



# Ohio Legislative Service Commission

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## Final Analysis

Carrie Burggraf, Holly Cantrell Gilman,  
Carol Napp, William Schwartz, and Hannah K. Wann

### **Am. Sub. H.B. 487** 130th General Assembly (As Passed by the General Assembly)

**Reps.** Brenner, Anielski, Grossman, Henne, Stebelton, Terhar, Batchelder

**Sens.** Lehner, Gardner, Hite, Sawyer

**Effective date:** September 17, 2014

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## **ACT SUMMARY**

### **I. College Credit Plus (CCP) Program**

- Renames the Post-Secondary Enrollment Options (PSEO) program as the College Credit Plus (CCP) program and makes several changes to the program.
- Specifies that the CCP program begins operation with the 2015-2016 school year and requires the Department of Education, Superintendent of Public Instruction, and Chancellor of the Board of Regents to adopt rules, guidelines, and procedures to ensure that the program is fully operational for that school year.
- Requires all public high schools and all public colleges, except the Northeast Ohio Medical University, to participate in the program and subjects all participating chartered nonpublic high schools and participating private colleges to the CCP requirements.
- Permits eligible out-of-state colleges to participate in the CCP program and subjects them to the same requirements, with a few exceptions, and the same funding structure as participating private colleges.
- Specifies that CCP will govern arrangements in which a high school student enrolls in a college and, upon successful completion of coursework taken under the program, receives transcribed credit from the college, except under specified programs.

- Permits any public or participating chartered nonpublic high school and any public or participating private college to apply to the Chancellor and the state Superintendent for a waiver from the requirements of the CCP program for agreements that meet specified criteria.
- Changes the amount paid to colleges for enrolling high school students to a per credit hour amount based on the "formula amount" and calculated according to (1) the type of high school and college in which the student is enrolled and (2) how students receive instruction.
- Prescribes specified default payment amounts (calculated according to the factors described above) for payments made by the Department to colleges for students participating in CCP, unless an agreement specifying an alternative payment structure is entered into by the high school and college.
- Requires the Department to make payments in January and July of each school year, for students participating under Option B, for credit hours that students were enrolled in during the previous term after the date on which a withdrawal from a course would have negatively affected the student's transcribed grade.
- Eliminates the option for a college to receive reimbursement through an alternative funding agreement with a high school; however, permits a high school and a college to enter into an agreement to establish an alternative payment structure that meets specified criteria.
- Eliminates prior law prohibiting the charging of students for tuition, textbooks, and fees related to participation in the program and, instead, permits a student to be charged for a portion of these costs, unless the student (1) is enrolled in a public college under CCP, (2) is economically disadvantaged, or (3) is enrolled in a nonpublic high school under specified scholarship programs and a private or out-of-state college under CCP.
- Permits, rather than requires, a high school to seek reimbursement from a student or a student's parent for failed courses under the program, unless the student is identified as economically disadvantaged by the Department and was not expelled.
- Specifies that, under continuing law, (1) payments made by the Department to colleges for public high school students are to be deducted from the state operating payments of the students' school district or school and (2) payments made to colleges for nonpublic high school and home-instructed students are to be deducted from funds appropriated by the General Assembly for such students to participate in the CCP program.

- Permits a public college to include a student enrolled under CCP in its "state share of instruction" count for state higher education subsidies.
- Requires all students, in order to participate in CCP, to both (1) apply to a college in accordance with the college's established procedures for admission, and (2) meet the college's established standards for admission and for course placement.
- Specifies that (1) nonchartered nonpublic school students are subject to the same requirements as home-instructed students under the CCP program, and (2) payments made by the Department for nonchartered nonpublic school students must be made for the same amount and in the same manner as payments for home-instructed students.
- Qualifies students in grades 7 and 8 for participation in the CCP program.
- Specifies that no high school, except in limited circumstances, may prohibit a student enrolled in that school from participating in the CCP program, if the student meets all of the requirements for participation.
- Requires both public and participating chartered nonpublic high schools and public and participating private colleges to (1) promote CCP on the school's or college's website and include details of current CCP agreements, (2) schedule or coordinate an informational session to meet with interested students and parents, and (3) annually collect, report, and track specified data related to the program.
- Requires high schools to both (1) implement a policy for awarding grades and calculating class standing for CCP courses, and (2) ensure the policy is equivalent to the school's policy for Advanced Standing or honors courses.
- Requires public high schools to develop, in consultation with a public partnering college, a 15-credit hour and a 30-credit hour model course pathway and publish the pathways among the school's official list of course offerings for the program.
- Requires public and participating chartered nonpublic high schools to provide specified counseling information to students in grades 6 to 11 and to their parents before the students participate in the program.
- Requires each college to apply established standards and procedures for admission to the college under CCP and for course placement, as well as to (1) consider student data that may be an indicator of college readiness, (2) give priority to its current students for enrollment in courses, and (3) adhere to course capacity limitations.

- Requires colleges to (1) provide one professional development session per school year for high school teachers that are teaching courses under the CCP program and (2) conduct one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher.
- Requires each instructor teaching a course under the CCP program to meet the established credential requirements.
- Requires the Chancellor and the state Superintendent to (1) annually compile specified data related to the program from participating high schools and colleges and post the data on the Board of Regents' and Department of Education's websites, (2) submit a biennial report detailing the program's status to various state officials by December 31 every two years, beginning in 2017, and (3) establish a College Credit Plus advisory committee.

## **II. Advanced Standing Programs**

- Renames "dual-enrollment program" as "advanced standing program."
- Adds college-preparatory boarding schools to the public schools required to offer an advanced standing program.
- Modifies programs that qualify as advanced standing to specifically include International Baccalaureate diploma courses, along with the College Credit Plus (CCP) program (formerly PSEO), Advanced Placement courses, and Early College High School (ECHS) programs.
- Requires specified information on Advanced Placement and International Baccalaureate diploma courses and examinations to be provided to students in grades 8 through 11, including (1) the awarding of credit by colleges, (2) the availability of courses, waivers for tuition and fees, and no-cost options, and (3) the benefits of earning college credit through such courses.
- Changes a reference from "Early College High School" to "Early College High School Program" and specifically defines the program and the students it serves (students who are underrepresented in completing post-secondary education, economically disadvantaged students, or students whose parents did not earn a college degree).
- Makes any agreement between a school district or community school and an associated college, which governs an ECHS program, subject to the requirements of CCP, unless specified criteria are met.

- Permits a high school and a college operating an ECHS program to apply to the Chancellor and the state Superintendent for a waiver from the requirements of the CCP program, which, if granted, applies only to the agreement for which the waiver is granted and not to other CCP agreements entered into by the school or college.

### **III. Community Schools**

- Requires the Department of Education to withhold state payments to a new community school opening for its first year of operation until the school's sponsor confirms that the school has complied with certain requirements.
- Requires that the Department calculate the value-added progress dimension for purposes of community school closure using value-added data from only the most recent school year.
- Prohibits a community school that is permanently closed from reopening under another name if certain conditions still apply to the new school.
- Specifies conditions under which an educational service center may sponsor a conversion or start-up community school within and outside of its service territory.
- Revises the role of a transformation alliance in recommending sponsors to operate community schools in a municipal school district (Cleveland).
- Permits community schools that operate programs using the Montessori method to admit individuals younger than five years old and authorizes them to apply for early childhood education funding for those programs.

### **IV. EdChoice Scholarship Program**

- Revises the eligibility provisions for the Educational Choice (EdChoice) Scholarship Program to qualify students enrolled in a high school that receives a grade of "D" or "F" for the four-year adjusted cohort graduation rate in two of the three most recent report cards, beginning in the 2016-2017 school year.
- Permits a chartered nonpublic school to charge a student receiving an EdChoice scholarship whose family income is above 200% of the federal poverty guidelines "up to the difference" between the scholarship amount and the school's tuition.
- Permits, instead of requires as under prior law, a chartered nonpublic school to allow an eligible student's family to provide volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by an EdChoice scholarship.

- Requires each chartered nonpublic school that charges a student receiving an EdChoice scholarship an additional amount to annually report to the Department of Education the number of students charged and the average of the amounts charged to such students.

## **V. High School Graduation Assessments**

### **Diploma requirements**

- Revises the diploma requirements for students entering the ninth grade for the first time on or after July 1, 2014, in public and chartered nonpublic high schools to require those students to (1) score at "remediation-free" levels in English, math, and reading on nationally standardized assessments, (2) attain a cumulative passing score on the end-of-course examinations, or (3) attain a passing score on a nationally recognized job skills assessment and obtain either an industry-recognized credential or a state agency- or board-issued license for practice in a specific vocation.
- Prohibits the State Board of Education from creating or requiring any additional assessment for granting a high school diploma other than as prescribed by the act.
- Prohibits the State Board from creating any endorsement or designation that may be affiliated with a high school diploma.
- Requires the State Board to approve the industry-recognized credentials and licenses that may qualify a student for a high school diploma.
- Requires the State Board to select by December 31, 2014, at least one nationally recognized job skills assessment for each school district to administer to students who opt to take the assessment, and to establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability for the purpose of high school graduation.
- Requires the Chancellor of the Board of Regents to monitor the standards in mathematics, science, reading, and writing that were established by the state university presidents to ensure that the standards adequately demonstrate a student's remediation-free status.

### **Assessment content and administration**

- Sets the replacement of the Ohio Graduation Tests (OGT) with the College and Work-Ready Assessment System beginning with the 2014-2015 school year for students who enter ninth grade for the first time on or after July 1, 2014.



- Prescribes seven end-of-course examinations, for one portion of the College and Work-Ready Assessment System, one in each of English language arts I, English language arts II, physical science, Algebra I, geometry, American history, and American government.
- Authorizes the State Board to replace the Algebra I end-of-course examination with one in Algebra II beginning with the 2016-2017 school year for students who enter the ninth grade on or after July 1, 2016.
- Specifies that the OGT may not be administered to first-time takers after July 1, 2015.
- Requires the nationally standardized assessment that measures college and career readiness, which comprises the rest of the College and Work-Ready Assessment System, (1) be administered to all eleventh-grade students, (2) include components in English, mathematics, science, and social studies, and (3) be an assessment used for college admission.
- Requires a student who is enrolled in an Advanced Placement (AP) or International Baccalaureate (IB) course or other advanced standing program course to take the AP, IB, or advanced standing program examination in lieu of the physical science, American history, or American government end-of-course examinations.
- Explicitly prohibits a student from taking a substitute examination in place of the English language arts I, English language arts II, Algebra I, or geometry end-of-course examinations.
- Requires the State Board to consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the prescribed end-of-course examinations.
- Specifies that any student who received high school credit prior to July 1, 2014, for a course for which an end-of-course examination is prescribed may not be required to take that examination.
- Provides a contingent exemption for a student attending a chartered nonpublic school from passing the end-of-course examinations as a prerequisite for high school graduation, if the student's school publishes for each graduating class the results of the required nationally standardized assessment that measures college and career readiness, but *only* if the General Assembly does not enact different requirements that are effective by October 1, 2015, regarding end-of-course examinations for chartered nonpublic schools.

- Eliminates the prior end-of-course examination exemption for students attending a chartered nonpublic school accredited through the Independent Schools Association of the Central States.
- Permits nonchartered, nonpublic school students and home-instructed students to participate in the system of college and work ready assessments and end-of-course examinations.

## **VI. Achievement Assessments, State Report Cards, and Diagnostic Assessments**

### **State achievement assessments**

- For the 2014-2015 school year, (1) prohibits school districts and schools from being required to administer state achievement assessments in an online format, (2) permits districts and schools to administer assessments in any combination of online or paper formats, and (3) requires the Department of Education to furnish, free of charge, all such assessments.
- Requires the Department to publish, by July 1, 2015, the number of districts or schools that administer assessments in paper format, in online format, or in a combination of such formats.
- Requires the Superintendent of Public Instruction to submit a report, by January 15, 2015, to the Governor and the General Assembly that includes a review of, as well as recommendations for, the number of elementary and secondary achievement assessments.
- Authorizes a chartered nonpublic school that meets specified conditions to submit to the state Superintendent a request for a waiver for administering the elementary achievement assessments beginning with the 2015-2016 school year.

### **Achievement assessments as public records**

- Beginning with the spring assessments for the 2014-2015 school year, makes the questions and corresponding preferred answers on the third through eighth grade achievement assessments and high school end-of-course examinations a public record under a staggered release process, so that the entirety of those assessments and questions are a public record within three years of their administration.
- Requires the Department to post questions and answers from the assessments that have been made a public record on its website.



### **Student data privacy during testing**

- Requires that data collected in the course of administering elementary and secondary achievement assessments must be used for the sole purpose of measuring and improving the academic progress and needs of students, educators, school districts, and schools.
- Requires the state Superintendent to submit a report to the Governor and General Assembly by December 31, 2014, on the security and use of student data.
- Requires the Department to submit a report to the Governor and General Assembly by December 31, 2014, on the security of student data with regard to the administration of online assessments.

### **Personally identifiable student information in EMIS**

- Requires the State Board of Education to establish standards providing strict safeguards to protect the confidentiality of personally identifiable information in the use of the statewide Education Management Information System.

### **Report cards**

- Establishes an additional graded value-added progress dimension measure for a "high mobility" school district or building that is exempt from the computation of the overall letter grade of a school or district.
- For the 2014-2015 school year, requires the Department to include the academic progress measure for high school students on the report card as an ungraded measure.
- Adjusts the assessment subjects used to calculate the performance index score as follows: (1) for grades 3-8, assessments in English language arts, mathematics, science, and social studies (same as prior law), and (2) for high school, assessments in English language arts and mathematics.
- Makes other miscellaneous changes to the report card law.

### **Diagnostic assessments**

- Permits kindergarten diagnostic assessment data to be included on the annual report cards issued for schools and school districts.



- Specifies that the results of the language and reading diagnostic assessment must be reported to the Department and are not subject to an existing parental option not to report that data.
- Specifies that a transfer student who transfers prior to the administration of diagnostic assessments take those assessments at the scheduled administration dates.
- Exempts students with "significant cognitive disabilities," as defined by the Department, from taking diagnostic assessments.
- Permits a school district or school that received an "A" or "B" for performance index score or for overall value-added progress dimension on the report card for the prior school year to administer different diagnostic assessments than those prescribed by the Department.

### **Safe harbor**

- Prohibits the report card ratings issued for the 2014-2015 school year from being considered in determining whether a school district or school is subject to sanctions or penalties.
- Prohibits the Department from (1) assigning an overall letter grade for school districts and schools for the 2014-2015 school year, and (2) ranking districts and schools based on operating expenditures, performance achievements, and other specified items for the 2014-2015 school year.
- Permits the Department, at the discretion of the State Board, to not assign an individual grade for the six components that comprise the state report card for only the 2014-2015 school year.
- Permits a school district, community school, or STEM school to enter into a memorandum of understanding with its teachers' union that stipulates that the value-added progress dimension rating based on the results of the elementary and secondary state achievement assessments, administered in the 2014-2015 school year and, used to assess student academic growth will not be used when making decisions regarding teacher dismissal, retention, tenure, or compensation.

### **Conditional waiver from state testing, teacher evaluations, and report card ratings**

- Authorizes all STEM schools and up to ten school districts that are members of the Ohio Innovation Lab Network to request a waiver from the state Superintendent for



up to five school years from the administration of the elementary and secondary achievement assessments, teacher and administrator evaluations, and reporting student achievement data for report card purposes.

### **Study of assessments and graduation requirements for chartered nonpublic schools**

- Creates a committee to make recommendations on graduation and testing requirements for students enrolled in chartered nonpublic schools by January 15, 2015.

### **VII. Third-Grade Reading Guarantee**

- Beginning July 1, 2015, generally provides that third grade students who attend chartered nonpublic schools with either an EdChoice or Cleveland Pilot Project scholarship are subject to the retention provisions of the third-grade reading guarantee.
- Requires chartered nonpublic schools (1) to adopt policies and procedures for the annual assessment of reading skills of scholarship students in kindergarten through third grade, (2) to provide notification to parents and guardians of scholarship students identified as reading below grade level, (3) to provide intensive reading instruction services to such scholarship students, and (4) to report annually to the Department the number of such scholarship students.
- Specifies which English language arts assessment is to be administered to third grade students enrolled in a school district, community school, or STEM school in the 2014-2015 school year for purposes of the third-grade reading guarantee.
- Permits a school district or community school that cannot furnish the number of qualified teachers to teach a third grader who reads below grade level needed for the 2014-2015 or 2015-2016 school year to develop and submit an alternative staffing plan for that school year.

