic growth as a~~ 2914  
~~component of performance as evidence in a~~ teacher's evaluation, 2915  
those measures shall ~~include the value added progress dimension~~ 2916  
~~prescribed by section 3302.021 of the Revised Code or an~~ 2917  
~~alternative student academic progress measure if adopted under~~ 2918  
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 2919  
~~teachers of grade levels and subjects for which the value added~~ 2920  
~~progress dimension or alternative student academic progress~~ 2921  
~~measure is not applicable, the board shall administer~~ 2922

~~assessments on the list developed under division (B) (2) be high-~~ 2923  
~~quality student data, as defined under division (A) (6) of~~ 2924  
section 3319.112 of the Revised Code. 2925

(C) (1) The board shall conduct an evaluation of each 2926  
teacher employed by the board at least once each school year, 2927  
except as provided in division (C) (2) of this section. The 2928  
evaluation shall be completed by the first day of May and the 2929  
teacher shall receive a written report of the results of the 2930  
evaluation by the tenth day of May. 2931

(2) (a) The board may evaluate each teacher who received a 2932  
rating of accomplished on the teacher's most recent evaluation 2933  
conducted under this section once every three school years, so 2934  
long as ~~the teacher's student academic growth measure, for the~~ 2935  
~~most recent school year for which data is available, is average-~~ 2936  
~~or higher, as determined by the department of education~~ teacher 2937  
submits a self-directed professional growth plan to the 2938  
evaluator that focuses on specific areas identified in the 2939  
observations and evaluation and the evaluator determines that 2940  
the teacher is making progress on that plan. 2941

(b) The board may evaluate each teacher who received a 2942  
rating of skilled on the teacher's most recent evaluation 2943  
conducted under this section once every two years, so long as 2944  
~~the teacher's student academic growth measure, for the most-~~ 2945  
~~recent school year for which data is available, is average or-~~ 2946  
~~higher, as determined by the department of education~~ teacher and 2947  
evaluator jointly develop a professional growth plan for the 2948  
teacher that focuses on specific areas identified in the 2949  
observations and evaluation and the evaluator determines that 2950  
the teacher is making progress on that plan. 2951

(c) For each teacher who is evaluated pursuant to division 2952

(C) (2) of this section, the evaluation shall be completed by the 2953  
first day of May of the applicable school year, and the teacher 2954  
shall receive a written report of the results of the evaluation 2955  
by the tenth day of May of that school year. 2956

(d) ~~Beginning with the 2014-2015 school year, the~~The 2957  
board may elect not to conduct an evaluation of a teacher who 2958  
meets one of the following requirements: 2959

(i) The teacher was on leave from the school district for 2960  
fifty per cent or more of the school year, as calculated by the 2961  
board. 2962

(ii) The teacher has submitted notice of retirement and 2963  
that notice has been accepted by the board not later than the 2964  
first day of December of the school year in which the evaluation 2965  
is otherwise scheduled to be conducted. 2966

(e) Beginning with the 2017-2018 school year, the board 2967  
may elect not to conduct an evaluation of a teacher who is 2968  
participating in the teacher residency program established under 2969  
section 3319.223 of the Revised Code for the year during which 2970  
that teacher takes, for the first time, at least half of the 2971  
performance-based assessment prescribed by the state board of 2972  
education for resident educators. 2973

(3) In any year that a teacher is not formally evaluated 2974  
pursuant to division (C) of this section as a result of 2975  
receiving a rating of accomplished or skilled on the teacher's 2976  
most recent evaluation, an individual qualified to evaluate a 2977  
teacher under division (D) of this section shall conduct at 2978  
least one observation of the teacher and hold at least one 2979  
conference with the teacher. The conference shall include a 2980  
discussion of progress on the teacher's professional growth 2981

<u>plan.</u>	2982
(D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following persons who hold a credential established by the department of education for being an evaluator:	2983 2984 2985 2986
(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;	2987 2988 2989 2990 2991
(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;	2992 2993 2994 2995 2996
(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;	2997 2998 2999 3000
(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.	3001 3002 3003 3004 3005 3006
(E) Notwithstanding division (A) (3) of section 3319.112 of the Revised Code:	3007 3008
<del>(1) The</del> , <u>the</u> board shall require at least three formal observations of each teacher who is under consideration for	3009 3010

nonrenewal and with whom the board has entered into a limited 3011  
contract or an extended limited contract under section 3319.11 3012  
of the Revised Code. 3013

~~(2) The board may elect, by adoption of a resolution, to 3014  
require only one formal observation of a teacher who received a 3015  
rating of accomplished on the teacher's most recent evaluation 3016  
conducted under this section, provided the teacher completes a 3017  
project that has been approved by the board to demonstrate the 3018  
teacher's continued growth and practice at the accomplished 3019  
level. 3020~~

(F) The board shall include in its evaluation policy 3021  
procedures for using the evaluation results for retention and 3022  
promotion decisions and for removal of poorly performing 3023  
teachers. Seniority shall not be the basis for a decision to 3024  
retain a teacher, except when making a decision between teachers 3025  
who have comparable evaluations. 3026

(G) For purposes of section 3333.0411 of the Revised Code, 3027  
the board annually shall report to the department of education 3028  
the number of teachers for whom an evaluation was conducted 3029  
under this section and the number of teachers assigned each 3030  
rating prescribed under division (B)~~(1)~~ of section 3319.112 of 3031  
the Revised Code, aggregated by the teacher preparation programs 3032  
from which and the years in which the teachers graduated. The 3033  
department shall establish guidelines for reporting the 3034  
information required by this division. The guidelines shall not 3035  
permit or require that the name of, or any other personally 3036  
identifiable information about, any teacher be reported under 3037  
this division. 3038

(H) Notwithstanding any provision to the contrary in 3039  
Chapter 4117. of the Revised Code, the requirements of this 3040



section prevail over any conflicting provisions of a collective 3041  
bargaining agreement entered into on or after ~~September 24, 2012~~ 3042  
the effective date of this amendment. 3043

**Sec. 3319.112.** (A) ~~Not later than December 31, 2011,~~ The 3044  
department of education shall revise the state board of 3045  
~~education shall develop a~~ education's standards-based state 3046  
framework for the evaluation of teachers, based on the 3047  
recommendations of the educator standards board established 3048  
under section 3319.60 of the Revised Code, and shall submit a 3049  
summary of the revisions to the state board for review. Not 3050  
later than May 1, 2018, the state board shall adopt the revised 3051  
framework. The state board may update the framework periodically 3052  
by adoption of a resolution. The framework shall establish an 3053  
evaluation system that does the following: 3054

(1) Provides for multiple evaluation factors. ~~One factor~~ 3055  
~~shall be student academic growth which shall account for fifty~~ 3056  
~~per cent of each evaluation, except as otherwise prescribed by~~ 3057  
~~the alternative framework under section 3319.114 of the Revised~~ 3058  
~~Code. When applicable to the grade level or subject area taught~~ 3059  
~~by a teacher, the value added progress dimension established~~ 3060  
~~under section 3302.021 of the Revised Code or an alternative~~ 3061  
~~student academic progress measure if adopted under division (C)~~ 3062  
~~(1)(e) of section 3302.03 of the Revised Code shall be used in~~ 3063  
~~the student academic growth portion of an evaluation in~~ 3064  
~~proportion to the part of a teacher's schedule of courses or~~ 3065  
~~subjects for which the value added progress dimension is~~ 3066  
~~applicable.~~ 3067

~~If a teacher's schedule is comprised only of courses or~~ 3068  
~~subjects for which the value added progress dimension is~~ 3069  
~~applicable, one of the following applies:~~ 3070

~~(a) Beginning with March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value-added progress dimension.~~ 3071-3073

~~(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value-added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has forty five or more excused or unexcused absences during the full academic year.;~~ 3074-3079

(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 3080-3081

(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom ~~walkthroughs~~ walk-throughs; 3082-3085

(4) Assigns a rating on each evaluation in accordance with division (B) of this section ~~or section 3319.114 of the Revised Code, whichever is applicable;~~ 3086-3088

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 3089-3090

~~(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code does not apply;~~ 3091-3096

~~(7) Implements a classroom level, value added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative~~ 3097-3099