### **VIII. Academic Content Standards, Curriculum, and Instructional Materials**

#### **Academic content standards**

- Revises the statutory specifications for the statewide academic content standards adopted by the State Board of Education.
- Creates separate academic standards review committees for each of the subjects of English language arts, mathematics, science, and social studies.



- Requires the State Board, in its periodic adoption or revision of standards, to adopt or revise the academic content standards in social studies, American history, American government, or science independently and not as part of a multistate consortium.
- Prohibits any official or board of the state from entering into any agreement with any federal or private entity that would require the state to cede any measure of control over the development, adoption, or revision of any academic content standards.

### **School district authority over instructional materials and curriculum**

- Specifies that the board of education of each school district is the sole authority in determining and selecting all instructional materials and the academic curriculum to be used for the schools under its control.
- Requires each school district board to establish a parental advisory committee to provide an opportunity for parents to review selected instructional materials and academic curriculum.

### **Statewide curriculum requirements**

- Removes references in the law to the "Ohio core curriculum" (the minimum number of course units a student must complete to graduate from high school) and, instead, generally refers to it as the curriculum "requirements for graduation."
- With respect to the conditions that a dropout prevention and recovery program must satisfy in order to receive a waiver from the state minimum high school curriculum, requires the program to develop a student success plan (rather than an individual career plan as under former law) that satisfies the act's requirements and, starting on July 1, 2015, to satisfy new requirements related to career advising and student services.
- Extends to July 1, 2016 (from July 1, 2014, as under former law) the terminal date of an exemption from the state minimum high school curriculum for students who enter ninth grade before the terminal date, have a student success plan (rather than an individual career plan as under prior law), and meet certain other conditions.
- Beginning with students who enter ninth grade for the first time on or after July 1, 2014, changes the curriculum that must be satisfied for the temporary exemption.
- Requires each public school and chartered nonpublic school to annually notify the Department of the number of students who choose to qualify for graduation under

the temporary exemption and the number of students who complete the student's success plan and graduate from high school.

- Extends to December 1, 2015, (from August 1, 2014, as under former law) the deadline for the Department to submit its findings and any recommendations regarding the extension of this exemption beyond the date provided in law.

## **IX. Other Education Provisions**

### **Eligibility for the GED**

- Specifies that a person who is at least 18 years old (rather than 19 as under prior law) may take the tests of general educational development (GED) without additional administrative requirements if the person is officially withdrawn from high school and has not received a high school diploma.
- Requires a person who is at least 16 but less than 18 years old and who applies to take the GED to submit to the Department of Education written approval only from the person's parent or guardian or a court official (eliminating the former requirement to obtain approval from the school district superintendent or community school or STEM school principal where the person was last enrolled).

### **Career-technical education**

- Specifies that each city, local, and exempted village school district must provide career-technical education to students enrolled in grades 7 through 12.
- Requires the Department of Education to waive the requirement to provide career-technical education to students enrolled in grades seven and eight, if a district's board of education adopts a resolution specifying its intent not to provide career-technical education to students enrolled in those grades for a particular school year and submits that resolution to the Department by September 30 of that school year.
- Beginning in the 2015-2016 school year, increases the minimum enrollment for comprehensive career-technical course offerings in school districts to 2,500 students in grades 7 through 12 (from 1,500 students in grades 9 through 12).

### **Student career advising**

- Beginning in the 2015-2016 school year, requires each city, local, exempted village, and joint vocational school district, each community school, and each STEM school to adopt a policy on career advising that specifies how a district will perform certain related activities and to update that policy at least once every two years.



- Beginning in the 2015-2016 school year, requires each district, community school, and STEM school to (1) identify students who are at risk of dropping out of school using a research-based, locally based method developed "with input" from its classroom teachers and guidance counselors and (2) develop a "student success plan" for each of those students that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.
- Requires a district or school, prior to developing a student success plan for a student identified as at risk of dropping out of school, to invite the student's parent, guardian, or custodian to assist in developing the plan.
- Requires the Department to develop and post on its website, by December 1, 2014, model policies on career advising and model student success plans.
- Requires the Department to create, by July 1, 2015, an online clearinghouse of research related to proven practices for policies on career advising and student success plans that districts may access when fulfilling the act's requirements.

### **Clearinghouse of information regarding at-risk students**

- Requires the Department to establish, by July 1, 2015, a clearinghouse of information regarding the identification of and intervention for at-risk students.

### **Age and schooling certificates**

- Until July 1, 2016, permits a superintendent to issue an age and schooling certificate to a child over age 16 who satisfies certain requirements under continuing law.
- Beginning on July 1, 2016, permits a superintendent to issue an age and schooling certificate to a child over age 16 who satisfies certain requirements and is enrolled in a competency-based instructional program to earn a high school diploma in accordance with rules adopted by the State Board.

### **Academic distress commissions**

- Revises the conditions for the establishment of a school district academic distress commission.
- Requires the Superintendent of Public Instruction by December 31, 2014, to submit recommendations to the Governor and General Assembly for legislative changes regarding intervention for poor performing school districts that are at risk of becoming subject to the establishment of an academic distress commission.

## **School emergency management plans**

- Changes the term "school safety plan" to "emergency management plan" and revises the law regarding development and administration of such plans.
- Requires the "administrator" of specified schools, preschools, and educational centers and facilities to develop, adopt, and submit to the Department of Education and local law enforcement agencies a comprehensive emergency management plan that incorporates a floor plan, site plan, and emergency contact information sheet, in addition to protocols for threats and emergency events.
- Requires each administrator annually to review the plan and certify its accuracy to the Department, as well as to update the plan every three years, whenever major modifications require changes, or whenever information on the emergency contact information sheet is not accurate in a manner similar to former law.
- Requires each administrator to conduct at least one annual emergency management test designed to assess and evaluate an emergency management plan.
- Subjects any administrator who is an applicant for a license or who holds a license from the State Board of Education to disciplinary action on the administrator's license, if the administrator fails to comply with the requirements related to emergency management plans.
- Specifies that copies of the emergency management plans and information incorporated into the plans, including related information that is required to be posted on the Contact and Information Management System by the Director of Public Safety, are not public records.

## **Programs at the State School for the Blind**

- Requires the State Board of Education to establish a program of education at the State School for the Blind to train and assist parents of children of preschool age whose disabilities are visual impairments.
- Permits the Superintendent of the State School for the Blind to allow children who do not have disabilities that are visual impairments to participate in the methods of instruction used for the preschool education program, and requires the Superintendent to establish policies and procedures regarding their participation.
- Permits the Superintendent to establish reasonable fees for participation in the preschool education program and requires those fees to be deposited in the State School for the Blind Even Start Fees and Gifts Fund, which is created by the act.



- Requires the State Board to institute and establish at the State School for the Blind career-technical education and work training programs for secondary and post-secondary students whose disabilities are visual impairments.
- Permits the State School for the Blind to use any gifts, donations, or bequests it receives for specified purposes related to the career-technical education and work training programs.
- Creates the State School for the Blind Educational Program Expense Fund, and requires moneys received by the school from donations, bequests, student fundraising activities, fees charged for camps, workshops, and summer work and learn cooperative programs, receipts from school activities, and any other moneys designated for deposit in the Fund to be credited to the Fund.
- Specifies that, for purposes of provisions of law related to the State School for the Blind, visual impairment means "blindness, partial blindness, deaf-blindness, or multiple disabilities if one of the disabilities is vision-related."

### **Participation in district extracurricular activities by community school and STEM school students**

- Affords a student enrolled in a community school or STEM school the opportunity to participate in any extracurricular activities at the school of the student's resident school district to which the student would have been assigned (regardless of whether the community school or STEM school is sponsored or operated by the school district as was required under prior law).
- Permits the superintendent of any school district to afford to any student who is enrolled in a community school or STEM school and who is not entitled to attend school in that district, the opportunity to participate in a school's extracurricular activities if (1) the student's school does not offer the extracurricular activity, and (2) the activity is not interscholastic athletics or interscholastic contests or competition in music, drama, or forensics.
- Eliminates a former provision permitting a school district board of education to require a community school student to enroll and participate in no more than one academic course as a condition to participating in an extracurricular activity.
- Prohibits a school district board from imposing additional rules on a community school or STEM school student that do not apply to other students participating in the same extracurricular activity.

## **Concussions sustained by athletes in interscholastic and youth sports**

- Authorizes a licensed health care professional other than a physician to assess and clear interscholastic and youth sports organizations' athletes for return to practice or competition following suspected concussions if (1) the professional's licensing agency adopts standards equal to or stronger than the guidelines developed by the committee established by the act and (2) the professional meets the minimum education requirements established in those rules.
- Beginning September 17, 2015, applies the requirements described above to physicians and to health care professionals that district boards, school governing authorities, or youth sports organizations previously authorized to assess athletes who have been removed from practice or competition.
- Requires the Director of Health to establish a committee regarding (1) concussions and head injuries sustained by athletes while participating in interscholastic athletic events and athletic events organized by youth sports organizations and (2) the assessment and clearance of those athletes.
- Requires the committee, by March 17, 2015, to develop and publish guidelines for (1) the diagnosis, treatment, and clearance of concussions and head injuries sustained by such athletes and (2) the minimum education requirements necessary to qualify a physician or other licensed health care professional to assess and clear those athletes for return to practice or competition.
- Requires that, if an agency responsible for the licensing of physicians or other health care professionals seeks to have its licensees authorized to assess and clear athletes for return to practice or competition, it must adopt rules establishing standards that are equal to or stronger than the guidelines developed by the committee.
- Permits a licensing agency to adopt rules establishing continuing education requirements for its licensees who assess and clear athletes for return to practice or competition.

## **Debt forgiveness for certain consolidating schools**

- Provides that if the voluntary transfer of a school district (1) is initiated by December 31, 2015, (2) results in the complete dissolution of that district, and (3) satisfies certain specified conditions, the acquiring school district will acquire the transferring district's territory free and clear of any indebtedness owed by the transferring district to the state Solvency Assistance Fund.



- Specifically permits the Director of Budget and Management to transfer available moneys from the General Revenue Fund, appropriated for operating payments to schools, into the Solvency Assistance Fund to replace the amount owed by the transferring district.
- Requires the cancellation of the amount owed to the Solvency Assistance Fund by any school district that has fewer than 500 students when the district is transferred in its entirety to, or receives the entire territory of, a contiguous school district within the same educational service center by June 30, 2015.

### **Resident educator licenses**

- Permits renewal of resident educator licenses and alternative resident educator licenses for reasons specified in rules to be adopted by the State Board of Education.
- Requires the State Board to issue an alternative resident educator license to qualified applicants who are employed in a school that operates an approved Montessori program.

### **Other provisions**

- Requires the Department of Education, by October 30 of each year, to publish on its website each school district's expenditures of the gifted student identification funds and gifted student unit funding it received for the previous fiscal year.
- Specifies that no rule adopted by the State Board of Education may permit a school district to report that it has provided services to an identified gifted student unless those services are paid for by the district, and specifies that this provision does not prohibit a district from requiring a student to pay the costs of Advanced Placement or International Baccalaureate examinations.
- Specifies that any state subsidy paid to an educational service center is a "state operating subsidy" to be used for the operation of that service center and for any other services provided to a school district that are required by the Education Code.
- Requires a school district's energy conservation project report to include estimated costs for measurement and verification of energy savings, in addition to other estimated costs required under continuing law.
- Specifies that, if pursuant to continuing law a school district board opts not to use general bidding requirements for an installment payment contract for energy conservation measures, the contract must be awarded through a competitive



selection process prescribed by rules adopted by the School Facilities Commission (SFC).

- Revises the requirements related to annual reporting of reductions in energy consumption and resulting operational and maintenance cost savings.
- Requires SFC to establish guidelines for assisting STEM schools in the acquisition of classroom facilities.
- Requires, rather than permits as under former law, SFC, subject to Controlling Board approval, to provide funding to any STEM school that is not governed by a single school district board.
- Creates the School Based Health Care Advisory Workgroup to study and make recommendations to the General Assembly regarding the improvement of academic achievement through better student health.

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## CONTENT AND OPERATION

### I. College Credit Plus Program

#### Replacement of PSEO with CCP

(R.C. 3313.6013, 3365.01 (repeal and reenact), 3365.02 (repeal and reenact), 3365.03 (repeal and reenact), 3365.033 (enact), 3365.04 (new), 3365.05 (new), 3365.07 (repeal and reenact), 3365.071 (enact), 3365.08, 3365.10 (repeal and reenact), 3365.11 (new), 3365.13 (enact), and 3365.15 (repeal and reenact); Section 6; renumbered (new number in parentheses) R.C. 3365.04 (3365.06), 3365.041 (3365.032), 3365.05 (3365.12), 3365.06 (3365.031), 3365.11 (3365.09); repealed R.C. 3345.062, 3365.021, 3365.022, 3365.09, and 3365.12; conforming changes in R.C. 921.06, 3302.03, 3313.6016, 3314.08, 3317.03, 3324.07, 3326.36, 3328.24, 3333.041, 3333.35, 3333.43, 3333.86, and 3345.06)

The act changes the name of the Post-Secondary Enrollment Options (PSEO) program to the College Credit Plus (CCP) program and makes several changes to the administration of the program, including how payments on behalf of a student are calculated. The CCP program will begin operation with the 2015-2016 school year. In preparation, the Department of Education, Superintendent of Public Instruction, and Chancellor of the Board of Regents must take the necessary steps to adopt rules, guidelines, and procedures and to create any necessary forms and documents so that the CCP program is fully operational for that school year.

Meanwhile, for the 2014-2015 school year, students will continue to participate in the manner specified under former law for the PSEO program. The Department also



must continue to make payments as specified under that former law for students who participate during the 2013-2014 or 2014-2015 school years. Beginning with the 2015-2016 school year, all students who enroll in a college under the program must participate under the new CCP program specifications.<sup>1</sup>

### **Overview of the program**

Much like the PSEO program, the new CCP program allows high school students who are enrolled in public or nonpublic high schools or who are home-instructed to enroll in nonsectarian college courses to receive high school and college credit. College courses under CCP may be taken at any public or private college, as well as any eligible out-of-state college.

Also, like PSEO, the new CCP program consists of two "options," which the student elects at the time of enrolling in the college course. Under Option A, the student is responsible for payment of all tuition and other costs charged by the college. Under this option, the student may further elect to receive only college credit for a completed course or to receive both college and high school credit. Under Option B, the student receives both college credit and high school credit for successfully completing a college course, and the state makes a payment to the college on the student's behalf.

### **Funding and payment**

(R.C. 3365.01, 3365.07, and 3365.071)

Under PSEO, the state payment to a college on behalf of a student participating under Option B was, and for the 2014-2015 school year will continue to be, made in the fiscal year after the student completed the college course. The amount of the payment for each student under PSEO was defined under former law as the lesser of the actual cost of tuition, textbooks, materials, and fees associated with the college course or the full-time equivalent percentage of time the student attended the course multiplied by the "tuition base." The tuition base was defined as the "formula amount" under the school funding formula.<sup>2</sup> For fiscal year 2015, the last year for PSEO under the act, the formula amount is \$5,800.<sup>3</sup>

The act eliminates these provisions and, instead, creates a new structure for the calculation of payments under the CCP program for students who participate under

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<sup>1</sup> Section 6.

<sup>2</sup> Former R.C. 3365.07, not in the act.

<sup>3</sup> R.C. 3317.02. The formula amount is used to compute several operating payments to school districts, community schools, and STEM schools.



Option B. The source of funding, however, remains the same. For a student enrolled in a public school (school district, community school, STEM school, or college-preparatory boarding school), payments are deducted from state operating amounts computed for the student's district or school. For a student who is enrolled in a chartered nonpublic school, a student who is enrolled in a nonchartered nonpublic school, or a student who is home-instructed, payments are made from an appropriation of the General Assembly for that purpose.<sup>4</sup>

Additionally, the act requires that, not later than 30 days after the end of each term (semester or quarter), each college expecting to receive payment from the Department of Education for students participating under Option B must notify the Department of the number of enrolled credit hours for each student, a factor that is used in the calculation of payments (see "**Payments for the number of enrolled credit hours**," below). If the college provides proper notification, the Department must then make payments every January or July, or as soon as possible thereafter, for students enrolled in that college during the previous term.<sup>5</sup>

### **Calculation of payments to colleges**

(R.C. 3365.01 and 3365.07)

Payments made by the Department to colleges for CCP are to be calculated according to a per credit hour amount, based on the formula amount, as well as according to the type of high school and college in which the student is enrolled (public or private) and how the student receives instruction (at the college/online and taught by college faculty, at the high school and taught by college faculty, or at the high school and taught by a high school teacher). Payments made by the Department for eligible out-of-state colleges participating in the program are calculated in the same manner as payments for private colleges. (See "**Requirements for public and participating private and out-of-state colleges**" for more information on eligible out-of-state colleges). All payments are calculated on a per credit hour basis and then multiplied by the number of enrolled credit hours for each participating student.

As noted above, the formula amount for fiscal year 2015 is \$5,800. But there is no value prescribed for the formula amount for any year beyond fiscal year 2015; thus, it is not known at this time exactly what that value will be for fiscal year 2016 (the year CCP begins operation). (The value for the formula amount is prescribed for two years at a time in each biennial budget act.)

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<sup>4</sup> R.C. 3365.07(F)(1) and (2).

<sup>5</sup> R.C. 3365.07(E) and (F).



## Payments for the number of enrolled credit hours

(R.C. 3365.01(K), 3365.07, and 3365.12)

Payments made by the Department are based upon the number of credit hours in which a student is enrolled during the previous term after the date on which a course withdrawal would negatively affect the student's grade under the college's established withdrawal policy. If a student withdraws from a course prior to this date, the act prohibits the Department from making a payment for that course. Therefore, if a withdrawal occurs prior to the established date, the college receives no state funds for the course from which the student withdrew.

The act also eliminates former law requiring that colleges be reimbursed by the state only for nonremedial courses.<sup>6</sup> Instead, the act requires that all courses offered under CCP (1) be the same courses that are included in the partnering college's course catalogue for college-level, nonremedial courses and (2) apply to at least one degree or professional certification at the partnering college.

### Default payment amounts

(R.C. 3365.07)

Unless an agreement specifying an alternative payment structure is entered into by a high school and a college (see "**Alternative payment structures**," below), the Department must pay the college the following amount on a per credit hour basis for a student who is enrolled in a public or chartered nonpublic high school for courses taken under the CCP program:

(1) The "default ceiling amount" (which is defined as 83% of the formula amount divided by either 30 or 45, depending on whether the college operates on a semester or quarter schedule, respectively<sup>7</sup>), for a student enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(2) 50% of the default ceiling amount, for a student enrolled in a college course delivered at the student's high school but taught by college faculty.

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<sup>6</sup> Former R.C. 3365.07(C)(2), not in the act.

<sup>7</sup> R.C. 3365.01(B).



(3) The "default floor amount" (which is defined as 25% of the default ceiling amount<sup>8</sup>), for a student enrolled in a college course delivered at the student's high school and taught by a high school teacher.<sup>9</sup>

Additionally, for either a nonchartered nonpublic school student or a home-instructed student who is enrolled in a college course at a public, private, or eligible out-of-state college that is delivered on the college campus, at another location operated by the college, or online, the Department must pay the college the default ceiling amount.<sup>10</sup> However, the act does not specify any amount that the Department must pay for a college course that is delivered in a high school setting.

### **Alternative payment structures**

(R.C. 3365.07)

For a public or chartered nonpublic high school student enrolled in a public college, or for a public high school student enrolled in a private college, the act permits the district board, or equivalent, of the student's high school and the college to enter into an agreement establishing an alternative payment structure for tuition, textbooks, and fees that differs from the default payment amounts.<sup>11</sup> The act also prescribes specified requirements with which that agreement must comply (see below). If the agreement meets these requirements and is agreed upon by the school and the college, the Department must make payments to colleges according to the alternative payment structure instead of the default payment amounts.

### **Payments by the Department**

For any agreement that establishes an alternative payment structure, the act prohibits payments made by the Department for each student to exceed the default ceiling amount. Additionally, payments cannot be below the default floor amount, unless approved by the Chancellor. The Chancellor must approve an agreement that includes payment below the default floor amount, so long as the agreement complies with all other requirements of the CCP program "to ensure program quality."<sup>12</sup>

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<sup>8</sup> R.C. 3365.01(C).

<sup>9</sup> R.C. 3365.07(A)(1)(a).

<sup>10</sup> R.C. 3365.07(D).

<sup>11</sup> R.C. 3365.07(A)(2) and (B)(2).

<sup>12</sup> R.C. 3365.07(A)(2) and (B)(2)(a).



If the student is enrolled in a public high school and a private college, the act sets further parameters for alternative payment structures. In this instance, the Department must pay *at least* the default floor amount, unless approved by the Chancellor to pay an amount below the default floor amount. Any costs that exceed this amount (the default floor amount or the amount approved by the Chancellor, whichever is applicable) must then be negotiated by the high school and the college. These additional costs may be (1) charged to the Department, (2) charged to the student, (3) incurred by the college, or (4) divided among any combination of the three. Nevertheless, as previously noted, payments made by the Department cannot exceed the default ceiling amount in any circumstance. Furthermore, the sum of the payments made by the Department for a student and the amount charged to that student cannot exceed the following amounts:

(1) The "maximum per participant charge amount," if the student enrolled in a college course delivered on the college campus, at another location operated by the college, or online. Under the act, this amount is defined as the formula amount divided by either 30 or 45, depending on whether the college operates on a semester or quarter schedule, multiplied by the number of enrolled credit hours.

(2) \$125, if the student is enrolled in a college course delivered at the student's high school but taught by college faculty;

(3) \$100, if the student is enrolled in a college course delivered at the student's high school that is taught by a high school teacher who has met the credential requirements established by the Chancellor.<sup>13</sup>

The act does not specify whether the amounts specified in (2) and (3) are computed on a per credit hour or a per course basis. However, all other CCP payments are computed on a per credit hour basis. Furthermore, the maximum per participant charge amount described in (1) is specifically defined as a per credit hour amount. Therefore, presumably, the \$125 and \$100 amounts also would be on a per credit hour basis.

### **Charging students**

The act prohibits charging public and chartered nonpublic high school students enrolled in a *public* college for participation in CCP, including these participating under an alternative payment structure. However, public high school students enrolled in a private college may be charged under an agreement establishing an alternative payment structure, if certain conditions are met. The amount that such a student may be charged cannot exceed a specified amount and also depends upon the amount paid by

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<sup>13</sup> R.C. 3365.01(I) and 3365.07(B)(2)(b)(iii).



the Department (see "**Payments by the Department**," above, and "**Public students enrolled in private colleges**," below).<sup>14</sup>

For a more detailed explanation of charging students for participation in CCP, see "**Textbooks, fees, and charging students for participation**," below.

#### **No authority for alternative payment structures for some students**

For a chartered nonpublic high school student enrolled in a private or eligible out-of-state college, payments for each student made by the Department must be the default payment amounts outlined above. There is no alternative payment structure available to calculate payments made by the Department, and the act specifically prohibits payments made by the Department from exceeding the default ceiling amount. The act does require the governing body of the high school and the college to negotiate costs that exceed payments made by the Department. Presumably, the agreement may include charging a student for any of these costs, as the act specifies which students cannot be charged under such an agreement.<sup>15</sup>

Similarly, for a nonchartered nonpublic school student or a home-instructed student enrolled in any college under CCP, the act does not specifically authorize an alternative payment structure to be used when calculating payments made by the Department.

#### **Funding for nonpublic and home-instructed students**

(R.C. 3365.071)

Under prior law, PSEO payments for nonpublic and home-instructed students were made according to a method in which the Department allocated payments to colleges for PSEO. In recent years, due to the limited amount of funds allocated for participating nonpublic students and the growing demand for PSEO courses by these students, temporary law had authorized the Department to apportion those funds according to rule of the State Board. Under that rule, the Department allocated funding to nonpublic school students according to units of study (that is, one course at a time for each student) and by giving priority to students based on their grade levels. Thus,

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<sup>14</sup> R.C. 3365.07(A)(3) and (B)(2)(b).

<sup>15</sup> R.C. 3365.07(C).



twelfth-grade students had the highest priority for funding. Former law also prescribed that payments for home-instructed students be allocated in the same manner.<sup>16</sup>

The act eliminates this provision and instead requires the Chancellor, in consultation with the state Superintendent, to adopt rules prescribing a method to allocate and distribute payments for chartered nonpublic students, nonchartered nonpublic students, and home-instructed students. If a student is not awarded funding according to these rules, the act prohibits the Department from paying state funds to colleges for that student's participation in CCP.<sup>17</sup>

### **Inclusion in SSI**

(R.C. 3365.07(G))

A public college may include students who enroll under Option B in the count of students used to determine its state share of instruction (SSI) for state operating payments. A public college's "state share of instruction" is the main subsidy that is paid by the state toward the instructional operating cost of the institution. Funds are appropriated by the General Assembly to the Chancellor, who then distributes the funds to the colleges.

### **Authority for alternative funding agreements eliminated**

(Former R.C. 3365.12, not in the act; conforming changes in R.C. 3314.08, 3326.36, 3365.04, 3365.041, and 3365.08)

The act eliminates the option, which existed under the former PSEO program, for a college to receive reimbursement for the program through an alternative funding agreement with a high school. Previously, high schools and colleges were allowed to use an alternative funding formula for PSEO payments to the institution, so long as (1) both the high school and the college mutually agreed on the alternative formula and (2) the alternative formula met the rules adopted by the state Superintendent and the Chancellor regarding this option.

The alternative payment structures permitted by the act (see "**Alternative payment structures**", above) are not related to this former option.

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<sup>16</sup> Former R.C. 3365.022(C) and former R.C. 3365.10, neither in the act; Ohio Administrative Code (O.A.C.) 3301-44-09.

<sup>17</sup> R.C. 3365.07, first paragraph.



## **Textbooks, fees, and charging students for participation**

(R.C. 3365.07 and 3365.08; conforming changes in R.C. 3365.032 and 3365.04)

The act eliminates prior law that (1) required a college expecting to receive reimbursement from the Department for PSEO to furnish all textbooks and materials related to a PSEO course and (2) prohibited such a college from charging a student for tuition, textbooks, materials, or other fees related to PSEO.<sup>18</sup> Instead, the act specifies, in certain circumstances, which entity is responsible for the costs of textbooks and fees under the CCP program. Additionally, the act permits students, under specified circumstances, to be charged for participation in the CCP program.

### **Public or chartered nonpublic students enrolled in public colleges**

For a public or chartered nonpublic high school student enrolled in a public college, if the Department pays the default payment amounts, the high school must pay for the student's textbooks, while the college must waive payment of all other fees related to participation in CCP.<sup>19</sup> If the high school and the college enter into an agreement establishing an alternative payment structure, the high school and college may determine an alternative arrangement for which entity is responsible for the student's textbooks and fees. The act prohibits any such student from being charged for any tuition, textbooks, or other fees related to participation in the program.<sup>20</sup>

### **Public students enrolled in private colleges**

For a public high school student enrolled in a private college, there is no provision specifying which entity is responsible for the cost of textbooks and fees. Rather, it appears that the arrangement is left to the high school and the college to determine under an alternative payment structure, which may include charging a student. The act specifies that such a student may be charged only if the student is not identified as economically disadvantaged according to rules adopted by the Department.<sup>21</sup>

Additionally, the act prescribes that such a student may not be charged more than the difference between the "maximum per participant charge amount" and the

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<sup>18</sup> R.C. 3365.08.

<sup>19</sup> R.C. 3365.07(A)(1)(b).

<sup>20</sup> R.C. 3365.07(A)(3).

<sup>21</sup> R.C. 3365.07(B)(2)(b)(iv).

default floor amount.<sup>22</sup> (The "maximum per participant charge amount" is defined by the act as the formula amount divided by either 30 or 45, depending on whether the college operates on a semester or quarter schedule, multiplied by the number of enrolled credit hours.<sup>23</sup>) The act also prohibits the sum of payments made by the Department on behalf of a student and the amount charged to that student to exceed a specified amount, depending upon the delivery method of the course (see "**Payments by the Department**," above).

### **Chartered nonpublic students enrolled in private colleges**

For a chartered nonpublic high school student enrolled in a private college, there is no provision specifying which entity is responsible for the cost of textbooks and fees. Rather, costs that exceed the amount paid by the Department must be negotiated by the high school and the college. Presumably, this agreement may include charging a student. However, the act specifically prohibits the charging of any such student for tuition, textbooks, or fees related to participation, if that student (1) is enrolled in a chartered nonpublic high school under either the "Educational Choice Scholarship Program" or the Cleveland Scholarship Program, *and* (2) qualifies as low-income under either scholarship program.<sup>24</sup>

### **Reimbursement by a student for failing a college course**

(R.C. 3365.09)

Prior law required the superintendent or equivalent of a public or nonpublic high school to bring an action for reimbursement from a student who received a failing grade in a college course under the former PSEO program.<sup>25</sup> The act modifies this provision to permit, rather than to require, the superintendent or equivalent to seek reimbursement. Furthermore, the act prohibits the superintendent or equivalent from seeking reimbursement if the student is identified as economically disadvantaged, according to rules adopted by the Department, unless that student was expelled from school.

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<sup>22</sup> R.C. 3365.07(B)(2)(b)(ii).

<sup>23</sup> R.C. 3365.01(I).

<sup>24</sup> R.C. 3365.07(C)(2).

<sup>25</sup> R.C. 3365.09 (formerly numbered as R.C. 3365.11).



## Other dual enrollment arrangements

(R.C. 3365.02)

The act stipulates that the CCP program governs arrangements in which a high school student enrolls in a college and, upon successful completion, receives transcribed credit from the college. The act also stipulates that the CCP program is the "sole mechanism by which state funds are paid to colleges for students to earn college-level credit while enrolled in a high school."<sup>26</sup> However, the act specifically exempts all of the following from these provisions:

(1) An agreement governing an Early College High School (ECHS) program that meets the exemption criteria (see "**Early College High School programs**," below).

(2) An Advanced Placement course or International Baccalaureate diploma course (also see "**Advanced standing programs**," below).

(3) Until July 1, 2016, a career-technical education program that is approved by the Department and grants articulated credit to students participating in that program. ("Articulated credit" is defined by the act as "post-secondary credit that is reflected on the official record of a student at an institution of higher education only upon enrollment at that institution after graduation from a secondary school."<sup>27</sup>)

## Waiver from the requirements of CCP

(R.C. 3365.10)

The Chancellor and the state Superintendent may grant a waiver from the requirements of CCP (1) for a proposed agreement between a high school and a college or (2) for an agreement governing an Early College High School (ECHS) program. In order for a waiver to be granted, the agreement must (1) include innovative programming proposed to exclusively address the needs of underrepresented student subgroups and (2) meet all criteria set forth in the rules adopted by the Chancellor and state Superintendent. If granted, the waiver applies only to the agreement for which that waiver is granted and does not apply to any other agreement in which that school or college enters.

Any high school or college that is subject to the requirements of CCP may apply to the Chancellor and the state Superintendent for such a waiver, including any high

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<sup>26</sup> R.C. 3365.07, first paragraph.

<sup>27</sup> R.C. 3365.01(A).



school or associated college that is operating an ECHS program. Under the act, all ECHS agreements are subject to the requirements of CCP, except in specified circumstances. (For more on ECHS programs, see "**Early College High School programs**," below.)

### **Student eligibility for participation in CCP**

(R.C. 3365.02, 3365.03, 3365.031, 3365.032, 3365.033, and 3365.06)

As under PSEO, students enrolled in school districts, community schools, STEM schools, and nonpublic high schools, as well as home-instructed students that are the equivalent of ninth, tenth, eleventh, or twelfth grade students, are eligible to participate in the CCP program. Additionally, the act permits seventh and eighth grade students to participate in the program in the same manner as high school students (see "**Seventh- and eighth-grade students**," below). Finally, the act qualifies students that attend a college-preparatory boarding school for participation.<sup>28</sup>

#### **Eligibility requirements for all students**

(R.C. 3365.03)

The act eliminates prior law specifying that student participation in the PSEO program be based "solely on a participating college's established placement standards for college-level courses for which credit is awarded."<sup>29</sup> Instead, the act requires any student wishing to enroll in a college under the CCP program to do both of the following prior to participation in the program:

(1) Apply to a public or a participating private or out-of-state college in accordance with the college's established procedures for admission.

(2) Meet that college's established standards for admission and for course placement, including any course-specific capacity limitations on class size.<sup>30</sup>

Furthermore, as under the PSEO program, all students must elect to participate under either Option A or Option B for each course to be taken under the program (see "**Overview of the program**," above).

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<sup>28</sup> R.C. 3365.01(R) and 3365.03(A). There is no college-preparatory boarding school operating at the present time.

<sup>29</sup> Former R.C. 3365.02(F), not in the act.

<sup>30</sup> R.C. 3365.03(A)(1)(b).