<del>student academic progress measure if adopted under division (C)</del>	3100
<del>(1) (e) of section 3302.03 of the Revised Code;</del>	3101
<del>(8) <u>Uses student assessment instruments approved by the</u></del>	3102
<del><u>district board of education;</u></del>	3103
<del>(7) <u>Prohibits the shared attribution of student</u></del>	3104
<del><u>performance data among all teachers in a district, building,</u></del>	3105
<del><u>grade, content area, or other group;</u></del>	3106
<del>(8) <u>Includes development of a professional growth plan or</u></del>	3107
<del><u>improvement plan for the teacher that is based on the results of</u></del>	3108
<del><u>the evaluation and is aligned to any school district or building</u></del>	3109
<del><u>improvement plan required for the teacher's district or building</u></del>	3110
<del><u>under the "Elementary and Secondary Education Act of 1965," as</u></del>	3111
<del><u>amended by the Every Student Succeeds Act of 2015, Pub. L. No.</u></del>	3112
<del><u>114-95, 20 U.S.C. 6301 et seq.;</u></del>	3113
<del>(9) <u>Provides for professional development to accelerate</u></del>	3114
<del><u>and continue teacher growth and provide support to poorly</u></del>	3115
<del><u>performing teachers;</u></del>	3116
<del>(9) <u>(10) Provides for the allocation of financial</u></del>	3117
<del><u>resources to support professional development.</u></del>	3118
<del>(B) For purposes of the framework <del>developed</del> <u>adopted</u> under</del>	3119
<del>this section, the <del>state board</del> <u>department</u> also shall <del>do the</del></del>	3120
<del><u>following:</u></del>	3121
<del>(1) <u>Develop</u> <u>revise, as necessary, specific standards and</u></del>	3122
<del><u>criteria that distinguish between the following levels of</u></del>	3123
<del><u>performance for teachers and principals for the purpose of</u></del>	3124
<del><u>assigning ratings on the evaluations conducted under sections</u></del>	3125
<del><u>3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:</u></del>	3126
<del>(a) <u>(1) Accomplished;</u></del>	3127

<del>(b) (2) Skilled;</del>	3128
<del>(e) (3) Developing;</del>	3129
<del>(d) (4) Ineffective.</del>	3130
<del>(2) For grade levels and subjects for which the</del>	3131
<del>assessments prescribed under sections 3301.0710 and 3301.0712 of</del>	3132
<del>the Revised Code and the value-added progress dimension</del>	3133
<del>prescribed by section 3302.021 of the Revised Code, or</del>	3134
<del>alternative student academic progress measure, do not apply,</del>	3135
<del>develop a list of student assessments that measure mastery of</del>	3136
<del>the course content for the appropriate grade level, which may</del>	3137
<del>include nationally normed standardized assessments, industry</del>	3138
<del>certification examinations, or end-of-course examinations.</del>	3139
(C) <del>the state board department</del> shall consult with experts,	3140
teachers and principals employed in public schools, <u>the educator</u>	3141
<u>standards board</u> , and representatives of stakeholder groups in	3142
<del>developing revising</del> the standards and criteria required by	3143
division (B) <del>(1)</del> of this section.	3144
(D) To assist school districts in developing evaluation	3145
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111	3146
of the Revised Code, the department shall do <del>both</del> <u>all</u> of the	3147
following:	3148
(1) Serve as a clearinghouse of promising evaluation	3149
procedures and evaluation models that districts may use;	3150
(2) Provide technical assistance to districts in creating	3151
evaluation policies;	3152
<u>(3) Provide guidance to districts on how high-quality</u>	3153
<u>student data may be used as evidence of student learning</u>	3154
<u>attributable to a particular teacher, including examples of</u>	3155

appropriate use of that data within the framework adopted under 3156  
this section; 3157

(4) Provide guidance to districts on how information from 3158  
student surveys, student portfolios, peer review evaluations, 3159  
teacher self-evaluations, and other components determined 3160  
appropriate by the district may be used as part of the 3161  
evaluation process. 3162

(E) Not later than ~~June 30, 2013~~ July 1, 2018, the ~~state~~ 3163  
~~board~~ department, in consultation with other state agencies that 3164  
employ teachers, shall ~~develop a~~ update its standards-based 3165  
framework for the evaluation of teachers employed by those 3166  
agencies. Each state agency that employs teachers shall adopt a 3167  
standards-based teacher evaluation policy ~~that conforms to~~ 3168  
conform with the framework ~~developed under this division~~. The 3169  
policy shall become operative at the expiration of any 3170  
collective bargaining agreement covering teachers employed by 3171  
the agency that is in effect on ~~September 24, 2012~~ the effective 3172  
date of this amendment, and shall be included in any renewal or 3173  
extension of such an agreement. However, this division does not 3174  
apply to any person who is employed as a substitute teacher or 3175  
as an instructor of adult education. 3176

**Sec. 3319.22.** (A) (1) The state board of education shall 3177  
issue the following educator licenses: 3178

(a) A resident educator license, which shall be valid for 3179  
four years and shall be renewable for reasons specified by rules 3180  
adopted by the state board pursuant to division (A) (3) of this 3181  
section. The state board, on a case-by-case basis, may extend 3182  
the license's duration as necessary to enable the license holder 3183  
to complete the Ohio teacher residency program established under 3184  
section 3319.223 of the Revised Code; 3185

(b) A professional educator license, which shall be valid 3186  
for five years and shall be renewable; 3187

(c) A senior professional educator license, which shall be 3188  
valid for five years and shall be renewable; 3189

(d) A lead professional educator license, which shall be 3190  
valid for five years and shall be renewable. 3191

Licenses issued under division (A)(1) of this section 3192  
shall specify whether the educator is licensed to teach grades 3193  
pre-kindergarten through six or to teach grades five through 3194  
twelve. 3195

(2) The state board may issue any additional educator 3196  
licenses of categories, types, and levels the board elects to 3197  
provide. 3198

(3) The state board shall adopt rules establishing the 3199  
standards and requirements for obtaining each educator license 3200  
issued under this section. The rules shall also include the 3201  
reasons for which a resident educator license may be renewed 3202  
under division (A)(1)(a) of this section. 3203

(B) The rules adopted under this section shall require at 3204  
least the following standards and qualifications for the 3205  
educator licenses described in division (A)(1) of this section: 3206

(1) An applicant for a resident educator license shall 3207  
hold at least a bachelor's degree from an accredited teacher 3208  
preparation program or be a participant in the teach for America 3209  
program and meet the qualifications required under section 3210  
3319.227 of the Revised Code. 3211

(2) An applicant for a professional educator license 3212  
shall: 3213

(a) Hold at least a bachelor's degree from an institution 3214  
of higher education accredited by a regional accrediting 3215  
organization; 3216

(b) Have successfully completed the Ohio teacher residency 3217  
program established under section 3319.223 of the Revised Code, 3218  
if the applicant's current or most recently issued license is a 3219  
resident educator license issued under this section or an 3220  
alternative resident educator license issued under section 3221  
3319.26 of the Revised Code. 3222

(3) An applicant for a senior professional educator 3223  
license shall: 3224

(a) Hold at least a master's degree from an institution of 3225  
higher education accredited by a regional accrediting 3226  
organization; 3227

(b) Have previously held a professional educator license 3228  
issued under this section or section 3319.222 or under former 3229  
section 3319.22 of the Revised Code; 3230

(c) Meet the criteria for the accomplished or 3231  
distinguished level of performance, as described in the 3232  
standards for teachers adopted by the state board under section 3233  
3319.61 of the Revised Code. 3234

(4) An applicant for a lead professional educator license 3235  
shall: 3236

(a) Hold at least a master's degree from an institution of 3237  
higher education accredited by a regional accrediting 3238  
organization; 3239

(b) Have previously held a professional educator license 3240  
or a senior professional educator license issued under this 3241

section or a professional educator license issued under section 3242  
3319.222 or former section 3319.22 of the Revised Code; 3243

(c) Meet the criteria for the distinguished level of 3244  
performance, as described in the standards for teachers adopted 3245  
by the state board under section 3319.61 of the Revised Code; 3246

(d) Either hold a valid certificate issued by the national 3247  
board for professional teaching standards or meet the criteria 3248  
for a master teacher or other criteria for a lead teacher 3249  
adopted by the educator standards board under division (F) (4) or 3250  
(5) of section 3319.61 of the Revised Code. 3251

(C) The state board shall align the standards and 3252  
qualifications for obtaining a principal license with the 3253  
standards for principals adopted by the state board under 3254  
section 3319.61 of the Revised Code. 3255

(D) If the state board requires any examinations for 3256  
educator licensure, the department of education shall provide 3257  
the results of such examinations received by the department to 3258  
the chancellor of higher education, in the manner and to the 3259  
extent permitted by state and federal law. 3260