### **Public school students**

In addition to the requirements for all students, continuing law requires that a student enrolled in a public high school meet two additional criteria to participate in the CCP program. First, the student and the student's parent must sign a form stating that they have received the counseling that each high school is required to provide (see "**Counseling services for students and parents**," below).<sup>31</sup> Second, the student or the student's parent must inform the school principal of the student's intent to participate during the following school year; however, the act changes the notification date from March 30 to April 1 of each school year. If the student fails to provide such notification by the deadline, the student may not participate that school year without the principal's written consent.<sup>32</sup>

The act also adds additional steps to be taken before a student is ultimately denied participation in the program solely for missing the notification deadline. Under the act, if a student seeks consent from the principal after missing the original notification date, the principal must notify the Department, within ten days of that student seeking consent, of the student's intent to participate in the program. If the principal does not provide consent, the student may then appeal the principal's decision to the State Board of Education. Not later than 30 days after notification of the appeal, the State Board must hear the appeal and make a decision to either grant or deny that student's participation in the program.

### **Nonpublic school and home-instructed students**

In addition to the requirements for all students, continuing law requires that a student who is enrolled in a nonpublic high school or who is home-instructed must provide notification of the student's intent to participate in the program during the following school year. A chartered nonpublic student must send a copy of the student's acceptance from a college and an application to the Department. The application must be made on forms provided by the State Board and, in law continuing in part under the act, must include the student's proposed participation, including the school year in which the student wishes to participate, and the semesters the student wishes to enroll during such year. Upon receiving an application, the Department must mark it with the date and time of receipt.<sup>33</sup>

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<sup>31</sup> R.C. 3365.03(A)(1)(d).

<sup>32</sup> R.C. 3365.03(A)(1)(a).

<sup>33</sup> R.C. 3365.03(A)(2)(b)(i) (former R.C. 3365.10(A), not in the act).



Meanwhile, each nonchartered nonpublic high school student or home-instructed student, or the student's parent, must provide notification to the Department by April 1 of the student's intent to participate in the program in the following school year.<sup>34</sup>

### **Seventh- and eighth-grade students**

(R.C. 3365.033)

The act qualifies seventh- and eighth-grade students enrolled in public or nonpublic secondary schools, as well as home-instructed students that are the equivalent of seventh- or eighth-grade students, to participate in the CCP program. In order to participate, students must meet the same eligibility requirements as those for high school students (see above). Any such students that choose to participate and meet the applicable eligibility requirements are subject to the same requirements as high school students under the program.

The act also requires that seventh- and eighth-grade students receive high school and college credit for courses taken under the program, depending upon which option the students elect prior to taking the course. Any high school credit earned under the program must be awarded in the same manner as for high school students. Additionally, the Department must reimburse colleges for such students in the same manner as for high school students.

Finally, notwithstanding state law that generally requires each school district and community school to transport specified students in grades K to 8 to and from school,<sup>35</sup> the act requires the parent or guardian of any seventh- or eighth-grade student to be responsible for any transportation related to participation in the CCP program.

### **Prohibiting participation in CCP**

(R.C. 3365.03(B) and(C))

Unless a student is suspended, expelled, or enrolled in more than the allowable number of credit hours that the student may elect to receive toward high school graduation, the act prohibits any public high school from prohibiting a student enrolled in that school from participation in CCP, so long as the student has met all of the applicable requirements. Additionally, the act prohibits any participating chartered nonpublic high school from not allowing a student to participate if that student (1)

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<sup>34</sup> R.C. 3365.03(A)(2)(b)(ii) (former R.C. 3365.022(B)(1), not in the act).

<sup>35</sup> R.C. 3314.091 and 3327.01, neither in the act.

meets all of the applicable requirements, (2) is enrolled in CCP under "Option B," and (3) receives funding from the Department for participation (see "**Funding for nonpublic and home-instructed students**," above).<sup>36</sup>

Under continuing law, if a student is suspended or expelled from school, the student is automatically ineligible to apply to enroll in a college under CCP.<sup>37</sup> Also, if the student is suspended or expelled while participating in the program, the student may be denied continued participation in CCP.<sup>38</sup> Finally, a student who elects to receive credit toward high school graduation is prohibited from enrolling in more than the equivalent of the following:

- (1) If the student first enrolls in ninth grade, four academic years;
- (2) If the student first enrolls in tenth grade, three academic years;
- (3) If the student first enrolls in eleventh grade, two academic years;
- (4) If the student first enrolls in twelfth grade, one academic year.<sup>39</sup>

The act does not specify a limit on the number of academic years of credit that a student who first enrolls in the seventh or eighth grade may receive.

### **Student eligibility for college scholarships**

(R.C. 3365.03(D))

The act specifically prohibits a student's participation in the CCP program to affect that student's future eligibility at a public college for scholarships, benefits, or other opportunities that are (1) available to first-time college students, and (2) awarded by that college. The act specifies that this prohibition applies regardless of the number of credit hours that the student completed under the CCP program.

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<sup>36</sup> R.C. 3365.03(B).

<sup>37</sup> R.C. 3365.03(C) (division (A) of former R.C. 3365.03, not in the act).

<sup>38</sup> R.C. 3365.032 (formerly numbered as R.C. 3365.041).

<sup>39</sup> R.C. 3365.031(A) (formerly numbered as R.C. 3365.06(A)).



## **Requirements for public and participating chartered nonpublic high schools**

(R.C. 3365.02, 3365.04, and 3365.13; former R.C. 3365.021)

As under PSEO, all public schools (school districts, community schools, and STEM schools) are required to participate in CCP and are subject to the requirements of the program. The act also adds college-preparatory boarding schools to the types of public schools that must participate. Chartered nonpublic high schools may choose to participate in CCP but, if they do so, they are also subject to requirements of the program.

### **Counseling services for students and parents**

(R.C. 3365.04(B))

Under continuing law, all schools are required to provide counseling services to students in grades 8 through 11 and to their parents prior to participation in the program to ensure that students and parents are fully aware of the possible risks and consequences of participation. The act also requires all schools to provide these counseling services to students in grades 6 and 7.

Additionally, under continuing law, public high schools must include specified information in their counseling services, while nonpublic high schools must include an explanation that funding may be limited and that not all students who wish to participate may be able to do so. Under former law, nonpublic high schools were not required to include any other specified information in their counseling services, besides the limited availability of funding.

The act, instead, requires that *both* public and chartered nonpublic schools provide the same specified counseling information, including (1) program eligibility, (2) the process for granting academic credits, (3) any necessary financial arrangements for tuition, textbooks, and fees, (4) criteria for transportation aid, (5) available support services, (6) scheduling, (7) possible consequences and benefits of participation (including consequences of failing or not completing a course, the effect on the student's ability to graduate and on the student's GPA, and information on the cost reduction and time savings benefits for successfully completing a course), (8) the academic and social responsibilities of students and parents, (9) information about and encouragement to use the college's counseling services, and (10) the standard packet of information for CCP developed by the Chancellor.

The act also eliminates a former provision that required counseling information to include a list of all colleges that were participating in PSEO or in another dual enrollment program.<sup>40</sup>

### **Information provided by high schools**

(R.C. 3365.04(A), (C), and (D))

Under continuing law, all schools are required to provide, by March 1 of each year, information about the program to all students enrolled in grades 8 through 11. The act adds that such information also must be provided to students in grades 6 and 7. Furthermore, the act requires each high school to promote the program on its website and to include information about the school's current CCP agreements with partnering colleges.

Furthermore, each school is required to schedule at least one informational session per school year to allow partnering colleges located within 30 miles of the school to meet with interested students and parents. If no college is located within 30 miles, the high school must instead coordinate with the closest partnering college. The informational session must include the benefits and consequences of participation in CCP, as well as any changes to the CCP program. Presumably, this session could jointly serve as both the informational session required for high schools and the informational session required for colleges (see "**Information provided by colleges**," below).

### **Calculation of grades and class standing**

(R.C. 3365.04(E))

Under former law, schools were required to determine whether a grade achieved in a course completed under the program, for which the student chose to receive high school credit, would be counted in the student's GPA. The school also was required to determine the manner in which such a grade would be counted, if applicable.<sup>41</sup>

The act eliminates this provision and instead requires each high school to implement a policy for the awarding of grades and the calculation of class standing for such courses. The act specifies that the adopted policy must be equivalent to the school's policy for courses taken under Advanced Standing programs or for other courses designated as "honors courses" by the school (see "**Advanced standing programs**," below). Therefore, if that school's policy for Advanced Standing courses or

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<sup>40</sup> Former R.C. 3365.02(C) and (G).

<sup>41</sup> Former R.C. 3365.05, not in the act.

honors courses includes awarding a weighted grade or enhancing a student's class standing, then the school's policy for CCP courses must do the same.

### **Other requirements for high schools**

(R.C. 3365.04(F) and (G))

Each public high school is required to develop model course pathways and to publish these pathways in the school's official list of course offerings for CCP (see "**Model pathways**," below). Also, as with public and participating private and out-of-state colleges, public and participating chartered nonpublic high schools are required to collect, report, and track specified data related to the program (see "**Duties of the Chancellor and state Superintendent**," below).

### **Requirements for public and participating private and out-of-state colleges**

(R.C. 3365.02 and 3365.05)

The act requires all public colleges in the state (state universities, state community colleges, community colleges, university branches, and technical colleges), except the Northeast Ohio Medical University, to participate in the CCP program. Private colleges (nonprofit and for-profit proprietary colleges) and eligible out-of-state colleges also may participate in the program. If a private or eligible out-of-state college chooses to participate, it is also subject to requirements of the program.

The act defines an "eligible out-of-state college" as "any institution of higher education that is located outside of Ohio and is approved by the Chancellor to participate in the CCP program."<sup>42</sup>

### **Admission and course placement**

(R.C. 3365.05(A))

A student's participation in the PSEO program under former law was based solely on the participating college's established "placement" standards for credit-bearing, college-level courses. Therefore, because certain college courses require prerequisites to be completed before enrolling in the class, this provision likely allowed colleges to require PSEO students to complete particular high school courses as

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<sup>42</sup> R.C. 3365.01(D).

prerequisites before participating in that program and enrolling in certain courses at the college level.<sup>43</sup>

Instead, under the CCP program, colleges are required to apply "established standards and procedures for admission to the college and for course placement." The act further specifies that the college must do all of the following when determining admission and course placement:

(1) Consider all available student data that may be an indicator of college readiness.

(2) Give priority to the college's current students for enrollment in courses; however, once a CCP student is accepted into a course, that student cannot be displaced for another student (continuing law<sup>44</sup>).

(3) Adhere to the college's established capacity limitations for specified courses.

### **Notification by colleges**

(R.C. 3365.05(B) and (C))

Under continuing law, each college must send written notice to the student, the student's school, and the state Superintendent of the student's admission to the college and to specified courses under the program. Furthermore, each college must provide both the courses and hours of enrollment of each CCP student and whether that student is participating under Option A or Option B for each course. This notification must be sent to the student, student's high school, and state Superintendent.

The act changes the required notification period for both of these notification requirements. Notification regarding admission to the college and to specific courses must be sent not later than 14 days before classes begin for that term, rather than "within 10 days after acceptance" as under prior law. Meanwhile, notification regarding hours of enrollment must be provided not later than 21 days after classes begin for that term, rather than "10 days after each enrollment for a term" as under prior law.<sup>45</sup> Finally, the act requires that, along with the notification regarding hours of enrollment, each college must provide each partnering high school with a roster of students from that school who are enrolled in the college under CCP, as well as a list of each student's course assignments.

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<sup>43</sup> Former R.C. 3365.02(F), not in the act.

<sup>44</sup> R.C. 3365.05(A)(2) (see former R.C. 3365.06(B), renumbered as R.C. 3365.031).

<sup>45</sup> Former R.C. 3365.03(B), not in the act.



## Information provided by colleges

(R.C. 3365.05(D) and (E))

The act requires each college to promote the program on its website and to include information about the college's current CCP agreements with partnering high schools. Each college also is required to coordinate with each partnering high school, located within 30 miles of the school, to present at least one informational session per school year for interested students and parents. If no high school is located within 30 miles, the college must instead coordinate with the closest partnering high school. The informational session must include the benefits and consequences of participation in CCP, as well as any changes to the CCP program. Presumably, this session could jointly serve as both the informational session required for colleges and the informational session required for high schools (see "**Information provided by high schools,**" above).

Out-of-state colleges participating in the CCP program are not subject to the requirements described in this section.<sup>46</sup>

## Other requirements for colleges

(R.C. 3365.05(F), (G), and (H))

Under the act, each college is required to assign an academic advisor, who is employed by the college, to each student enrolled in a course under CCP at that college. The college must ensure that the advisor meet with each student, prior to the date on which a course withdrawal would negatively affect the student's grade, to discuss the program and the student's courses.

Also, with regard to high school teachers who teach CCP courses for a college but deliver those courses at the high school rather than the college, a college must (1) provide at least one professional development session per school year for these teachers, and (2) conduct at least one classroom observation per school year of each course authorized by the college to ensure college-level quality.

Finally, as with public and participating chartered nonpublic high schools, public and participating private and out-of-state colleges are required to collect, report, and track specified data related to the program (see "**Duties of the Chancellor and state Superintendent,**" below).

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<sup>46</sup> R.C. 3365.05(I).

## **Miscellaneous administrative changes**

The act makes several other changes to the administration of the program.

### **Model pathways**

(R.C. 3365.13)

Each public high school is required to develop, in consultation with a partnering public college, a 15-credit hour and 30-credit hour model course pathway for courses offered under CCP which, once completed, all apply to at least one degree or professional certification offered at the college. The pathways may be organized by major, career path, or core courses, and must be published among the high school's official list of course offerings for CCP.

The act specifically prohibits any student from being required to enroll only in the courses included in a specified pathway and states that, instead, the pathways serve as samples of courses that a student *may* choose to take under the program.

### **Credential requirements for instructors**

(R.C. 3365.11)

The act requires each college instructor or high school teacher who teaches a course under the CCP program to meet the credential requirements established by the Chancellor in guidelines and procedures. If the guidelines require high school teachers to take additional graduate-level coursework, that coursework also must apply to continuing education and professional development requirements for renewing a teacher's educator license.

### **Duties of the Chancellor and state Superintendent**

(R.C. 3365.15)

#### **Data reporting guidelines**

Under the act, the Chancellor and the state Superintendent must jointly adopt data reporting guidelines specifying the types of data that public and participating chartered nonpublic high schools and public and participating private colleges, including participating out-of-state colleges, must annually collect, report, and track, as well as policies and procedures for the collection, reporting, and tracking of such data. The act further specifies that the types of data must include all of the following:

(1) For each high school and college, (a) the number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability, (b) the



number of completed courses and credit hours, disaggregated by the college in which participants were enrolled, and (c) the number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each high school, the number of students denied participation in the program, including, for each chartered nonpublic high school, the number denied due to lack of funding by the Department.

(3) For each college, (a) the number of students who applied to enroll in the college under the program but were not granted admission, (b) the average number of completed courses per participant, and (c) the average GPA for participants in college courses under the program.

### **Additional duties**

In addition to adopting the data reporting guidelines described above, the Chancellor and the state Superintendent also must jointly do all of the following:

(1) Annually compile the data required from high schools and colleges and, by December 31 of each year, post the data in a prominent location on both the Board of Regents' and the Department of Education's websites.

(2) Submit a biennial report detailing the status of the program to the Governor, President of the Senate, Speaker of the House of Representatives, and chairpersons of the House and Senate Education committees. Each report is due by December 31 every two years, beginning with December 31, 2017.

(3) Establish a CCP advisory committee to assist in developing performance metrics and monitoring the program's progress. At least one member of the committee must be a school guidance counselor.

Finally, the Chancellor, in consultation with the state Superintendent, must develop a standard information packet on the CCP program that schools must distribute to each student as a part of the required counseling information (see "**Counseling services for students and parents**," above).

## II. Advanced Standing Programs

### Replacement of "dual enrollment" with "advanced standing" programs

(R.C. 3313.6013; Section 6 conforming changes in R.C. 3328.24, 3333.041, 3333.86, and 3345.06)

The act renames "dual enrollment programs" as "advanced standing programs" and makes a few changes in what qualifies toward the requirement. Additionally, the act specifies that, for the 2014-2015 school year, students who enroll in such a program will continue to participate under the former dual enrollment program in which that student enrolled. Beginning with the 2015-2016 school year, students who enroll in such a program must participate under the relevant advanced standing program.<sup>47</sup>

As with the former dual enrollment programs, advanced standing programs are programs in which a student, who is currently enrolled in a high school, may choose to participate in order to earn credit toward a college degree while also completing the high school curriculum requirements. Under continuing law, all public high schools in the state, as well as chartered nonpublic high schools, are required to offer at least one advanced standing program. The act also adds college-preparatory boarding schools to the requirement to offer at least one such program.

#### Advanced standing programs

(R.C. 3313.6013)

Formerly, several programs or options qualified as dual enrollment, including the former PSEO program, Advanced Placement (AP) courses, Early College High Schools, and any program that was similar to PSEO or AP and was agreed upon by both the high school and the institution of higher education. Several of these options continue to be available under the act, including both the former PSEO program (renamed as the College Credit Plus program) and AP courses. Additionally, the fourth option, Early College High Schools (ECHS), continues to be available but with a few modifications (see "**Early College High School programs**," below). Finally, the third option for students – a program that was similar to PSEO or Advanced Placement – is modified to include only International Baccalaureate (IB) diploma courses. (For more information on the individual advanced standing programs, see "**Background on advanced standing programs**," below.)

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<sup>47</sup> Section 6.

### **Information on advanced standing programs**

(R.C. 3313.6013(C))

Under continuing law, each public and chartered nonpublic high school is required to provide information to all students in grades 8 through 11 about the advanced standing programs offered by that school. The act further specifies that all of the following must be included in the information provided, as well as any additional information the school determines is appropriate:

(1) The process colleges and universities use in awarding credit for AP and IB courses and examinations, including the minimum scores required by the state institutions of higher education.

(2) The availability of (a) tuition and fee waivers for AP and IB examinations, and (b) online AP and IB courses, including no-cost options.

(3) The benefits of earning college credit through AP or IB courses.

(4) The availability of AP or IB courses offered throughout the school district or system of schools.

### **Early College High School programs**

(R.C. 3313.6013)

The act changes a reference from "Early College High Schools" to "Early College High School Programs" and makes several additions with regard to this advanced standing option. First, it defines an ECHS program as "a program operated by a school district or public (high) school and an associated college that provides a personalized learning plan, which is based on accelerated curriculum and includes both high school and college-level coursework, and enables students to earn a high school diploma and an associate degree, or the equivalent number of transcribed credits, upon successful completion of the program." The act further prescribes that ECHS programs serve specified students, including (1) students who are underrepresented in regard to completing post-secondary education, (2) economically disadvantaged students, and (3) students whose parents did not earn a college degree.<sup>48</sup>

The act also makes any agreement between a school district or public school and an associated college, which governs an ECHS program, subject to the requirements of the College Credit Plus (CCP) program, with a few exceptions. First, any aspect of an

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<sup>48</sup> R.C. 3313.6013(F).



ECHS agreement that does not relate to a college's conferral of transcribed credit is not subject to the requirements of CCP, nor is any ECHS agreement for which a waiver is obtained (see "**Waiver from the requirements of CCP**," above). Also, if an ECHS program began operating before July 1, 2014, the agreement is not subject to the requirements until the existing agreement expires or on July 1, 2015, whichever date is later. Finally, if the district, school, or associated college was granted an award under the Straight A Program for the 2014-2015 school year for a project involving an Early College High School, the agreement is not subject to these requirements during the period of funding specified by the grant award.<sup>49</sup>

### **Background on advanced standing programs**

Under the AP Program, students complete advanced coursework in specified subject areas (i.e., American History, English) with the possibility of earning college credit toward a degree. Students earn college credit based upon attainment of a specified score, prescribed by each institution of higher education, on the AP examination in the respective subject area. Meanwhile, Early College High School Programs allow students to simultaneously take high school- and college-level courses, with the goal of earning both a high school diploma and an associate degree at the time of graduation. Finally, an IB diploma is earned through an interdisciplinary education program and is recognized at various institutions of higher education both nationally and internationally. The program includes examinations in specified traditional and nontraditional courses, community service requirements, and an extended essay. (For information on the fourth advanced standing option, the College Credit Plus program, see "**Replacement of PSEO with CCP**," above.)

## **III. Community Schools**

### **Sponsor confirmations**

(R.C. 3314.191)

The act requires the Department of Education to withhold state payments to a new community school opening for its first year of operation until the sponsor of that school confirms all of the following:

(1) The school is in compliance with the following provisions required under continuing law:

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<sup>49</sup> R.C. 3313.6013(E).



(a) The contract between the sponsor and the governing authority of the community school has been filed with the Department.<sup>50</sup>

(b) The community school has a fiscal officer who is licensed and, if required, bonded.<sup>51</sup>

(c) All employees and members of the school governing authority have undergone a criminal records check.<sup>52</sup>

(d) The school has sufficient liability insurance.<sup>53</sup>

(2) The sponsor has approved the financial controls required by the comprehensive plan for the school under existing law.<sup>54</sup>

(3) The school facilities will be ready and open for use by the date prescribed in the school's contract,<sup>55</sup> and the sponsor has reviewed any lease, purchase agreement, permits required by statute or contract, and construction plans.

(4) The chief administrator of the community school actively is managing daily operations at the school.

(5) The projected enrollment reported to the Department is accurate.

### **Community school closure based on value-added progress dimension**

(R.C. 3314.35)

Continuing law provides for the permanent closure of a community school for persistent poor performance. The statutory closure requirements vary depending on the grades offered by the school and are based on a combination of the overall performance grade and other specific measures reported for a school on the annual state report card for two out of three consecutive years. One of the measures on which community school closure is based is the value-added progress dimension. It is a measure of academic gain for

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<sup>50</sup> See R.C. 3314.19(A), not in the act.

<sup>51</sup> See R.C. 3301.074, 3314.011, and 3314.19(H), none in the act.

<sup>52</sup> See R.C. 3314.19(I).

<sup>53</sup> See R.C. 3314.19(J)(3).

<sup>54</sup> See R.C. 3314.03(B)(5).

<sup>55</sup> See R.C. 3314.03.

a student or group of students over a specific period of time that is calculated using data from student achievement assessments.

Under the act, the Department of Education must calculate the value-added progress dimension measure for purposes of the community school closure law using value-added data from only the most recent school year. However, the act retains the requirement that the Department use assessment scores for only those students to whom the school has administered the achievement assessments for at least the two most recent school years.

### **Reopening of a permanently closed community school**

(R.C. 3314.352)

The act prohibits a community school that is permanently closed from reopening under another name, if any of the following conditions are true:

- (1) The new school has the same sponsor as the closed school.
- (2) The new school has the same chief administrator as the closed school.
- (3) The governing authority of the new school consists of any of the same members that served on the governing authority of the closed school during that school's last year of operation.
- (4) 50% or more of the teaching staff of the new school consists of the same individuals who were employed as teachers at the closed school during that school's last year of operation.
- (5) 50% or more of the administrative staff of the new school consists of the same individuals who were employed as administrators at the closed school during that school's last year of operation.
- (6) The performance standards and accountability plan prescribed by the sponsor contract for the new school are the same as those for the closed school.

### **ESC sponsorship of community schools**

(R.C. 3314.02)

Continuing law permits educational service centers (ESC) to sponsor community schools. The act specifies the conditions under which an ESC may sponsor a conversion or start-up community school. Under the act, an ESC may sponsor a conversion community school located within its service territory or in a contiguous county without



approval from the Department of Education and without entering into an agreement with the Department regarding the manner in which the ESC will conduct its sponsorship. On the other hand, an ESC may sponsor a conversion community school outside of its service territory or contiguous county, and any start-up community school, regardless of location, only so long as the ESC receives approval from the Department and enters into the required agreement with the Department regarding the manner in which it will conduct its sponsorship.

Finally, under the act, an ESC, like any other sponsor, that proposes to sponsor a start-up community school in an alliance municipal school district (Cleveland) must request a recommendation from the district's transformation alliance.<sup>56</sup> An ESC that proposes to sponsor a conversion community school in an alliance municipal school district, like any other sponsor of a proposed conversion school in such a location, must first receive approval to do so from the Department.<sup>57</sup> (See "**Transformation alliance recommendations on community school sponsors**," below.)

The act expressly exempts entities that were already sponsoring community schools as of April 8, 2003,<sup>58</sup> and the successor of the University of Toledo Board of Trustees, or its designee, that acts as a sponsor<sup>59</sup> from these requirements. These entities were sponsors in the original community school pilot project area (Lucas County) and were not subject to initial Department approval to be sponsors.<sup>60</sup>

### **Transformation alliance recommendations on community school sponsors**

(R.C. 3311.86 and 3314.02)

The act modifies the method by which a municipal school district transformation alliance reviews community school sponsors. Under continuing law, a municipal school district is a school district that is or has ever been under a federal court order requiring supervision and operational, fiscal, and personnel management of the district by the Superintendent of Public Instruction.<sup>61</sup> Cleveland Metropolitan School District is currently the only municipal school district. Recently enacted legislation permits the

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<sup>56</sup> R.C. 3314.02(C)(1)(d).

<sup>57</sup> R.C. 3314.02(B)(4).

<sup>58</sup> R.C. 3314.021, not in the act.

<sup>59</sup> R.C. 3314.027, not in the act.

<sup>60</sup> The Educational Service Center of Lake Erie West (formerly the Lucas County ESC) is one of the grandfathered sponsors. Accordingly, it appears this provision does not apply to that particular ESC.

<sup>61</sup> R.C. 3311.71(A), not in the act.



mayor who appoints the municipal school district board to create a transformation alliance, made up of public and private partners, to assist the district in making operational and academic improvements.<sup>62</sup>

Under continuing law, (1) a community school sponsor that is subject to approval by the Department and whose approval is granted or renewed on or after October 1, 2012, must request a recommendation from the transformation alliance, (2) the alliance must make recommendation to the Department regarding that sponsor based on the criteria for sponsors created by the alliance,<sup>63</sup> and (3) the Department must use those same criteria, in addition to any other requirements prescribed by law, to make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the municipal school district. This procedure applies only to a sponsoring entity that must be approved by the Department. That is, it does not apply at all to "grandfathered" sponsors. The act requires those sponsors whose approval by the Department is *extended* (in addition to those who are granted or renewed) to request recommendation from the transformation alliance.

The act also permits the Department to request from the transformation alliance, or the transformation alliance to independently offer, comment on the granting, renewal, or extension of an agreement with a sponsor when the sponsor has existing agreements with a community school located in an alliance municipal school district. If the alliance provides comments, the act requires the Department to consider those comments in making decisions in granting, renewing, or extending agreements with sponsors. The comments made by the alliance must be based on the criteria that was created to assess sponsors under continuing law.

Finally, the act requires that an entity that wishes to sponsor a conversion school proposed to open in an alliance district be subject to approval to do so by the Department. In assessing the ability for a sponsor to successfully sponsor a community school in an alliance district, the Department must use the criteria created under continuing law. This provision applies to educational service centers but not grandfathered sponsors.<sup>64</sup>

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<sup>62</sup> See H.B. 525 of the 129th General Assembly, effective October 1, 2012.

<sup>63</sup> R.C. 3311.87, not in the act.

<sup>64</sup> Because the ESC of Lake Erie West is a grandfathered sponsor, this provision, too, likely does not apply to that particular ESC.



## Montessori community schools

(R.C. 3314.06; Section 263.20 of H.B. 59 of the 130th General Assembly, amended in Sections 3 and 4)

The act permits a community school that operates a program using the Montessori method endorsed by the American Montessori Society or the Association Montessori Internationale as its primary method of instruction to admit individuals younger than five years of age. In other words, it permits a community school to enroll students in a Montessori preschool program. Otherwise, except for early enrollment of a kindergarten student who is shown to be ready for school by evaluation or under an acceleration policy, a community school may not enroll students who are under five years old.

In addition to authorizing community schools to operate and enroll students in Montessori preschool programs, the act authorizes early childhood education funding for those programs. It does so by extending the definition of the term "new" eligible provider, under the preschool funding law, to include a community school that operates a Montessori program pursuant to the act's provisions. That law, enacted in H.B. 59 of the 130th General Assembly, authorizes the Department of Education in fiscal years 2014 and 2015 to pay per pupil funds to certain qualified preschool providers for students from families with incomes of not more than 200% of the federal poverty guidelines.<sup>65</sup> Under the act, community schools operating Montessori preschool programs may apply for those funds. The act does not affect the separate law regarding general operating funding for community schools, which remains limited to school age children.

### Background on Montessori programs

The Montessori method is based on the findings of Maria Montessori (1870-1952). According to the Association Montessori Internationale (AMI), "Montessori classrooms provide a prepared environment where children are free to respond to their natural tendency to work. The children's innate passion for learning is encouraged by giving them opportunities to engage in spontaneous, purposeful activities with the guidance of a trained adult."<sup>66</sup> Children can choose from different activities that are part of the curriculum and work independently on them. Montessori preschools are predominantly private, though some Montessori schools in Ohio are public.

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<sup>65</sup> Previous budget acts also enacted similar preschool funding provisions.

<sup>66</sup> See the AMI homepage ([ami-global.org](http://ami-global.org)) for more information regarding Montessori programs.



## **IV. EdChoice Scholarship Program**

### **Eligibility for certain high school students**

(R.C. 3310.03 and 3310.031)

The act creates a new additional eligibility provision for a student to receive a scholarship under the Educational Choice (EdChoice) Scholarship Program. Beginning in the 2016-2017 school year, a student is qualified for a first-time EdChoice scholarship if the student is enrolled in, or will be enrolling in, a high school that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate on two of the three most recent state report cards

### **Tuition charges by nonpublic schools**

(R.C. 3310.13)

The act permits a chartered nonpublic school to charge a student enrolled under an EdChoice scholarship whose family income is above 200% of the federal poverty guidelines "up to the difference" between the scholarship amount and the school's tuition, instead of charging "the difference" between the scholarship amount and the school's tuition as under prior law. It also permits, instead of requires as under prior law, a chartered nonpublic school to provide an eligible student's family the opportunity to perform volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by the scholarship.

Finally, the act requires each chartered nonpublic school that charges a student receiving an EdChoice scholarship an additional amount to annually report to the Department of Education the number of students charged and the average of the amounts charged to such students.

### **Third-grade reading guarantee for scholarship students**

The act generally requires that students who attend a chartered nonpublic school with either an EdChoice or a Cleveland scholarship be subject to the retention provisions of the third-grade reading guarantee beginning July 1, 2015. It also requires chartered nonpublic schools to provide intervention services for scholarship students reading below grade level. These provisions are described under "**VII. Third-Grade Reading Guarantee**," below.

### **Background on EdChoice**

The EdChoice Program operates statewide in every school district except Cleveland to provide scholarships for students who are (1) assigned or would be



assigned to school districts or schools that have persistently low academic achievement or (2) whose family incomes are at or below 200% of the federal poverty guidelines. Under EdChoice, students may use their scholarships to enroll in participating chartered nonpublic schools. The maximum scholarship amount is \$4,250 for students in grades K-8 and \$5,000 for students in grades 9-12.

For a more detailed description of the other performance and income qualifications for the program, see pp. 227-233 of the Final Analysis for H.B. 59 of the 130th General Assembly, available online at <http://www.lsc.state.oh.us/budget/agencyanalyses130/final/default.htm>.

## V. High School Graduation Assessments

### Diploma requirements

(R.C. 3313.61, 3313.611, 3313.612, 3313.614, 3313.615, 3313.618, 3325.08, and 3328.25)

The act revises the high school graduation requirements for students in public or chartered nonpublic schools who enter the ninth grade for the first time on or after July 1, 2014. The act eliminates the requirement for those students to pass the Ohio Graduation Tests (OGT). Instead, it specifies that, to be eligible to receive a diploma, a student must satisfy the applicable curriculum requirements and meet one of the following other conditions:

(1) Be "remediation-free," based on the uniform standards adopted under continuing law by the presidents of Ohio's public institutions of higher education, on each of the nationally standardized assessments in English, mathematics, and reading;<sup>67</sup>

(2) Attain a cumulative passing score on the end-of-course examinations, which will replace the OGT (see below); or

(3) Attain a score that demonstrates "workforce readiness and employability" on a nationally recognized job skills assessment selected by the State Board of Education (see "**Job skills assessment**," below) *and* obtain either an industry-recognized credential or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.<sup>68</sup> The State Board must approve the industry-recognized credentials and licenses that qualify for a diploma.

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<sup>67</sup> See R.C. 3345.061(F).

<sup>68</sup> R.C. 3313.618(A).