(E) Any rules the state board of education adopts, amends, 3261  
or rescinds for educator licenses under this section, division 3262  
(D) of section 3301.07 of the Revised Code, or any other law 3263  
shall be adopted, amended, or rescinded under Chapter 119. of 3264  
the Revised Code except as follows: 3265

(1) Notwithstanding division (E) of section 119.03 and 3266  
division (A) (1) of section 119.04 of the Revised Code, in the 3267  
case of the adoption of any rule or the amendment or rescission 3268  
of any rule that necessitates institutions' offering preparation 3269  
programs for educators and other school personnel that are 3270



approved by the chancellor of higher education under section 3271  
3333.048 of the Revised Code to revise the curriculum of those 3272  
programs, the effective date shall not be as prescribed in 3273  
division (E) of section 119.03 and division (A)(1) of section 3274  
119.04 of the Revised Code. Instead, the effective date of such 3275  
rules, or the amendment or rescission of such rules, shall be 3276  
the date prescribed by section 3333.048 of the Revised Code. 3277

(2) Notwithstanding the authority to adopt, amend, or 3278  
rescind emergency rules in division (G) of section 119.03 of the 3279  
Revised Code, this authority shall not apply to the state board 3280  
of education with regard to rules for educator licenses. 3281

(F)(1) The rules adopted under this section establishing 3282  
standards requiring additional coursework for the renewal of any 3283  
educator license shall require a school district and a chartered 3284  
nonpublic school to establish local professional development 3285  
committees. In a nonpublic school, the chief administrative 3286  
officer shall establish the committees in any manner acceptable 3287  
to such officer. The committees established under this division 3288  
shall determine whether coursework that a district or chartered 3289  
nonpublic school teacher proposes to complete meets the 3290  
requirement of the rules. The department of education shall 3291  
provide technical assistance and support to committees as the 3292  
committees incorporate the professional development standards 3293  
adopted by the state board of education pursuant to section 3294  
3319.61 of the Revised Code into their review of coursework that 3295  
is appropriate for license renewal. The rules shall establish a 3296  
procedure by which a teacher may appeal the decision of a local 3297  
professional development committee. 3298

(2) In any school district in which there is no exclusive 3299  
representative established under Chapter 4117. of the Revised 3300

Code, the professional development committees shall be 3301  
established as described in division (F) (2) of this section. 3302

Not later than the effective date of the rules adopted 3303  
under this section, the board of education of each school 3304  
district shall establish the structure for one or more local 3305  
professional development committees to be operated by such 3306  
school district. The committee structure so established by a 3307  
district board shall remain in effect unless within thirty days 3308  
prior to an anniversary of the date upon which the current 3309  
committee structure was established, the board provides notice 3310  
to all affected district employees that the committee structure 3311  
is to be modified. Professional development committees may have 3312  
a district-level or building-level scope of operations, and may 3313  
be established with regard to particular grade or age levels for 3314  
which an educator license is designated. 3315

Each professional development committee shall consist of 3316  
at least three classroom teachers employed by the district, one 3317  
principal employed by the district, and one other employee of 3318  
the district appointed by the district superintendent. For 3319  
committees with a building-level scope, the teacher and 3320  
principal members shall be assigned to that building, and the 3321  
teacher members shall be elected by majority vote of the 3322  
classroom teachers assigned to that building. For committees 3323  
with a district-level scope, the teacher members shall be 3324  
elected by majority vote of the classroom teachers of the 3325  
district, and the principal member shall be elected by a 3326  
majority vote of the principals of the district, unless there 3327  
are two or fewer principals employed by the district, in which 3328  
case the one or two principals employed shall serve on the 3329  
committee. If a committee has a particular grade or age level 3330  
scope, the teacher members shall be licensed to teach such grade 3331

or age levels, and shall be elected by majority vote of the 3332  
classroom teachers holding such a license and the principal 3333  
shall be elected by all principals serving in buildings where 3334  
any such teachers serve. The district superintendent shall 3335  
appoint a replacement to fill any vacancy that occurs on a 3336  
professional development committee, except in the case of 3337  
vacancies among the elected classroom teacher members, which 3338  
shall be filled by vote of the remaining members of the 3339  
committee so selected. 3340

Terms of office on professional development committees 3341  
shall be prescribed by the district board establishing the 3342  
committees. The conduct of elections for members of professional 3343  
development committees shall be prescribed by the district board 3344  
establishing the committees. A professional development 3345  
committee may include additional members, except that the 3346  
majority of members on each such committee shall be classroom 3347  
teachers employed by the district. Any member appointed to fill 3348  
a vacancy occurring prior to the expiration date of the term for 3349  
which a predecessor was appointed shall hold office as a member 3350  
for the remainder of that term. 3351

The initial meeting of any professional development 3352  
committee, upon election and appointment of all committee 3353  
members, shall be called by a member designated by the district 3354  
superintendent. At this initial meeting, the committee shall 3355  
select a chairperson and such other officers the committee deems 3356  
necessary, and shall adopt rules for the conduct of its 3357  
meetings. Thereafter, the committee shall meet at the call of 3358  
the chairperson or upon the filing of a petition with the 3359  
district superintendent signed by a majority of the committee 3360  
members calling for the committee to meet. 3361

(3) In the case of a school district in which an exclusive  
representative has been established pursuant to Chapter 4117. of  
the Revised Code, professional development committees shall be  
established in accordance with any collective bargaining  
agreement in effect in the district that includes provisions for  
such committees.

If the collective bargaining agreement does not specify a  
different method for the selection of teacher members of the  
committees, the exclusive representative of the district's  
teachers shall select the teacher members.

If the collective bargaining agreement does not specify a  
different structure for the committees, the board of education  
of the school district shall establish the structure, including  
the number of committees and the number of teacher and  
administrative members on each committee; the specific  
administrative members to be part of each committee; whether the  
scope of the committees will be district levels, building  
levels, or by type of grade or age levels for which educator  
licenses are designated; the lengths of terms for members; the  
manner of filling vacancies on the committees; and the frequency  
and time and place of meetings. However, in all cases, except as  
provided in division (F)(4) of this section, there shall be a  
majority of teacher members of any professional development  
committee, there shall be at least five total members of any  
professional development committee, and the exclusive  
representative shall designate replacement members in the case  
of vacancies among teacher members, unless the collective  
bargaining agreement specifies a different method of selecting  
such replacements.

(4) Whenever an administrator's coursework plan is being

discussed or voted upon, the local professional development 3392  
committee shall, at the request of one of its administrative 3393  
members, cause a majority of the committee to consist of 3394  
administrative members by reducing the number of teacher members 3395  
voting on the plan. 3396

(G) (1) The department of education, educational service 3397  
centers, county boards of developmental disabilities, regional 3398  
professional development centers, special education regional 3399  
resource centers, college and university departments of 3400  
education, head start programs, and the Ohio education computer 3401  
network may establish local professional development committees 3402  
to determine whether the coursework proposed by their employees 3403  
who are licensed or certificated under this section or section 3404  
3319.222 of the Revised Code, or under the former version of 3405  
either section as it existed prior to October 16, 2009, meet the 3406  
requirements of the rules adopted under this section. They may 3407  
establish local professional development committees on their own 3408  
or in collaboration with a school district or other agency 3409  
having authority to establish them. 3410

Local professional development committees established by 3411  
county boards of developmental disabilities shall be structured 3412  
in a manner comparable to the structures prescribed for school 3413  
districts in divisions (F) (2) and (3) of this section, as shall 3414  
the committees established by any other entity specified in 3415  
division (G) (1) of this section that provides educational 3416  
services by employing or contracting for services of classroom 3417  
teachers licensed or certificated under this section or section 3418  
3319.222 of the Revised Code, or under the former version of 3419  
either section as it existed prior to October 16, 2009. All 3420  
other entities specified in division (G) (1) of this section 3421  
shall structure their committees in accordance with guidelines 3422

which shall be issued by the state board. 3423

(2) Any public agency that is not specified in division 3424  
(G)(1) of this section but provides educational services and 3425  
employs or contracts for services of classroom teachers licensed 3426  
or certificated under this section or section 3319.222 of the 3427  
Revised Code, or under the former version of either section as 3428  
it existed prior to October 16, 2009, may establish a local 3429  
professional development committee, subject to the approval of 3430  
the department of education. The committee shall be structured 3431  
in accordance with guidelines issued by the state board. 3432