If a student's school district or school does not administer one of the examinations listed above that the student chooses to take in order to qualify for a high school diploma, the district or school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

The act also explicitly states that the State Board may not create or require any additional assessment for the granting of any type of high school diploma or create any endorsement or designation that may be affiliated with a diploma.<sup>69</sup>

Finally, the act requires the Chancellor of the Board of Regents to monitor the standards in mathematics, science, reading, and writing that were established by the state university presidents to ensure that the standards adequately demonstrate a student's remediation-free status.<sup>70</sup>

## **Content and administration of high school assessments**

(R.C. 3301.0710, 3301.0711, and 3301.0712)

The act maintains law requiring each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school to administer the state high school assessments to its students. Continuing law and the act also provide for the elimination of the OGT in favor of the College and Work-Ready Assessment System, which consists of (1) a nationally standardized assessment that measures college and career readiness and (2) a series of end-of-course examinations in the areas of science, math, English language arts, American history, and American government.

The act sets the replacement of the OGT with the College and Work-Ready Assessment System beginning with the 2014-2015 school year for students who enter ninth grade for the first time on or after July 1, 2014. The OGT may not be administered to first-time takers after July 1, 2015.<sup>71</sup>

### **End-of-course examinations**

The act prescribes seven end-of-course examinations, one each in English language arts I, English language arts II, physical science, Algebra I, geometry, American history, and American government. However, the act permits the State Board

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<sup>69</sup> R.C. 3313.618(B).

<sup>70</sup> R.C. 3345.061(F).

<sup>71</sup> R.C. 3301.0711(B)(10), second paragraph.

to replace the Algebra I examination with an Algebra II examination, beginning with the 2016-2017 school year for students who enter the ninth grade on or after July 1, 2016.<sup>72</sup>

Any student who received high school credit prior to July 1, 2014, for a course for which an end-of-course examination is prescribed is not required to take that end-of-course examination. Also, for purposes of determining whether an exempt student satisfies the diploma requirements (as described above), the act specifies that the student must be considered to have attained a proficient score on the exempted examination.<sup>73</sup>

The act directs the State Board of Education to do the following to implement the end-of-course examinations:

(1) Determine and designate at least five ranges of scores on each of the end-of-course examinations and substitute examinations (see "**Substitute examinations**," below). The act prescribes the following five scoring levels: advanced, accelerated, proficient, basic, and limited.

(2) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;

(3) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a diploma; and

(4) Develop a table of corresponding score equivalents for all of the examinations in order to calculate student performance consistently across the different examinations.<sup>74</sup>

### **College and career readiness assessment**

The act specifies that the nationally standardized assessment that measures college and career readiness must (1) be administered to all eleventh-grade students, (2) include components in English, mathematics, science, and social studies, and (3) be an assessment used for college admission.<sup>75</sup>

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<sup>72</sup> R.C. 3301.0712(B).

<sup>73</sup> R.C. 3313.618(A)(2) and 3301.0712(B)(6).

<sup>74</sup> R.C. 3301.0712(B)(5).

<sup>75</sup> R.C. 3301.0712(B)(1).

## **Substitute examinations**

Under the act, a student who is enrolled in an Advanced Placement (AP) or International Baccalaureate (IB) course or other advanced standing course must take the corresponding AP, IB, or advanced standing program examination in lieu of the corresponding physical science, American history, or American government end-of-course examinations. On the other hand, the act explicitly prohibits a student from taking a substitute examination in lieu of the English language arts I, English language arts II, Algebra I, or geometry end-of-course examinations.<sup>76</sup> If the State Board replaces the Algebra I examination with an Algebra II examination, as mentioned above, a student enrolled in an AP, IB, or advanced standing course in that subject must take the corresponding subject's examination in lieu of the Algebra II examination.<sup>77</sup>

The State Board must specify the score levels for each AP, IB, or advanced standing program examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma. It also must consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the physical science, American history, or American government examinations.<sup>78</sup> The act removes a similar provision from prior law that required the state Superintendent and Chancellor to select multiple assessments for use as end-of-course examinations, which had to include nationally recognized subject area assessments, such as AP examinations, SAT subject tests, IB examinations, and other assessments of college and work readiness.<sup>79</sup>

## **Job skills assessment**

As a component of the act's new high school graduation requirements, it requires the State Board to select by December 31, 2014, at least one nationally recognized job skills assessment for administration by school districts to students who opt to take the assessment. The State Board must establish the minimum score that a student must attain on the assessment in order to demonstrate a student's workforce readiness and employability. The act explicitly states that the administration of this assessment does not exempt a school district from administering the end-of-course examinations or

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<sup>76</sup> R.C. 3301.0712(B)(4)(a) and (b).

<sup>77</sup> R.C. 3301.0712(B)(7)(b).

<sup>78</sup> R.C. 3301.0712(B)(4)(c).

<sup>79</sup> R.C. 3301.0712(B)(2).

equivalent examinations to the student. The act also requires the state to reimburse a school district for the costs of administering a job skills assessment.<sup>80</sup>

### **End-of-course examination exemption for chartered nonpublic schools**

(R.C. 3313.612)

The act provides a contingent exemption for students attending a chartered nonpublic school from taking the end-of-course examinations. The exemption goes into effect on and after October 1, 2015, *only* if the General Assembly does not enact different requirements that are effective by that date regarding end-of-course examinations for chartered nonpublic schools. After that date, for a chartered nonpublic school to exercise the exemption, the school must publish for each graduating class the results of the required nationally standardized assessment that measures college and career readiness. The act requires a chartered nonpublic school, in reporting those results, to include overall composite scores, mean scores, 25th percentile scores, and 75th percentile scores for each subject area of the assessment. The act requires the Department to furnish the college and career readiness assessment to each chartered nonpublic school, and it explicitly prohibits the State Board from imposing additional requirements or assessments for the granting of a high school diploma by chartered nonpublic schools.<sup>81</sup>

#### **Existing exemption eliminated**

The act eliminates a prior exemption for students attending a chartered nonpublic school accredited through the Independent Schools Association of the Central States from passing the end-of-course examinations as a prerequisite for graduating from high school.<sup>82</sup> Students in those schools, instead, could qualify for the contingent exemption prescribed by the act.

### **Participation by students in nonchartered nonpublic schools and home-instructed students**

(R.C. 3301.0712(F))

Students who are enrolled in *nonchartered*, nonpublic schools or who are home-instructed are not required to complete the college and work-ready assessment system in order to graduate. The act specifically permits students who are enrolled in

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<sup>80</sup> R.C. 3301.0712(G).

<sup>81</sup> R.C. 3313.612(B)(2) and (D) to (G).

<sup>82</sup> R.C. 3313.612(B)(2).



nonchartered, nonpublic schools or who are home-instructed to participate in the system of assessments, if they so choose. However, the act expressly prohibits any such student to be required to participate. The Department must adopt rules for the administration and scoring of such assessments.

### **Use of the term industry-recognized credential**

(R.C. 3302.03, 3313.603, and 3313.618)

To comport with the use of the term "industry-recognized credential" in the act's new graduation requirements, the act also changes the term "industry credential" to "industry-recognized credential" in provisions related to the minimum high school curriculum and state report cards.

## **VI. Achievement Assessments, State Report Cards, and Diagnostic Assessments**

### **State achievement assessments**

#### **Background**

State law, in part in compliance with the federal "No Child Left Behind Act," prescribes a series of elementary and secondary state achievement assessments to be aligned with the state academic content standards and model curricula. The aggregate student scores on those assessments are used in computing annual state report card ratings for school districts and schools. All public schools (school district-operated schools, community schools, STEM schools, and college preparatory boarding schools) must administer these assessments to their students. Chartered nonpublic schools must administer achievement assessments for grades 3 through 8 to any student who receives a scholarship through one of the state scholarship programs. In addition, except for a school granted a waiver under the act (see below), a chartered nonpublic school must administer the prescribed elementary-level assessments to all its students if at least 65% of its enrollment is made up of students who are participating in any of the state scholarship programs.<sup>83</sup> The composition of elementary-level achievement assessments are shown in the table below.

	<b>English language arts</b>	<b>Math</b>	<b>Science</b>	<b>Social Studies</b>
<b>Grade 3</b>	X	X		
<b>Grade 4</b>	X	X		X
<b>Grade 5</b>	X	X	X	

<sup>83</sup> This requirement is subject to a parental opt-out for nonscholarship students.

	English language arts	Math	Science	Social Studies
<b>Grade 6</b>	X	X		X
<b>Grade 7</b>	X	X		
<b>Grade 8</b>	X	X	X	

Finally, with some exceptions, high school students enrolled in a public or chartered nonpublic school must take the prescribed high school assessments. As noted under "**V. High School Graduation Testing**" above, students who entered the ninth grade for the first time prior to July 1, 2014, generally must pass all five areas of the Ohio Graduation Test to be eligible for their diplomas (reading, writing, mathematics, science, and social studies). It is given to all 10th graders and to 11th and 12th graders who have not yet passed one or more of the tested areas. And, under the act, students who enter the ninth grade for the first time on or after July 1, 2014, generally will have to take the tests prescribed under the College and Work Ready Assessment System (a nationally standardized assessment given to all 11th graders and specified end-of-course examinations). As described above, however, passage of all of those tests will not be required for a diploma.

#### **Online administration for the 2014-2015 school year**

(Section 10(A) and (C))

For the 2014-2015 school year, the act prohibits school districts and schools from being required to administer the state achievement assessments in an online format. Furthermore, the act specifically permits a district or school to administer such assessments in any combination of online and paper formats at the discretion of the district board or school governing authority. Regardless of which format a district or school chooses, the Department of Education must furnish, free of charge, all required state assessments for that school year.

Additionally, the act requires the Department, by July 1, 2015, to publish the number of districts and schools that administered the required assessments in all of the of the following formats: (1) completely online, (2) completely on paper, and (3) in any combination of online and paper formats.

#### **Review of the number of assessments and duration of administration**

(Section 8)

The act requires the Superintendent of Public Instruction to submit a report, by January 15, 2015, to the Governor and the General Assembly regarding the number of required achievement assessments and the administration of such assessments.



Specifically, the report must include both of the following, to ensure that the extent of testing is reasonable:

(1) A review of the number of elementary and secondary assessments administered; and

(2) The state Superintendent's recommendations for both (a) decreasing the number of assessments, and (b) decreasing the number of designated dates for, and the duration of, assessments.

### **Waiver from administering elementary achievement assessments for certain nonpublic schools**

(R.C. 3301.0711(K)(1)(c))

The act authorizes a chartered nonpublic school that meets specified conditions to submit to the state Superintendent a request for a waiver from administering the elementary achievement assessments. The state Superintendent must approve or disapprove a request for a waiver, and no waiver may be approved for any school year prior to the 2015-2016 school year.

To be eligible to submit a request for a waiver, a school must meet all of the following conditions:

(1) At least 95% of the school's students are children with disabilities, or have received a diagnosis by a school district or from a physician (including a neuropsychiatrist or psychiatrist) or a psychologist as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome;

(2) The school has served a student population described above for at least ten years; and

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

### **Achievement assessments as public records**

(R.C. 3301.0711(N); Section 12)

Beginning with the spring assessments administered in the 2014-2015 school year, and continuing for the assessments administered each school year thereafter, the



act makes the questions and corresponding preferred answers on the achievement assessments for grades three through eight and the end-of-course examinations administered to high school students under the College and Work-Ready Assessment System a public record through a three-year staggered release process. Under the act, a percentage of the questions and answers are to be released for the assessments each year as follows, so that the entire content of an assessment becomes a public record within three years of its administration:

(1) 40% of the questions and preferred answers on the assessments on July 31 following the administration of the assessment;

(2) 20% of the questions and preferred answers on the assessments on July 31 one year after the administration of the assessment;

(3) The remaining 40% of the questions and preferred answers on the assessments on July 31 two years after the administration of the assessment.<sup>84</sup>

The act specifies that the assessments become public records on July 31 following the school year that the assessments were administered, rather than July 1 as under prior law for those assessments that are made public. The act also requires the Department to make questions and answers that become a public record readily accessible to the public on the Department's website.

Under prior law, the state achievement assessments for grades three through eight that were administered in the 2011-2012 school year and later were not public records. Under the act, the assessments administered in the 2011-2012, 2012-2013, and 2013-2014 school years still are not public records but subsequent assessments become public records under the staggered process described above. Prior to the 2011-2012 school year, at least 40% of the questions on each assessment that were used to compute a student's score were public records, but questions needed for reuse on a future assessment were not public records and had to be redacted from the tests prior to their release. The Ohio Graduation Tests, however, were not public records under prior law and remain so under the act.

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<sup>84</sup> An engrossing error omitted the following language from an amendment adopted by the Senate Education Committee: "(6) Beginning with the spring administration for the 2014-2015 school year, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:" that language should have been included in R.C. 3301.0711(N) immediately after division (N)(5) and before the specified percentages of the staggered release process. However, the uncodified language in Section 12 of the act clarifies that the entirety of the questions and corresponding preferred answers of the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code administered in the spring of the 2014-2015 school year be released within three years of its administration.



## **Student data privacy during testing**

(R.C. 3301.947 and 3301.948)

Under the act, data collected in the course of elementary and secondary diagnostic and achievement testing must be used for the sole purpose of measuring and improving the academic progress and needs of students, educators, school districts, and schools. In the course of such testing, the act prohibits the collection, tracking, reporting, or sharing of a student's or student's family's social security numbers, religious affiliation, political party affiliation, voting history, or biometric information with any entity (including the federal or state government).

The act also prohibits the Department, any school district, any school, or any third party under contract with the state, a school district, or a school from providing student names and addresses to any multi-state consortium that offers summative assessments.

### **Reports on security and use of student data**

(Sections 10(B) and 16)

The act requires the state Superintendent to submit a report of recommendations to the Governor and the General Assembly regarding the security and use of student data by December 31, 2014.

The act also requires the Department to submit a report to the Governor and the General Assembly on the security of student data with regard to the administration of online assessments by December 31, 2014.

### **Personally identifiable student information in EMIS**

(R.C. 3301.0714(A))

The act requires the State Board of Education to establish standards to provide strict safeguards to protect the confidentiality of personally identifiable student data in the statewide Education Management Information System (EMIS). Continuing law requires that the State Board adopt guidelines for the establishment and maintenance of EMIS. The guidelines must include standards identifying and defining the types of data in the system and procedures for annually collecting, reporting, compiling, and publishing the data.

## **Background on EMIS**

The Department of Education operates the Education Management Information System, which is a statewide electronic database on elementary and secondary students, staff, and schools, including statistical, demographic, attendance and enrollment, fiscal, licensure, and student achievement information. As part of that system, the Department engages an independent contractor to assign each student enrolled in a public school a unique identifier number (often called the student's "SSID" number). Schools must use that number to report student data to the Department through EMIS. Each school also must include a student's number on records reported to another public school, and the other school must continue to use the same number when reporting data to the Department for that student. The number is used by the Department to ensure that students are properly counted for funding and state achievement testing purposes. Still, with a few exceptions, the Department may not have access to other information that would permit it to match a particular student's number to the student's personal information. Those exceptions are limited to students participating in state scholarship programs.

## **State report cards**

Effective March 22, 2013, H.B. 555 of the 129th General Assembly established a new academic performance rating and report card system for school districts and individual schools, including community schools and STEM schools, using "A," "B," "C," "D," or "F" letter grades and numerous reported and graded performance measures. Most of the performance measures are based on student scores on the academic achievement assessments. The major six components of the rating system are: (1) gap closing, (2) achievement, (3) progress, (4) graduation, (5) kindergarten through third grade literacy, and (6) prepared for success. Most of the separate performance measures are graded separately and then used to assign the grade for the respective organizing component and an overall grade.

The act makes a few revisions to the report card system.

### **Value-added progress dimension measure for high mobility districts and buildings**

(R.C. 3302.03(B)(1)(h) and (C)(1)(h))

The act adds a new component to the graded measures for a school district's or school's report card. The act requires the Department of Education to include a value-added progress dimension score for a high mobility school district or building as a graded measure starting with the report cards for the 2013-2014 school year. However, that measure will not be included in computing the overall grade for a school district or



building. Under the act, a "high mobility" school district or building is a district or building where at least 25% of its total enrollment is made up of students who have attended that district or building for less than one year. The act specifies that in calculating this measure, the Department must use value-added data from the most recent school year available and must use assessment scores for only those students to whom the district or building has administered the achievement assessments required by continuing law for each of the two most recent consecutive school years.

### **Background on the value-added progress dimension measure**

The value-added progress dimension is a measure of academic gain for a student or group of students over a specific period of time that is calculated using data from student achievement assessments. It tracks the amount of a student's academic growth attributable to a particular district or building.<sup>85</sup> To show growth from one year to the next, the dimension tracks student scores on state assessments in subjects and grade levels for which there are assessments for the prior year. Those tests are the reading and mathematics assessments for grades 4-8.

### **High school academic progress measure**

(R.C. 3302.01(A) and 3302.03(D))

Under continuing law, the State Board of Education must develop a high school academic progress measure by July 1, 2015. The law also requires the Department to include and grade, both as a separate measure and as a part of the overall letter grade, the high school academic progress measure starting with report cards for the 2015-2016 school year. The act requires the Department to report the academic progress measure for high school students on the report cards for the 2014-2015 school year. This measure would be reported only and, thus, ungraded.

The act further specifies that the high school academic progress measure be determined using only data from assessments in English language arts and mathematics. In doing so, the act also adjusts the calculation of the performance index score for high school using only the assessment in English language arts and mathematics. Prior law also included assessments in science and social studies. (Under continuing law, for grades 3-8, assessments in English language arts, mathematics, science, and social studies are used to determine performance index score.) The performance index score is a weighted measure designed to show improvement over time on the state achievement assessments by students at all scoring levels.

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<sup>85</sup> R.C. 3302.021, not in the act.

### **K-3 literacy measure**

(R.C. 3302.03(B)(1)(g))

The act inserts the word "total" to describe the percentage of students scoring below grade level, or below proficient, in determining the measure for making progress in improving literacy in grades K-3.

### **College credit through advanced standing (dual enrollment) measure**

(R.C. 3302.03(C)(2)(c))

The act changes the college credit measure (under the prepared for success component) from "number" of students to "percentage" of students in a school district or building who have earned at least three college credits. The act also changes language to specify that the credits must appear on a college transcript in order to be considered credits earned under the provision, as opposed to "on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit."

### **Diagnostic assessments**

(R.C. 3301.0714 and 3301.0715)

#### **Kindergarten diagnostic assessment data**

The act permits the data collected for diagnostic assessments administered to kindergarten students to be used for purposes of the state report cards. Former law prohibited kindergarten diagnostic assessment data from being included on the report cards. But since one of the measures on the report card is whether a district or building is making progress in K-3 literacy, the Department needs that information in order to assign grades for the K-3 literacy measure. The act resolves that conflict.<sup>86</sup> Related to that, the act specifies that the results of the language and reading diagnostic assessment must be reported to the Department and are not subject to a parental opt-out. Under former law, if a parent so requested it, a district was not required to report to the Department the results of any diagnostic assessment administered to a kindergarten student.<sup>87</sup>

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<sup>86</sup> R.C. 3301.0714(P) and 3301.0715(D).

<sup>87</sup> R.C. 3301.0714(B)(1)(n).



## **Timing of administration**

Continuing law requires each school district to administer applicable diagnostic assessments to each student who transfers into a district or into a different school within a district, if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year. The district or school must administer that assessment within 30 days after the date of the student's transfer. The act specifies that a transfer student who transfers prior to the administration of diagnostic assessments take those assessments at the scheduled administration dates.<sup>88</sup>

## **Exemptions and alternatives**

The act exempts students with significant cognitive disabilities, as defined by the Department from taking the diagnostic assessments.<sup>89</sup> Continuing law already exempts such students from taking the reading diagnostic assessments.<sup>90</sup>

Finally, the act clarifies that a district or building that received a grade of "A" or "B" for performance index score or for overall value-added progress dimension on the report card for the prior school year may administer different diagnostic assessments than those prescribed by the Department. Under former law, a school that received an excellent or effective rating on the report cards, or the equivalent of such ratings as determined by the Department, could administer different diagnostic assessments. The act updates the language to reflect the new letter grade report card rating system.<sup>91</sup>

## **Safe harbor**

### **One-year safe harbor for districts and schools**

(R.C. 3302.036)

The act prohibits the report card ratings issued for the 2014-2015 school year from being considered in determining whether a school district or a school is subject to sanctions or penalties. Nevertheless, the report card ratings of any previous or subsequent years must be considered in determining whether a school district or school is subject to sanctions or penalties. The act explicitly states that this provision does not

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<sup>88</sup> R.C. 3301.0715(A)(1).

<sup>89</sup> R.C. 3301.0715(A).

<sup>90</sup> R.C. 3313.608(B)(1), not in the act.

<sup>91</sup> R.C. 3301.0715(C).

create a new starting point for determinations that are based on ratings over multiple years.<sup>92</sup>

Specifically, the act prohibits the Department from (1) assigning an overall letter grade for any school district or school for the 2014-2015 school year, and (2) ranking school districts and schools based on performance index score, student academic growth, per pupil operating expenditures, percentage of operating expenditures spent on classroom instruction, and performance of and opportunities for gifted students as otherwise provided for by separate law.<sup>93</sup> The act permits the Department, at the discretion of the State Board, to not assign an individual grade for the 2014-2015 school year for the six components that comprise the state report card.

The act specifies that the statutory provisions from which districts and schools are temporarily exempt include (1) school restructuring provisions, except as required under federal law, (2) Columbus City School pilot project restructuring provisions, (3) academic distress commission provisions, (4) Educational Choice (EdChoice) scholarship eligibility provisions, (5) provisions defining "challenged school districts" in which new start-up community schools can be located, and (6) community school closure provisions.<sup>94</sup>

### **One-year safe harbor for teacher evaluations**

(Section 13)

The act permits a school district board of education, community school governing authority, or STEM school governing body that has entered into a collective bargaining agreement with its teachers to enter into a separate memorandum of understanding with the teachers' labor union regarding the use of student assessment scores in teacher evaluations. Under the act, the memorandum may stipulate that the value-added progress dimension rating that is (1) based on the results of the elementary and secondary state achievement assessments administered in the 2014-2015 school year and (2) used to assess student academic growth under the state framework for teacher evaluations, will not be used when making decisions regarding dismissal, retention, tenure, or compensation.<sup>95</sup>

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<sup>92</sup> R.C. 3302.036(A).

<sup>93</sup> See R.C. 3302.21, not in the act.

<sup>94</sup> R.C. 3302.036(B).

<sup>95</sup> See R.C. 3319.112, not in the act.



## **Conditional waiver from state testing, teacher evaluations, and report card ratings**

(R.C. 3302.15 and 3326.29)

The act authorizes all STEM schools and up to ten school districts that are members of the Ohio Innovation Lab Network to submit to the Superintendent of Public Instruction a request for a waiver for up to five school years from any or all of the following:

- (1) Administering the elementary and secondary achievement assessments;
- (2) Teacher evaluations;
- (3) Reporting of student achievement data for the purpose of report card ratings.

A district or STEM school that obtains a waiver must use an alternative assessment system in place of the state-mandated assessments. Within 30 days of receiving a waiver request, the state Superintendent must approve or deny the request or may request additional information from the district or STEM school. A waiver granted to a school district is contingent on an ongoing review and evaluation of the program for which the waiver was granted by the state Superintendent.

The act requires each request for a waiver to include the following:

(1) A timeline to develop and implement an alternative assessment system for the school district or STEM school;

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

(3) An overview of the proposed alternative assessment system, including links to state-accepted and nationally accepted metrics, assessments, and evaluations;

(4) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education, and employers or workforce development partners;

(5) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of report card ratings, all of which must include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;



(6) An acknowledgement by the school district of federal funding that may be impacted by obtaining a waiver;

(7) The items from which the district or STEM school wishes to be exempt, which are the administration of state assessments, teacher evaluations, and reporting of student achievement data.

The act also requires each request to include the signature of all of the following:

(1) The superintendent of the school district or STEM school;

(2) The president of the district board or STEM school governing body;

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

(4) If the district's or STEM school's teachers are not represented by a labor organization, the principal and a majority of the administrators and teachers of the district or school.

The act requires the Department of Education to seek a waiver from the testing requirements prescribed under the federal "No Child Left Behind Act" if necessary to implement the waiver program. It also requires the Department to create a mechanism for the comparison of the proposed alternative assessments and the state assessments as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings.

Identical provisions were enacted in Am. Sub. H.B. 483 of the 130th General Assembly.

## **Study of assessments and graduation requirements for chartered nonpublic students**

(Section 11)

The act creates a committee to make recommendations on graduation requirements and state-mandated testing requirements for students enrolled in chartered nonpublic schools. Not later than January 15, 2015, the committee must submit a report of these recommendations to the chairpersons of the House and Senate Education committees.

The composition of the committee is as follows:



(1) The Superintendent of Public Instruction or the Superintendent's designee, who serves as the chairperson;

(2) The President of the State Board of Education or the President's designee;

(3) Three individuals, appointed by the Speaker of the House, one of which must be recommended by the Minority Leader of the House;

(4) Three individuals, appointed by the President of the Senate, one of which must be recommended by the Minority Leader of the Senate;

(5) Three individuals, appointed by the state Superintendent, representing each of the following entities: (a) the Catholic Conference of Ohio, (b) a nonpublic school accredited through the Independent Schools Association of the Central States (ISACS), and (c) a nonpublic school that is neither a member of the Catholic Conference of Ohio nor accredited through ISACS.

## VII. Third-Grade Reading Guarantee

### Scholarship students

(R.C. 3301.163)

The act generally requires that students who attend a chartered nonpublic school under either the Educational Choice (EdChoice) or Cleveland Pilot Project (Cleveland) scholarship program be subject to the retention provisions of the third-grade reading guarantee beginning July 1, 2015. Thus, beginning in the 2015-2016 school year, a chartered nonpublic school must retain in third grade any student who attends that school with an EdChoice or Cleveland scholarship and who attains a score lower than the State Board-designated score on the third grade English language arts achievement assessment, unless that student would be exempt if that student attended a public school. (See "**Background on third-grade reading guarantee**," below.) The act specifies that for purposes of exempting a child with a disability from retention under the third-grade reading guarantee, an individual services plan created for the child must be considered in the same manner as an individualized education program (IEP) or 504 plan, so long as the individualized services plan is reviewed by either the student's school district of residence or the district in which the chartered nonpublic school is located. The individual services plan also must specify that the student is not subject to retention for the exemption to be effective.<sup>96</sup>

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<sup>96</sup> An IEP is developed for a student with a disability under the federal "Individuals with Disabilities Education Act" (IDEA) (20 United States Code (U.S.C.) 1400 *et seq.*). A "504 plan" is a description of



The act also requires chartered nonpublic schools that accept students under either of the scholarship programs to adopt a policy and procedures for the annual assessment of the reading skills of those scholarship students in kindergarten through third grade. In order to assess students, the act permits chartered nonpublic schools to use diagnostic assessments for reading already used by school districts.<sup>97</sup> If a chartered nonpublic school chooses to use those diagnostic assessments, the act requires the Department to furnish them to the school. It does not require chartered nonpublic schools to use those assessments.

If a student is identified as reading below grade level, the chartered nonpublic school must provide written notification to the student's parent or guardian that the student has been so identified and that the student may be subject to retention in the third grade. The act also requires the chartered nonpublic school to provide intensive reading instruction services, as determined appropriate by the school, to students identified under the provision. Finally, the act requires chartered nonpublic schools annually to report to the Department the number of students identified as reading at grade level and those identified as reading below grade level.

### **Test administration for third graders**

(Section 9)

The act specifies which English language arts assessment is to be administered to third grade students enrolled in a school district, community school, or STEM school in the 2014-2015 school year. For the fall administration, the act requires each school to administer the same assessment that was administered in the previous school year. For the spring administration, the act requires each school to administer the same assessment that was administered in the previous school year to any student whose previous score on the assessment would subject that student to retention under the third-grade reading guarantee. For any student whose score would not subject the student to retention, the act requires the school to administer the assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC).

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services for a student with a disability under Section 504 of the federal "Rehabilitation Act of 1973" (29 U.S.C. 794). Both describe programs and services for a student in a public school, or in some cases a private school, which the student is entitled to under federal law. An individualized services plan, on the other hand, is a description of services for a student in a private school using a portion of federal IDEA funds computed for the school district in which the private school is located but required to be shared on a per-pupil "equitable" basis with the private school. While an individualized services plan must be developed in a manner similar to an IEP, it does not guarantee the prescribed services to the student. (20 U.S.C. 1412(a)(10) and 34 Code of Federal Regulations 300.138, 300.140, and 300.141. See also R.C. 3323.041, not in the act.)

<sup>97</sup> R.C. 3301.079.



The act also specifies that the PARCC assessment scores will not be used to compute a district's or school's grades on the state report card.

### **Alternative staffing plan**

(Section 14)

For the 2014-2015 or 2015-2016 school year, the act permits a school district or community school that cannot furnish the number of qualified teachers to teach third graders who read below grade level to develop and submit an alternative staffing plan.

Law not affected by the act specifies that a district or community school that could not furnish for the 2013-2014 school year the number of qualified third grade reading teachers needed for that year to develop and submit to the Department a plan indicating the criteria that would be used to determine those teachers who will teach during that year. The plan, which had to be submitted by June 30, 2013, had to indicate how the school would find qualified teachers for the 2014-2015 school year and beyond. Continuing law also allows a school district or community school to request an extension of a staffing plan beyond the 2013-2014 school year. The Department may grant extensions that are valid through the 2015-2016 school year.<sup>98</sup>

### **Background on the third-grade reading guarantee**

The third-grade reading guarantee requires school districts and community schools to identify and assist students in third grade and below who have reading difficulties. Each school district and community school must use diagnostic assessments to assess a student's reading skills at the end of kindergarten, first, second, and third grade to identify students reading below grade level. Upon identification of a student, the district or school must notify the student's parent and provide the student with intervention services. To that end, the district or school must develop a reading improvement and monitoring plan within 60 days after receiving the student's results on the diagnostic assessment. Also, under the reading guarantee, a district or school must assign a third grade student who is reading below grade level to a teacher who has at least one year of teaching experience and has completed other specified training that qualify that teacher to provide intensive reading intervention to that student. The law generally prohibits school districts and community schools from promoting to fourth grade a student scoring in the range designated by the State Board of Education on the third grade English language arts (reading) achievement assessment, but makes exceptions for students in specific circumstances.

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<sup>98</sup> R.C. 3313.608(J), not in the act. Continuing law prescribes various alternative criteria for teachers of third graders reading below grade level (see R.C. 3313.608(H)).

## Exceptions

The law prescribes exceptions to the third-grade reading guarantee retention provision. The exceptions are:

(1) Limited English-proficient students who have been enrolled in U.S. schools for less than three full school years and have had less than three years of instruction in English as a second language program;

(2) Special education students (a) whose IEPs exempt them from retention under the third-grade reading guarantee or (b) whose IEPs or 504 plans show that they have received intensive remediation in reading for two school years and have previously been retained in any of grades K to 3, but who still demonstrate a deficiency in reading;

(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment as determined by the Department; and

(4) Students who received intensive remediation in reading for two school years but still demonstrate a deficiency in reading, and who were previously retained in any of grades K to 3, as long as the student continues to receive intensive reading instruction in fourth grade. That instruction must include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies that have been successful in improving reading among low-performing readers.<sup>99</sup>

## Cut-score

Finally, under continuing law, the State Board is responsible for setting the level of achievement a student must attain on the third grade English language arts assessment in order to be promoted to the fourth grade. That level must be adjusted upward until it reaches the proficient level.<sup>100</sup>

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<sup>99</sup> R.C. 3313.608(A)(2)(a) to (e).

<sup>100</sup> R.C. 3301.0710(A)(3).

## VIII. Academic Content Standards, Curriculum, and Instructional Materials

### Academic content standards

#### Periodic adoption of statewide standards

(R.C. 3301.079)

Continuing law requires the State Board of Education periodically to adopt statewide academic content standards for each of grades K-12 in English language arts, mathematics, science, and social studies. The act directs the State Board to ensure that the standards do all of the following:

(1) Include "essential" academic content and skills students are expected to know and be able to do at each grade level (instead of "core" content and skills as under prior law);

(2) Include the development of skill sets that promote information, media, and technological literacy (continuing law);

(3) Include interdisciplinary, project-based, real world learning opportunities (continuing law);

(4) Instill lifelong learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education (new under the act); and

(5) Be clearly written, transparent, and understandable by parents, educators, and the general public (new under the act).<sup>101</sup>

The act also requires that the academic content standards have an emphasis on "essential knowledge" instead of "rigor" and removes "rigor" as a defined term. The act then inserts that definition in the description of the standards. Thus, under the act and under continuing law, the standards must be "more challenging and demanding when compared to international standards." The act further requires the Department of Education to post the academic content standards on its website.

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<sup>101</sup> R.C. 3301.079(A)(1)(a).



## Academic standards review committees

(R.C. 3301.079(I))

The act creates separate committees to review the academic content standards in English language arts, mathematics, science, and social studies. Each committee must include the following members:

(1) Three experts, one each appointed by the President of the Senate, the Speaker of the House of Representatives, and the Governor, who are residents of Ohio and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the applicable subject area.