(H) Not later than July 1, 2016, the state board, in 3433  
accordance with Chapter 119. of the Revised Code, shall adopt 3434  
rules pursuant to division (A)(3) of this section that do both 3435  
of the following: 3436

(1) Exempt consistently high-performing teachers from the 3437  
requirement to complete any additional coursework for the 3438  
renewal of an educator license issued under this section or 3439  
section 3319.26 of the Revised Code. The rules also shall 3440  
specify that such teachers are exempt from any requirements 3441  
prescribed by professional development committees established 3442  
under divisions (F) and (G) of this section. 3443

(2) For purposes of division (H)(1) of this section, the 3444  
state board shall define the term "consistently high-performing 3445  
teacher." 3446

**Sec. 3319.223.** (A) Not later than January 1, 2011, the 3447  
superintendent of public instruction and the chancellor of 3448  
higher education jointly shall establish the Ohio teacher 3449  
residency program, which shall be a four-year, entry-level 3450  
program for classroom teachers. Except as provided in division 3451

(B) of this section, the teacher residency program shall include 3452  
at least the following components: 3453

(1) Mentoring by teachers for the first two years of the 3454  
program; 3455

(2) Counseling, as determined necessary by the school 3456  
district or school, to ensure that program participants receive 3457  
needed professional development; 3458

(3) Measures of appropriate progression through the 3459  
program, which shall include the performance-based assessment 3460  
prescribed by the state board of education for resident 3461  
educators in the third year of the program. 3462

(B) (1) For an individual who is teaching career-technical 3463  
courses under an alternative resident educator license issued 3464  
under section 3319.26 of the Revised Code or rule of the state 3465  
board, the Ohio teacher residency program shall include the 3466  
following components: 3467

(a) Conditions that, as of September 29, 2015, were 3468  
necessary for a participant in the third and fourth year of the 3469  
program to complete prior to applying for the professional 3470  
educator license under division (A) (2) of section 3319.22 of the 3471  
Revised Code, except as provided in division (B) (2) (b) of this 3472  
section; 3473

(b) Four years of successful teaching experience under the 3474  
alternative resident educator license, as verified by the 3475  
superintendent of the employing school district; 3476

(c) Successful completion of a career-technical workforce 3477  
development teacher preparation program that ~~consists of not~~ 3478  
~~less than twenty-four semester hours, or the equivalent, from a~~ 3479  
~~state university. The teacher preparation program shall include~~ 3480

~~a performance based assessment, to be verified by the~~ 3481  
~~institution meets the criteria described in division (C) (1) of~~ 3482  
~~section 3319.229 of the Revised Code.~~ 3483

(2) No individual who is teaching career-technical courses 3484  
under an alternative resident educator license issued under 3485  
section 3319.26 of the Revised Code or rule of the state board 3486  
shall be required to do either of the following: 3487

(a) Complete the conditions of the Ohio teacher residency 3488  
program that a participant, as of September 29, 2015, would have 3489  
been required to complete during the participant's first and 3490  
second year of teaching under an alternative resident educator 3491  
license. 3492

(b) Take the performance-based assessment prescribed by 3493  
the state board for resident educators. 3494

(C) The teacher residency program shall be aligned with 3495  
the standards for teachers adopted by the state board under 3496  
section 3319.61 of the Revised Code and best practices 3497  
identified by the superintendent of public instruction. 3498

(D) Each person who holds a resident educator license 3499  
issued under section 3319.22 or 3319.227 of the Revised Code or 3500  
an alternative resident educator license issued under section 3501  
3319.26 of the Revised Code shall participate in the teacher 3502  
residency program. Successful completion of the program shall be 3503  
required to qualify any such person for a professional educator 3504  
license issued under section 3319.22 of the Revised Code. 3505

Sec. 3319.226. (A) Beginning July 1, 2018, the state board 3506  
of education shall issue educator licenses for substitute 3507  
teaching only under this section. 3508

(B) The state board shall adopt rules establishing 3509



standards and requirements for obtaining a license under this 3510  
section and for renewal of the license. The rules shall require 3511  
an applicant to hold a post-secondary degree, but not in any 3512  
specified subject area. The rules also shall allow the holder of 3513  
a license issued under this section to work: 3514

(1) For an unlimited number of school days if the license 3515  
holder has a post-secondary degree in either education or a 3516  
subject area directly related to the subject of the class the 3517  
license holder will teach; 3518

(2) For one full semester, subject to the approval of the 3519  
employing school district board of education, if the license 3520  
holder has a post-secondary degree in a subject area that is not 3521  
directly related to the subject of the class that the license 3522  
holder will teach. 3523

The district superintendent may request that the board 3524  
approve one or more additional subsequent semester-long periods 3525  
of teaching for the license holder. 3526

(C) Any license issued or renewed under former section 3527  
3319.226 of the Revised Code that was still in force on the 3528  
effective date of this section shall remain in force for the 3529  
remainder of the term for which it was issued or renewed. Upon 3530  
the expiration of that term, the holder of that license shall be 3531  
subject to licensure under the rules adopted under this section. 3532

**Sec. 3319.229.** (A) (1) Notwithstanding the repeal of former 3533  
section 3319.229 of the Revised Code by this act, the state 3534  
board of education shall accept applications for new, and for 3535  
renewal of, professional career-technical teaching licenses 3536  
through June 30, 2018, and issue them on the basis of the 3537  
applications received by that date in accordance with the rules 3538

described in that former section. Except as otherwise provided 3539  
in divisions (A) (2) and (3) of this section, beginning July 1, 3540  
2018, the state board shall issue career-technical workforce 3541  
development educator licenses only under this section. 3542

(2) An individual who, on July 1, 2018, holds a 3543  
professional career-technical teaching license issued under the 3544  
rules described in former section 3319.229 of the Revised Code, 3545  
may continue to renew that license in accordance with those 3546  
rules for the remainder of the individual's teaching career. 3547  
However, nothing in this division shall be construed to prohibit 3548  
the individual from applying to the state board for a career- 3549  
technical workforce development educator license under this 3550  
section. 3551

(3) An individual who, on July 1, 2018, holds an 3552  
alternative resident educator license for teaching career- 3553  
technical education issued under section 3319.26 of the Revised 3554  
Code may, upon the expiration of the license, apply for a 3555  
professional career-technical teaching license issued under the 3556  
rules described in former section 3319.229 of the Revised Code. 3557  
Such an individual may continue to renew the professional 3558  
license in accordance with those rules for the remainder of the 3559  
individual's teaching career. However, nothing in this division 3560  
shall be construed to prohibit the individual from applying to 3561  
the state board for a career-technical workforce development 3562  
educator license under this section. 3563

(B) The state board, in collaboration with the chancellor 3564  
of higher education, shall adopt rules establishing standards 3565  
and requirements for obtaining a two-year initial career- 3566  
technical workforce development educator license and a five-year 3567  
advanced career-technical workforce development educator 3568

license. Each license shall be valid for teaching career- 3569  
technical education or workforce development programs in grades 3570  
four through twelve. The rules shall require applicants for 3571  
either license to have a high school diploma. 3572

(C) (1) The state board shall issue an initial career- 3573  
technical workforce development educator license to an applicant 3574  
upon request from the superintendent of a school district that 3575  
has agreed to employ the applicant. In making the request, the 3576  
superintendent shall provide documentation, in accordance with 3577  
procedures prescribed by the department of education, showing 3578  
that the applicant has at least five years of work experience, 3579  
or the equivalent, in the subject area in which the applicant 3580  
will teach. The license shall be valid for teaching only in the 3581  
requesting district. The superintendent also shall provide 3582  
documentation, in accordance with procedures prescribed by the 3583  
department, that the applicant is enrolled in a career-technical 3584  
workforce development educator preparation program offered by an 3585  
institution of higher education that has an existing teacher 3586  
preparatory program in place that meets all of the following 3587  
criteria: 3588

(a) Is approved by the chancellor of higher education to 3589  
provide instruction in teaching methods and principles; 3590

(b) Provides classroom support to the license holder; 3591

(c) Includes at least three semester hours of coursework 3592  
in the teaching of reading in the subject area; 3593

(d) Is aligned with career-technical education and 3594  
workforce development competencies developed by the department; 3595

(e) Uses a summative performance-based assessment 3596  
developed by the program and aligned to the competencies 3597

described in division (C) (1) (d) of this section to evaluate the 3598  
license holder's knowledge and skills; 3599

(f) Consists of not less than twenty-four semester hours 3600  
of coursework, or the equivalent. 3601

(2) As a condition of continuing to hold the initial 3602  
career-technical workforce development license, the holder of 3603  
the license shall be participating in a career-technical 3604  
workforce development educator preparation program described in 3605  
division (C) (1) of this section. 3606

(3) The state board shall renew an initial career- 3607  
technical workforce development educator license if the 3608  
supervisor of the program described in division (C) (1) of this 3609  
section and the superintendent of the employing school district 3610  
indicate that the applicant is making sufficient progress in 3611  
both the program and the teaching position. 3612

(D) The state board shall issue an advanced career- 3613  
technical workforce development educator license to an applicant 3614  
who has successfully completed the program described in division 3615  
(C) (1) of this section, as indicated by the supervisor of the 3616  
program, and who demonstrates mastery of the applicable career- 3617  
technical education and workforce development competencies 3618  
described in division (C) (1) (d) of this section in the teaching 3619  
position, as indicated by the superintendent of the employing 3620  
school district. 3621

(E) The holder of an advanced career-technical workforce 3622  
development educator license shall work with a local 3623  
professional development committee established under section 3624  
3319.22 of the Revised Code in meeting requirements for renewal 3625  
of the license. 3626

**Sec. 3319.283.** (A) The board of education of any school 3627  
district may employ an individual who is not certificated or 3628  
licensed as required by Chapter 3319. of the Revised Code, but 3629  
who meets the following qualifications, as a teacher in the 3630  
schools of the district: 3631

(1) The individual is a veteran of the armed forces of the 3632  
United States and was honorably discharged within three years of 3633  
June 30, 1997; 3634

(2) While in the armed forces the individual had 3635  
meaningful teaching or other instructional experience; 3636

(3) The individual holds at least a baccalaureate degree. 3637

(B) An individual employed under this section shall be 3638  
deemed to hold a teaching certificate or educator license for 3639  
the purposes of state and federal law and rules and regulations 3640  
and school district policies, rules, and regulations. ~~However,~~ 3641  
~~an individual employed under this section is not a highly~~ 3642  
~~qualified teacher for purposes of the school district's~~ 3643  
~~compliance with section 3319.074 of the Revised Code. Each~~ 3644  
individual employed under this section shall meet the 3645  
requirement to successfully complete fifteen hours, or the 3646  
equivalent, of coursework every five years that is approved by 3647  
the local professional development committee as is required of 3648  
other teachers licensed in accordance with Chapter 3319. of the 3649  
Revised Code. 3650

(C) The superintendent of public instruction may revoke 3651  
the right of an individual employed under division (A) of this 3652  
section to teach if, after an investigation and an adjudication 3653  
conducted pursuant to Chapter 119. of the Revised Code, the 3654  
superintendent finds that the person is not competent to teach 3655

the subject the person has been employed to teach or did not 3656  
fulfill the requirements of division (A) of this section. No 3657  
individual whose right to teach has been revoked under this 3658  
division shall teach in a public school, and no board of 3659  
education may engage such an individual to teach in the schools 3660  
of its district. 3661

Notwithstanding division (B) of this section, a board of 3662  
education is not required to comply with the provisions of 3663  
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 3664  
Code with regard to termination of employment if the 3665  
superintendent, after an investigation and an adjudication, has 3666  
revoked the individual's right to teach. 3667

Sec. 3319.361. Notwithstanding any provision of the 3668  
Revised Code or any rule of the state board of education to the 3669  
contrary, a superintendent of a school district may submit a 3670  
written request to the district board of education to employ a 3671  
person licensed under section 3319.22 of the Revised Code to 3672  
teach a subject area or grade level for which the person is not 3673  
licensed for up to one school year. The superintendent may 3674  
submit a written request to the board to renew the person's 3675  
employment under this section for an additional school year; 3676  
however, the total term of the person's employment under this 3677  
section shall not exceed four consecutive school years. 3678

**Sec. 3319.58.** (A) As used in this section, "core subject 3679  
area" ~~has the same meaning as in section 3319.074 of the Revised~~ 3680  
~~Code means reading and English language arts, mathematics,~~ 3681  
~~science, foreign language, government, economics, fine arts,~~ 3682  
~~history, and geography.~~ 3683

(B) Each year, beginning with the 2015-2016 school year, 3684  
the board of education of each city, exempted village, local, 3685

and joint vocational school district shall require each 3686  
classroom teacher who is currently teaching in a core subject 3687  
area and has received a rating of ineffective on the evaluations 3688  
conducted under section 3319.111 of the Revised Code for two of 3689  
the three most recent school years to register for and take all 3690  
written examinations of content knowledge selected by the 3691  
department of education as appropriate to determine expertise to 3692  
teach that core subject area and the grade level to which the 3693  
teacher is assigned. 3694

(C) Each year, beginning with the 2015-2016 school year, 3695  
the governing authority of each community school established 3696  
under Chapter 3314. of the Revised Code except a community 3697  
school to which section 3314.017 of the Revised Code applies and 3698  
governing body of each STEM school established under Chapter 3699  
3326. of the Revised Code with a building ranked in the lowest 3700  
ten per cent of all public school buildings according to 3701  
performance index score, under section 3302.21 of the Revised 3702  
Code, shall require each classroom teacher currently teaching in 3703  
a core subject area in such a building to register for and take 3704  
all written examinations of content knowledge selected by the 3705  
department as appropriate to determine expertise to teach that 3706  
core subject area and the grade level to which the teacher is 3707  
assigned. 3708

(D) If a teacher who takes an examination under division 3709  
(B) of this section passes that examination and provides proof 3710  
of that passage to the teacher's employer, the employer shall 3711  
require the teacher, at the teacher's expense, to complete 3712  
professional development that is targeted to the deficiencies 3713  
identified in the teacher's evaluations conducted under section 3714  
3319.111 of the Revised Code. The receipt by the teacher of a 3715  
rating of ineffective on the teacher's next evaluation after 3716

completion of the professional development, or the failure of 3717  
the teacher to complete the professional development, shall be 3718  
grounds for termination of the teacher under section 3319.16 of 3719  
the Revised Code. 3720

(E) If a teacher who takes an examination under this 3721  
section passes that examination and provides proof of that 3722  
passage to the teacher's employer, the teacher shall not be 3723  
required to take the examination again for three years, 3724  
regardless of the teacher's evaluation ratings or the 3725  
performance index score ranking of the building in which the 3726  
teacher teaches. No teacher shall be responsible for the cost of 3727  
taking an examination under this section. 3728

(F) Each district board of education, each community 3729  
school governing authority, and each STEM school governing body 3730  
may use the results of a teacher's examinations required under 3731  
division (B) or (C) of this section in developing and revising 3732  
professional development plans and in deciding whether or not to 3733  
continue employing the teacher in accordance with the provisions 3734  
of this chapter or Chapter 3314. or 3326. of the Revised Code. 3735  
However, no decision to terminate or not to renew a teacher's 3736  
employment contract shall be made solely on the basis of the 3737  
results of a teacher's examination under this section until and 3738  
unless the teacher has not attained a passing score on the same 3739  
required examination for at least three consecutive 3740  
administrations of that examination. 3741

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 3742  
school year, the board of education of each city, exempted 3743  
village, local, joint vocational, and cooperative education 3744  
school district and the governing board of each educational 3745  
service center shall adopt a new or amended policy to guide 3746



employees of the school district or service center in addressing 3747  
and ameliorating student absences. In developing the policy, the 3748  
appropriate board shall consult with the judge of the juvenile 3749  
court of the county or counties in which the district or service 3750  
center is located, with the parents, guardians, or other persons 3751  
having care of the pupils attending school in the district, and 3752  
with appropriate state and local agencies. 3753

(B) The policy developed under division (A) of this 3754  
section shall include as an intervention strategy all of the 3755  
following actions, if applicable: 3756

(1) Providing a truancy intervention plan for any student 3757  
who is excessively absent from school, as described in the first 3758  
paragraph of division (C) of this section; 3759

(2) Providing counseling for an habitual truant; 3760

(3) Requesting or requiring a parent, guardian, or other 3761  
person having care of an habitual truant to attend parental 3762  
involvement programs, including programs adopted under section 3763  
3313.472 or 3313.663 of the Revised Code; 3764

(4) Requesting or requiring a parent, guardian, or other 3765  
person having care of an habitual truant to attend truancy 3766  
prevention mediation programs; 3767

(5) Notification of the registrar of motor vehicles under 3768  
section 3321.13 of the Revised Code; 3769

(6) Taking legal action under section 2919.222, 3321.20, 3770  
or 3321.38 of the Revised Code. 3771

(C)(1) In the event that a child of compulsory school age 3772  
is absent ~~with or~~ without legitimate excuse from the public 3773  
school the child is supposed to attend for thirty-eight or more 3774

hours in one school month, or sixty-five or more hours in a 3775  
school year, the attendance officer of that school shall notify 3776  
the child's parent, guardian, or custodian of the child's 3777  
absences, in writing, within seven days after the date after the 3778  
absence that triggered the notice requirement. At the time 3779  
notice is given, the school also may take any appropriate action 3780  
as an intervention strategy contained in the policy developed by 3781  
the board pursuant to division (A) of this section. 3782

(2) (a) If the absences of a student surpass the threshold 3783  
for an habitual truant as set forth in section 2151.011 of the 3784  
Revised Code, the principal or chief administrator of the school 3785  
or the superintendent of the school district shall assign the 3786  
student to an absence intervention team. Within fourteen school 3787  
days after the assignment of a student to an absence 3788  
intervention team, the team shall develop an intervention plan 3789  
for that student in an effort to reduce or eliminate further 3790  
absences. Each intervention plan shall vary based on the 3791  
individual needs of the student, but the plan shall state that 3792  
the attendance officer shall file a complaint not later than 3793  
sixty-one days after the date the plan was implemented, if the 3794  
child has refused to participate in, or failed to make 3795  
satisfactory progress on, the intervention plan or an 3796  
alternative to adjudication under division (C) (2) (b) of section 3797  
3321.191 of the Revised Code. Within seven days after the 3798  
development of the plan, the school district or school shall 3799  
make reasonable efforts to provide the student's parent, 3800  
guardian, custodian, guardian ad litem, or temporary custodian 3801  
with written notice of the plan. 3802

(b) As part of the absence intervention plan described in 3803  
division (C) (2) of this section, the school district or school, 3804  
in its discretion, may contact the appropriate juvenile court 3805

and ask to have a student informally enrolled in any alternative 3806  
to adjudication described in division (G) of section 2151.27 of 3807  
the Revised Code. If the school district or school chooses to 3808  
have students informally enrolled in an alternative to 3809  
adjudication, the school district or school shall develop a 3810  
written policy regarding the use of, and selection process for, 3811  
offering alternatives to adjudication to ensure fairness. 3812

(c) The superintendent of each school district, or the 3813  
superintendent's designee, shall establish an absence 3814  
intervention team for the district to be used by any schools of 3815  
the district that do not establish their own absence 3816  
intervention team as permitted under division (C)(2)(d) of this 3817  
section. Membership of each absence intervention team may vary 3818  
based on the needs of each individual student but shall include 3819  
a representative from the child's school district or school, 3820  
another representative from the child's school district or 3821  
school who knows the child, and the child's parent or parent's 3822  
designee, or the child's guardian, custodian, guardian ad litem, 3823  
or temporary custodian. The team also may include a school 3824  
psychologist, counselor, social worker, or representative of a 3825  
public or nonprofit agency designed to assist students and their 3826  
families in reducing absences. 3827

(d) The principal or chief administrator of each school 3828  
may establish an absence intervention team or series of teams to 3829  
be used in lieu of the district team established pursuant to 3830  
division (C)(2)(c) of this section. Membership of each absence 3831  
intervention team may vary based on the needs of each individual 3832  
student but shall include a representative from the child's 3833  
school district or school, another representative from the 3834  
child's school district or school who knows the child, and the 3835  
child's parent or parent's designee, or the child's guardian, 3836

custodian, guardian ad litem, or temporary custodian. The team 3837  
also may include a school psychologist, counselor, social 3838  
worker, or representative of a public or nonprofit agency 3839  
designed to assist students and their families in reducing 3840  
absences. 3841

(e) A superintendent, as described in division (C) (2) (c) 3842  
of this section, or principal or chief administrator, as 3843  
described in division (C) (2) (d) of this section, shall select 3844  
the members of an absence intervention team within seven school 3845  
days of the triggering event described in division (C) (2) (a) of 3846  
this section. The superintendent, principal, or chief 3847  
administrator, within the same period of seven school days, 3848  
shall make at least three meaningful, good faith attempts to 3849  
secure the participation of the student's parent, guardian, 3850  
custodian, guardian ad litem, or temporary custodian on that 3851  
team. If the student's parent responds to any of those attempts, 3852  
but is unable to participate for any reason, the representative 3853  
of the school district shall inform the parent of the parent's 3854  
right to appear by designee. If seven school days elapse and the 3855  
student's parent, guardian, custodian, guardian ad litem, or 3856  
temporary custodian fails to respond to the attempts to secure 3857  
participation, the school district or school shall do both of 3858  
the following: 3859

(i) Investigate whether the failure to respond triggers 3860  
mandatory reporting to the public children services agency for 3861  
the county in which the child resides in the manner described in 3862  
section 2151.421 of the Revised Code; 3863

(ii) Instruct the absence intervention team to develop an 3864  
intervention plan for the child notwithstanding the absence of 3865  
the child's parent, guardian, custodian, guardian ad litem, or 3866

temporary custodian. 3867

(f) In the event that a student becomes habitually truant 3868  
within twenty-one school days prior to the last day of 3869  
instruction of a school year, the school district or school may, 3870  
in its discretion, assign one school official to work with the 3871  
child's parent, guardian, custodian, guardian ad litem, or 3872  
temporary custodian to develop an absence intervention plan 3873  
during the summer. If the school district or school selects this 3874  
method, the plan shall be implemented not later than seven days 3875  
prior to the first day of instruction of the next school year. 3876  
In the alternative, the school district or school may toll the 3877  
time periods to accommodate for the summer months and reconvene 3878  
the absence intervention process upon the first day of 3879  
instruction of the next school year. 3880

(3) For purposes of divisions (C) (2) (c) and (d) of this 3881  
section, the state board of education shall develop a format for 3882  
parental permission to ensure compliance with the "Family 3883  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3884  
U.S.C. 1232g, as amended, and any regulations promulgated under 3885  
that act, and section 3319.321 of the Revised Code. 3886

(D) Each school district or school may consult or partner 3887  
with public and nonprofit agencies to provide assistance as 3888  
appropriate to students and their families in reducing absences. 3889

(E) Beginning with the 2017-2018 school year, each school 3890  
district shall report to the department of education, as soon as 3891  
practicable, and in a format and manner determined by the 3892  
department, any of the following occurrences: 3893

(1) When a notice required by division (C) (1) of this 3894  
section is submitted to a parent, guardian, or custodian; 3895

(2) When a child of compulsory school age has been absent 3896  
without legitimate excuse from the public school the child is 3897  
supposed to attend for thirty or more consecutive hours, forty- 3898  
two or more hours in one school month, or seventy-two or more 3899  
hours in a school year; 3900

(3) When a child of compulsory school age who has been 3901  
adjudicated an unruly child for being an habitual truant 3902  
violates the court order regarding that adjudication; 3903

(4) When an absence intervention plan has been implemented 3904  
for a child under this section. 3905

(F) Nothing in this section shall be construed to limit 3906  
the duty or authority of a district board of education or 3907  
governing body of an educational service center to develop other 3908  
policies related to truancy or to limit the duty or authority of 3909  
any employee of the school district or service center to respond 3910  
to pupil truancy. However, a board shall be subject to the 3911  
prohibition against suspending, expelling, or otherwise 3912  
preventing a student from attending school for excessive 3913  
absences as prescribed by section 3313.668 of the Revised Code. 3914

**Sec. 3323.022.** The rules of the state board of education 3915  
for staffing ratios for programs with preschool children with 3916  
disabilities shall require the following: 3917

(A) A full-time staff member shall be provided when there 3918  
are eight full-day or sixteen half-day preschool children 3919  
eligible for special education enrolled in a center-based 3920  
preschool special education program. 3921

(B) Staff ratios of one teacher for every eight children 3922  
shall be maintained at all times for a program with a center- 3923  
based teacher, and a second adult shall be present when there 3924

are nine or more children, including nondisabled children 3925  
enrolled in a class session. 3926

(C) Unless otherwise specified in the individualized 3927  
education program, a minimum of ten hours of services per week 3928  
shall be provided for each child served by a center-based 3929  
teacher. 3930

**Sec. 3323.11.** Each school district shall employ, as 3931  
necessary, the personnel to meet the needs of the children with 3932  
disabilities enrolled in its schools. Personnel shall possess 3933  
appropriate qualifications and certificates or licenses as 3934  
prescribed in rules of the state board of education. ~~Teachers~~ 3935  
~~shall be "highly qualified," as that term is defined in section~~ 3936  
~~602(10) of the "Individuals with Disabilities Education~~ 3937  
~~Improvement Act of 2004," 20 U.S.C.1401(10). 3938~~

**Sec. 3324.07.** (A) The board of education of each school 3939  
district shall develop a plan for the service of gifted students 3940  
enrolled in the district that are identified under section 3941  
3324.03 of the Revised Code. Services specified in the plan 3942  
developed by each board may include such options as the 3943  
following: 3944

(1) A differentiated curriculum; 3945

(2) Cluster grouping; 3946

(3) Mentorships; 3947

(4) Accelerated course work; 3948

(5) The college credit plus program under Chapter 3365. of 3949  
the Revised Code; 3950

(6) Advanced placement; 3951

(7) Honors classes;	3952
(8) Magnet schools;	3953
(9) Self-contained classrooms;	3954
(10) Independent study;	3955
(11) <u>International baccalaureate;</u>	3956
(12) <u>Other options identified in rules adopted by the</u>	3957
<u>department of education.</u>	3958
(B) Each board shall file the plan developed under	3959
division (A) of this section with the department of education by	3960
December 15, 2000. The department shall review and analyze each	3961
plan to determine if it is adequate and to make funding	3962
estimates.	3963
(C) Unless otherwise required by law, rule, or as a	3964
condition for receipt of funds, school boards may implement the	3965
plans developed under division (A) of this section, but shall	3966
not be required to do so until further action by the general	3967
assembly or the state superintendent of public instruction.	3968
<u>Sec. 3324.12. For the purposes of any licensure or</u>	3969
<u>endorsement established for teaching gifted students under rules</u>	3970
<u>adopted pursuant to section 3319.22 or 3319.26 of the Revised</u>	3971
<u>Code, the state board of education shall require that</u>	3972
<u>professional development hours completed for teaching advanced</u>	3973
<u>placement or international baccalaureate classes also count as</u>	3974
<u>hours toward meeting any professional development requirement</u>	3975
<u>for a gifted education license or endorsement. However, an</u>	3976
<u>individual who teaches advanced placement or international</u>	3977
<u>baccalaureate classes shall not be required to complete</u>	3978
<u>professional development for a gifted education license or</u>	3979



endorsement unless the individual will be teaching gifted 3980  
students. 3981

**Sec. 3326.13.** (A) Teachers employed by a science, 3982  
technology, engineering, and mathematics school shall be ~~highly-~~ 3983  
~~qualified teachers, as defined in section 3319.074 of the~~ 3984  
~~Revised Code, and shall be licensed~~ under sections 3319.22 to 3985  
3319.31 of the Revised Code and rules of the state board of 3986  
education implementing those sections. 3987

(B) No STEM school shall employ any classroom teacher 3988  
initially hired on or after July 1, 2013, to provide instruction 3989  
in physical education unless the teacher holds a valid license 3990  
issued pursuant to section 3319.22 of the Revised Code for 3991  
teaching physical education. 3992

**Sec. 3333.0411.** Not later than December 31, 2014, and 3993  
annually thereafter, the chancellor of higher education shall 3994  
report for each approved teacher preparation program, the number 3995  
and percentage of all graduates of the program who were rated at 3996  
each of the performance levels prescribed by division (B) ~~(1)~~ of 3997  
section 3319.112 of the Revised Code on an evaluation conducted 3998  
in accordance with section 3319.111 of the Revised Code in the 3999  
previous school year. 4000

In no case shall the report identify any individual 4001  
graduate. The department of education shall share any data 4002  
necessary for the report with the chancellor. 4003

**Sec. 3365.07.** The department of education shall calculate 4004  
and pay state funds to colleges for participants in the college 4005  
credit plus program under division (B) of section 3365.06 of the 4006  
Revised Code pursuant to this section. For a nonpublic secondary 4007  
school participant, a nonchartered nonpublic secondary school 4008

participant, or a home-instructed participant, the department 4009  
shall pay state funds pursuant to this section only if that 4010  
participant is awarded funding according to rules adopted by the 4011  
chancellor of higher education, in consultation with the 4012  
superintendent of public instruction, pursuant to section 4013  
3365.071 of the Revised Code. The program shall be the sole 4014  
mechanism by which state funds are paid to colleges for students 4015  
to earn transcribed credit for college courses while enrolled 4016  
in both a secondary school and a college, with the exception of 4017  
state funds paid to colleges according to an agreement described 4018  
in division (A) (1) of section 3365.02 of the Revised Code. 4019

Beginning with participation for the 2018-2019 school 4020  
year, section 3365.072 of the Revised Code shall govern all 4021  
arrangements for the provision and payment of textbooks under 4022  
the program. 4023

(A) For each public or nonpublic secondary school 4024  
participant enrolled in a public college: 4025

(1) If no agreement has been entered into under division 4026  
(A) (2) of this section, both of the following shall apply: 4027

(a) The department shall pay to the college the applicable 4028  
amount as follows: 4029

(i) For a participant enrolled in a college course 4030  
delivered on the college campus, at another location operated by 4031  
the college, or online, the lesser of the default ceiling amount 4032  
or the college's standard rate; 4033

(ii) For a participant enrolled in a college course 4034  
delivered at the participant's secondary school but taught by 4035  
college faculty, the lesser of fifty per cent of the default 4036  
ceiling amount or the college's standard rate; 4037

(iii) For a participant enrolled in a college course 4038  
delivered at the participant's secondary school and taught by a 4039  
high school teacher who has met the credential requirements 4040  
established for purposes of the program in rules adopted by the 4041  
chancellor, the default floor amount. 4042

(b) The ~~participant's secondary school shall pay for~~ 4043  
~~textbooks, and the~~ college shall waive payment of all other fees 4044  
related to participation in the program. 4045

(2) The governing entity of a participant's secondary 4046  
school and the college may enter into an agreement to establish 4047  
an alternative payment structure for tuition, ~~textbooks,~~ and 4048  
fees. Under such an agreement, payments for each participant 4049  
made by the department shall be not less than the default floor 4050  
amount, unless approved by the chancellor, and not more than 4051  
either the default ceiling amount or the college's standard 4052  
rate, whichever is less. The chancellor may approve an agreement 4053  
that includes a payment below the default floor amount, as long 4054  
as the provisions of the agreement comply with all other 4055  
requirements of this chapter to ensure program quality. If no 4056  
agreement is entered into under division (A) (2) of this section, 4057  
both of the following shall apply: 4058

(a) The department shall pay to the college the applicable 4059  
default amounts prescribed by division (A) (1) (a) of this 4060  
section, depending upon the method of delivery and instruction. 4061

(b) In accordance with division (A) (1) (b) of this section, 4062  
~~the participant's secondary school shall pay for textbooks, and~~ 4063  
the college shall waive payment of all other fees related to 4064  
participation in the program. 4065

(3) No participant that is enrolled in a public college 4066

shall be charged for any tuition, ~~textbooks~~, or other fees 4067  
related to participation in the program. 4068

(B) For each public secondary school participant enrolled 4069  
in a private college: 4070

(1) If no agreement has been entered into under division 4071  
(B) (2) of this section, the department shall pay to the college 4072  
the applicable amount calculated in the same manner as in 4073  
division (A) (1) (a) of this section. 4074

(2) The governing entity of a participant's secondary 4075  
school and the college may enter into an agreement to establish 4076  
an alternative payment structure for tuition, ~~textbooks~~, and 4077  
fees. Under such an agreement, payments shall be not less than 4078  
the default floor amount, unless approved by the chancellor, and 4079  
not more than either the default ceiling amount or the college's 4080  
standard rate, whichever is less. 4081

If an agreement is entered into under division (B) (2) of 4082  
this section, both of the following shall apply: 4083

(a) The department shall make a payment to the college for 4084  
each participant that is equal to the default floor amount, 4085  
unless approved by the chancellor to pay an amount below the 4086  
default floor amount. The chancellor may approve an agreement 4087  
that includes a payment below the default floor amount, as long 4088  
as the provisions of the agreement comply with all other 4089  
requirements of this chapter to ensure program quality. 4090

(b) Payment for costs for the participant that exceed the 4091  
amount paid by the department pursuant to division (B) (2) (a) of 4092  
this section shall be negotiated by the school and the college. 4093  
The agreement may include a stipulation permitting the charging 4094  
of a participant. 4095

However, under no circumstances shall: 4096

(i) Payments for a participant made by the department 4097  
under division (B) (2) of this section exceed the lesser of the 4098  
default ceiling amount or the college's standard rate; 4099

(ii) The amount charged to a participant under division 4100  
(B) (2) of this section exceed the difference between the maximum 4101  
per participant charge amount and the default floor amount; 4102

(iii) The sum of the payments made by the department for a 4103  
participant and the amount charged to that participant under 4104  
division (B) (2) of this section exceed the following amounts, as 4105  
applicable: 4106

(I) For a participant enrolled in a college course 4107  
delivered on the college campus, at another location operated by 4108  
the college, or online, the maximum per participant charge 4109  
amount; 4110

(II) For a participant enrolled in a college course 4111  
delivered at the participant's secondary school but taught by 4112  
college faculty, one hundred twenty-five dollars; 4113

(III) For a participant enrolled in a college course 4114  
delivered at the participant's secondary school and taught by a 4115  
high school teacher who has met the credential requirements 4116  
established for purposes of the program in rules adopted by the 4117  
chancellor, one hundred dollars. 4118

(iv) A participant that is identified as economically 4119  
disadvantaged according to rules adopted by the department be 4120  
charged under division (B) (2) of this section for any tuition, 4121  
textbooks, or other fees related to participation in the 4122  
program. 4123

(C) For each nonpublic secondary school participant 4124  
enrolled in a private or eligible out-of-state college, the 4125  
department shall pay to the college the applicable amount 4126  
calculated in the same manner as in division (A)(1)(a) of this 4127  
section. Payment for costs for the participant that exceed the 4128  
amount paid by the department shall be negotiated by the 4129  
governing body of the nonpublic secondary school and the 4130  
college. 4131

However, under no circumstances shall: 4132

(1) The payments for a participant made by the department 4133  
under this division exceed the lesser of the default ceiling 4134  
amount or the college's standard rate. 4135

(2) Any nonpublic secondary school participant, who is 4136  
enrolled in that secondary school with a scholarship awarded 4137  
under either the educational choice scholarship pilot program, 4138  
as prescribed by sections 3310.01 to 3310.17, or the pilot 4139  
project scholarship program, as prescribed by sections 3313.974 4140  
to 3313.979 of the Revised Code, and who qualifies as a low- 4141  
income student under either of those programs, be charged for 4142  
any tuition, ~~textbooks,~~ or other fees related to participation 4143  
in the college credit plus program. 4144

(D) For each nonchartered nonpublic secondary school 4145  
participant and each home-instructed participant enrolled in a 4146  
public, private, or eligible out-of-state college, the 4147  
department shall pay to the college the lesser of the default 4148  
ceiling amount or the college's standard rate, if that 4149  
participant is enrolled in a college course delivered on the 4150  
college campus, at another location operated by the college, or 4151  
online. 4152

(E) Not later than thirty days after the end of each term, 4153  
each college expecting to receive payment for the costs of a 4154  
participant under this section shall notify the department of 4155  
the number of enrolled credit hours for each participant. 4156

(F) The department shall make the applicable payments 4157  
under this section to each college, which provided proper 4158  
notification to the department under division (E) of this 4159  
section, for the number of enrolled credit hours for 4160  
participants enrolled in the college under division (B) of 4161  
section 3365.06 of the Revised Code. Except in cases involving 4162  
incomplete participant information or a dispute of participant 4163  
information, payments shall be made by the last day of January 4164  
for participants who were enrolled during the fall term and by 4165  
the last day of July for participants who were enrolled during 4166  
the spring term. The department shall not make any payments to a 4167  
college under this section if a participant withdrew from a 4168  
course prior to the date on which a withdrawal from the course 4169  
would have negatively affected the participant's transcribed 4170  
grade, as prescribed by the college's established withdrawal 4171  
policy. 4172

(1) Payments made for public secondary school participants 4173  
under this section shall be deducted from the school foundation 4174  
payments made to the participant's school district or, if the 4175  
participant is enrolled in a community school, a STEM school, or 4176  
a college-preparatory boarding school, from the payments made to 4177  
that school under section 3314.08, 3326.33, or 3328.34 of the 4178  
Revised Code. If the participant is enrolled in a joint 4179  
vocational school district, a portion of the amount shall be 4180  
deducted from the payments to the joint vocational school 4181  
district and a portion shall be deducted from the payments to 4182  
the participant's city, local, or exempted village school 4183

district in accordance with the full-time equivalency of the 4184  
student's enrollment in each district. Amounts deducted under 4185  
division (F) (1) of this section shall be calculated in 4186  
accordance with rules adopted by the chancellor, in consultation 4187  
with the state superintendent, pursuant to division (B) of 4188  
section 3365.071 of the Revised Code. 4189

(2) Payments made for nonpublic secondary school 4190  
participants, nonchartered nonpublic secondary school 4191  
participants, and home-instructed participants under this 4192  
section shall be deducted from moneys appropriated by the 4193  
general assembly for such purpose. Payments shall be allocated 4194  
and distributed in accordance with rules adopted by the 4195  
chancellor, in consultation with the state superintendent, 4196  
pursuant to division (A) of section 3365.071 of the Revised 4197  
Code. 4198

(G) Any public college that enrolls a student under 4199  
division (B) of section 3365.06 of the Revised Code may include 4200  
that student in the calculation used to determine its state 4201  
share of instruction funds appropriated to the department of 4202  
higher education by the general assembly. 4203

Sec. 3365.072. This section applies only to participants 4204  
who elect to participate under division (B) of section 3365.06 4205  
of the Revised Code. This section first shall apply to 4206  
participation for the 2018-2019 school year. 4207

(A) Except as provided in division (B) of this section and 4208  
notwithstanding section 3329.06 of the Revised Code, for each 4209  
participant enrolled in a public, nonpublic, or nonchartered 4210  
nonpublic secondary school, textbooks required for courses in 4211  
which the participant enrolls under the college credit plus 4212  
program shall be paid for in the following manner: 4213



(1) The participant's secondary school shall pay for fifty 4214  
per cent of the cost of all required textbooks. 4215

(2) The participant shall pay for fifty per cent of the 4216  
cost of all required textbooks. 4217

(B) No participant who is identified as economically 4218  
disadvantaged according to rules adopted by the department shall 4219  
be charged for textbooks under division (A) of this section. 4220  
Instead, the participant's secondary school shall pay for one 4221  
hundred per cent of all required textbooks for that participant. 4222

(C) Each home-instructed participant enrolled in the 4223  
college credit plus program shall be responsible for the cost of 4224  
textbooks required for courses under the program. 4225

**Section 2.** That existing sections 3301.078, 3301.079, 4226  
3301.0711, 3301.0715, 3301.163, 3302.03, 3311.78, 3311.79, 4227  
3311.80, 3311.84, 3313.608, 3313.814, 3317.141, 3319.075, 4228  
3319.081, 3319.088, 3319.111, 3319.112, 3319.22, 3319.223, 4229  
3319.283, 3319.58, 3321.191, 3323.022, 3323.11, 3324.07, 4230  
3326.13, 3333.0411, and 3365.07 and sections 3319.074, 3319.114, 4231  
3319.226, and 3319.229 of the Revised Code are hereby repealed. 4232

**Section 3.** Not later than one year after the effective 4233  
date of this section, the Department of Education shall conduct 4234  
a study on the results and cost-effectiveness of the College 4235  
Credit Plus Program, established under Chapter 3365. of the 4236  
Revised Code, and submit a report of its findings to the 4237  
Governor, the Chancellor of Higher Education, each member of the 4238  
General Assembly, and the superintendent of each school district 4239  
and each educational service center. The study shall include the 4240  
cost-effectiveness for secondary schools and participants under 4241  
the program, as well as whether participants in the program save 4242

money on college tuition and reduce the amount of time to degree completion.	4243 4244
<b>Section 4.</b> The General Assembly recognizes that section 3319.229 of the Revised Code, as repealed and re-enacted by this act, codifies a method for assessing if career-technical teachers teaching under alternative resident educator licenses are qualified for a professional educator license which the Department of Education was required to establish under Section 13 of Sub. S.B. 3 of the 131st General Assembly.	4245 4246 4247 4248 4249 4250 4251
<b>Section 5.</b> This act shall be known as the "Ohio Public School Deregulation Act."	4252 4253