(2) One parent or guardian appointed as follows:

(a) To the English language arts and science committees, by the President of the Senate;

(b) To the mathematics and social studies committees, by the Speaker of the House.

(3) One educator who is currently teaching in a classroom, appointed as follows:

(a) To the English language arts and science committees, by the Speaker of the House;

(b) To the mathematics and social studies committees, by the President of the Senate.

(4) The Chancellor of the Board of Regents, or the Chancellor's designee.

(5) The Superintendent of Public Instruction, or the Superintendent's designee, who must serve as the chairperson of each committee.

Each committee is required to review the standards for its respective subject area to ensure that the standards are clear, concise, and appropriate for each grade level and promote higher student performance, learning, subject matter comprehension, and improved student knowledge. Additionally, each committee must review whether the standards for its respective subject area promote essential knowledge, lifelong learning, the liberal arts tradition, and college and career readiness and whether the standards reduce remediation. Finally, each committee must determine whether the assessments given to the committee are appropriate for the committee's respective subject area and meet the standards adopted pursuant to continuing law.



The act requires the Department to provide administrative support to each committee, entitles committee members to reimbursement for reasonable and necessary committee-related expenses, and specifies that committee members serve at the pleasure of the appointing authority.

Under the act, the Department must submit to each committee copies of the questions and corresponding answers on the relevant assessments on July 1 following the school year that the tests were administered. The act specifies that those assessments and answers received by the committees are not public records of the committees and are not subject to release by the committees to any other person or entity. However, a separate provision of the act prescribes that the assessments and corresponding answers, beginning with the 2014-2015 school year, do become public records in accordance with a statutory schedule (see "**Assessments as public records**," above).

### **Control over adoption and revision of academic content standards**

(R.C. 3301.078 and R.C. 3301.079(A)(1)(c))

Under the act, when the State Board adopts or revises the academic content standards in social studies, American history, American government, or science, it must do so independently and not as part of a multistate consortium.

The act further prohibits any official or board of the state from "entering into any agreement or memorandum of understanding with any federal or private entity that would require the state to cede any measure of control over the development, adoption, or revision of [any] academic content standards."

### **School district authority over instructional materials and curriculum**

(R.C. 3313.21)

The act declares that each school district board is the sole authority for determining and selecting the textbooks and reading lists, instructional materials, and academic curriculum for the schools under its control. The act also specifically authorizes each district board to permit its educators to create instructional materials, including textbooks, that are consistent with the curriculum adopted by the board for use in the educators' classrooms. The act states that these provisions are not "intended to promote or encourage the utilization of any particular text or source material on a statewide basis."

## **Parent committees**

(R.C. 3313.212)

The act also requires each district board to establish a parental advisory committee or other method of review as a means of providing an opportunity for parents to review the selection of textbooks and reading lists, instructional materials, and the academic curriculum used by schools in the district.

## **Statewide curriculum requirements**

### **State minimum high school curriculum**

(R.C. 3313.603; conforming changes in R.C. 3313.6014, 3313.61, 3314.03, 3328.25, 3345.06, and 3345.061)

Law not changed by the act generally requires the completion of a minimum of 20 units of study to graduate from a public or nonpublic high school. (School districts may, and many do, require more than 20 units to graduate.) The 20 units include a specified number of units in each of English language arts, health, math, physical education, science, social studies, and American history and government.

Under prior law, these requirements were referred to as the "Ohio core curriculum." The act removes those references and, instead, generally refers to the requirements as the curriculum "requirements for graduation."

### **Waiver for dropout prevention and recovery programs**

(R.C. 3313.603(F))

The act changes the conditions that a dropout prevention and recovery program must satisfy in order to receive a waiver from the state minimum high school curriculum. Under continuing law, if a program receives a waiver, students who complete the program may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the state minimum high school curriculum.

First, in order to receive a waiver, the act requires a dropout prevention and recovery program to develop a student success plan (rather than an individual career plan as under former law) that satisfies the act's requirements (see "**Student success plans for at-risk students**," below) for each student by specifying the student's (1) matriculating to a two-year degree program, (2) acquiring a business and industry-recognized credential, or (3) entering an apprenticeship.



Additionally, the act creates two new conditions that a dropout prevention and recovery program must satisfy in order to receive a waiver on or after July 1, 2015. The act requires that programs, prior to receiving a waiver on or after July 1, 2015, submit to the Department a policy on career advising that satisfies the act's requirements (see "**Policies on career advising**," below), with an emphasis on how every student will receive career advising. Also, the act requires that programs, prior to receiving a waiver on or after July 1, 2015, submit to the Department a written agreement outlining the future cooperation between the program and any combination of local job training, post-secondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

### **Temporary exemption**

(R.C. 3313.603(D))

#### **Terminal date**

The act extends to July 1, 2016, the terminal date of an exemption from the state minimum high school curriculum for students who (1) enter ninth grade before the terminal date of the exemption, (2) have a student success plan (rather than an individual career plan as under former law) that satisfies the act's requirements (see "**Student success plans for at-risk students**," below) and (3) meet certain other conditions in continuing law. Under former law, the terminal date of this exemption was July 1, 2014.

#### **Curriculum requirements**

One of the conditions that must be satisfied for this exemption is the completion of an alternative curriculum of 20 units.<sup>102</sup> Beginning with students who enter ninth grade for the first time on or after July 1, 2014, the act changes this alternative curriculum as follows:

(1) It requires students to complete four (rather than three) units of mathematics, one of which must be probability and statistics, computer programming, applied mathematics, quantitative reasoning, or any other course approved by the Department using standards established by the Superintendent of Public Instruction by October 1, 2014.

(2) It requires students to complete five (rather than six) elective units.

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<sup>102</sup> R.C. 3313.603(B) and (D)(5).

(3) It requires all science units to include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information. (The act does not change the requirement that students complete three science units, including one unit of biological sciences and one unit of physical sciences.)

The act does not change the other requirements of the alternative curriculum, which include four units of English language arts, one-half unit of health, one-half unit of physical education, one unit of history and government (including one-half unit of American history and one-half unit of American government), and two units of social studies.<sup>103</sup>

### **Annual report**

The act requires public and chartered nonpublic schools to notify the Department of the number of students who choose to qualify for graduation under the exemption and the number of students who complete the student's success plan and graduate from high school.

### **Deadline for recommendations regarding the extension**

The act also extends to December 1, 2015, the deadline for the Department to submit its findings and recommendations regarding the extension of this exemption beyond the date provided in law to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, the chairpersons and ranking minority members of the House and Senate Education committees, the State Board, and the state Superintendent. Under former law, this deadline was August 1, 2014.

## **IX. Other Education Provisions**

### **Eligibility for the GED**

(R.C. 3313.617)

The act specifies that a person who is at least 18 years old, rather than at least 19 years old as under prior law, may take the test of general educational development (GED), without additional administrative requirements, if the person is officially withdrawn from school and has not received a high school diploma.

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<sup>103</sup> R.C. 3313.603(B)(1), (2), (4), (6), and (7).

The act also specifies that a person who is at least 16 but less than 18 years old and who applies to take the GED must submit to the Department written approval from the person's parent or guardian or a court official. This is a change from prior law, which required written approval from the superintendent (or superintendent's designee) of the school district or the principal (or the principal's designee) of the community or STEM school where the person was last enrolled. Prior law *permitted* the Department to require approval of the person's parent or guardian or a court official, in addition to that of the district superintendent or school principal (or designee), if the person was younger than 18.

Identical provisions were enacted in Am. Sub. H.B. 483 of the 130th General Assembly.

### **Background on the GED**

The test of General Educational Development is a privately published indicator of a combination of experience, education, and self-study that is considered the equivalent of completing the requirements for a high school diploma for persons who have withdrawn from school. It was created in 1942 for World War II military personnel who left school early to enter military service. In Ohio, the State Board of Education issues a "high school equivalence diploma" to those who attain a passing score on all areas of the GED test.<sup>104</sup> Individuals may enroll in adult education classes and take practice tests to prepare for taking the test.

### **Career-technical education**

(R.C. 3313.90)

The act specifies that each city, local, and exempted village school district must provide career-technical education to students enrolled in grades 7 through 12. However, the act provides for a waiver from this provision. Under the act, if a district board adopts a resolution that specifies its intent not to provide career-technical education to students enrolled in grades seven and eight for a particular school year and submits that resolution to the Department of Education by September 30 of that school year, the Department must waive the requirement for that district to provide career-technical education to students enrolled in grades seven and eight for that particular school year.

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<sup>104</sup> R.C. 3313.611; O.A.C. 3301-41-01.



Beginning with the 2015-2016 school year, the act also increases the minimum enrollment for comprehensive career-technical course offerings in school districts to 2,500 students in grades 7 through 12 (from 1,500 students in grades 9 through 12).

Finally, the act repeals an obsolete requirement that the approval of state funds for the construction and operation of vocational facilities in any city, local, or exempted village school district be contingent upon a comprehensive vocational program plan approved by the State Board not later than July 1, 1970.

## **Student career advising**

(R.C. 3313.6020)

### **Policies on career advising**

Beginning in the 2015-2016 school year, the act requires each city, local, exempted village, and joint vocational school district, each community school,<sup>105</sup> and each STEM school<sup>106</sup> to adopt a policy on career advising. This policy must be updated at least once every two years.

This provision is in addition to a continuing requirement that each city, local, and exempted village school district, community school, and STEM school adopt a resolution describing how the district or school will address "college and career readiness and financial literacy" in its curriculum for seventh and eighth grades and for any other grades as determined necessary.<sup>107</sup>

### **Content of policies**

A district's or school's policy on career advising must specify how the district or school will do all of the following:

(1) Provide students with grade-level examples that link their schoolwork to one or more career fields. A district or school may use the model curricula developed under continuing law by the State Board (in consultation with any office housed in the Governor's office that deals with workforce transformation) that embeds career connection learning strategies into regular classroom instruction for this purpose.<sup>108</sup>

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<sup>105</sup> R.C. 3314.03(A)(11)(d).

<sup>106</sup> R.C. 3326.11.

<sup>107</sup> R.C. 3313.6015, not in the act.

<sup>108</sup> See R.C. 3301.079(B)(2), not in the act.



- (2) Create a plan to provide career advising to students in grades 6 through 12;
- (3) Beginning in the 2015-2016 school year, provide additional interventions and career advising for students who are identified as at risk of dropping out of school (see "**Student success plans for at-risk students**," below);
- (4) Train its employees on how to advise students on career pathways, including training on advising students using online tools;
- (5) Develop multiple, clear academic pathways through high school that students may choose in order to earn a high school diploma;
- (6) Identify and publicize courses that can award students both traditional academic and career-technical credit;
- (7) Document the career advising provided to each student for review by the student, the student's parent, guardian, or custodian, and future schools that the student may attend. The act prohibits a district or school from otherwise releasing this information without the written consent of the student's parent, guardian, or custodian (if the student is less than 18 years old) or the student (if the student is at least 18 years old).
- (8) Prepare students for their transition from high school to their post-secondary destinations, including any special interventions that are necessary for students in need of remediation in mathematics or English language arts.

#### **Availability of policies**

The act provides that a school district board must make its policy on career advising publicly available to students, parents, guardians, or custodians, local post-secondary institutions, and residents of the district. Presumably, a community school's governing authority and a STEM school's governing body must make its policy publicly available to students, parents, guardians, or custodians, and local post-secondary institutions. A district or school must post the policy in a prominent location on its website, if it has one.

#### **Student success plans for at-risk students**

##### **Identification of at-risk students**

Beginning in the 2015-2016 school year, the act requires each city, local, exempted village, and joint vocational school district to identify students who are at risk of dropping out of school using a method that is both research-based and locally based and that is developed "with input" from the district's classroom teachers and guidance



counselors. Like the career advising policy described above, this requirement also applies to community schools and STEM schools.

### **Development of student success plans**

If a student is identified as at risk of dropping out of school, the district or school must develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.

Prior to developing a student's plan, the district or school must invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district or school must provide to the parent, guardian, or custodian a copy of the student's success plan, and a statement of the importance of a high school diploma, and the academic pathways available to the student in order to successfully graduate.

### **Career advising based on student success plans**

Following the development of a student success plan for a student, the act requires the district or school to provide career advising to the student that is aligned with the student success plan and, beginning in the 2015-2016 school year, with the district's plan to provide career advising that is specified in its policy on career advising.<sup>109</sup>

### **Model policies and plans**

The act requires the Department to develop and post on its website model policies on career advising and model student success plans by December 1, 2014.

The act also requires the Department, by July 1, 2015, to create an online clearinghouse of research related to proven practices for policies on career advising and student success plans that districts may access when fulfilling the act's requirements.

### **Clearinghouse of information regarding at-risk students**

(R.C. 3301.28)

The act separately requires the Department to establish, by July 1, 2015, a clearinghouse of information regarding the identification of and intervention for at-risk students. The clearinghouse must include, but not be limited to, the following:

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<sup>109</sup> R.C. 3313.6020(C)(3).

(1) Indicators of at-risk status that have been proven accurate or effective by research;

(2) Identification and intervention programs used in Ohio, categorized by type of district using the Department's most recent district typology categories, that have been confirmed effective through research;

(3) National identification and intervention programs that have been confirmed effective through research.

## **Age and schooling certificates**

(R.C. 3331.04)

Until July 1, 2016, the act permits a school district superintendent to issue an age and schooling certificate to a child over age 16 who satisfies certain requirements under continuing law, including (1) proof that the child is not addicted to a habit which could detract from the child's reliability or effectiveness as a worker, proper use of earnings or leisure, or carrying out the agreed-upon conditions for the certificate, (2) proof regarding the child's residency and attendance at school or the child's need to provide the child's own support or support for other family members, as applicable, and (3) proof that the child will diligently attend evening classes in the district in addition to part-time classes until age 18.<sup>110</sup>

This provision replaces a provision of former law which permitted a superintendent, if certain requirements were satisfied, to issue a certificate to a child over age 16 who was unable to pass a test for the completion of seventh grade and who was not so below the "normal in mental development" that the child could not profit from further schooling. The requirements for this certificate were substantially similar to the requirements for the issuance of a certificate under the act's provision, except they also included requirements related to English proficiency.<sup>111</sup>

Beginning on July 1, 2016, the act permits an age and schooling certificate to be issued only to a child over age 16 who does both of the following:

(1) Upon agreement in writing by the child and the child's parents, guardian, or custodian, provides proof acceptable to the district superintendent that certain requirements (all of the requirements for receiving a certificate prior to July 1, 2016, except for (3) described above) are satisfied; and

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<sup>110</sup> R.C. 3331.04(A)(1)and (2).

<sup>111</sup> R.C. 3331.04.

(2) Is enrolled in a competency-based instructional program to earn a high school diploma in accordance with rules adopted by the State Board of Education. The act requires the State Board to adopt those rules by July 1, 2016.<sup>112</sup>

## **Background**

Continuing law prohibits a minor of compulsory school age from being employed by any employer in the state unless the minor presents to the employer a proper age and schooling certificate as a condition of employment,<sup>113</sup> unless certain exceptions apply.<sup>114</sup> A child that receives an age and schooling certificate is lawfully excused from the requirement to attend a school or special education program for the full time the school or program is in session.<sup>115</sup>

## **Academic distress commissions**

(R.C. 3302.10; Section 15; conforming change in R.C. 133.06)

The act revises the conditions requiring the Superintendent of Public Instruction to establish an academic distress commission for a school district. Under the act, a school district that meets any combination of the following conditions for three or more consecutive school years is subject to the establishment of an academic distress commission:

(1) The district has been declared to be in a state of academic emergency (under the former rating system) and has failed to make adequate yearly progress;

(2) The district has received, for the 2012-2013 or 2013-2014 school years, a grade of "F" for the performance index score and a grade of "D" or "F" for the value-added progress dimension;

(3) The district has received an overall grade of "F."<sup>116</sup>

The act also requires the state Superintendent, by December 31, 2014, to submit recommendations to the Governor and General Assembly for legislative changes

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<sup>112</sup> R.C. 3331.04(B) and (C).

<sup>113</sup> R.C. 4109.02(A), not in the act.

<sup>114</sup> See R.C. 4109.02(B) and 4109.06, not in the act.

<sup>115</sup> R.C. 3321.03(B) and 3321.04, neither in the act.

<sup>116</sup> R.C. 3302.10(A).



regarding intervention for poor performing school districts that are at risk of becoming subject to the establishment of an academic distress commission.<sup>117</sup>

Prior law required the state Superintendent to establish an academic distress commission for each school district that met any of the following conditions for three or more consecutive years:

(1) The district was declared to be in academic emergency and failed to make adequate yearly progress;

(2) The district received a grade of "F" for the performance index score and a grade of "D" or "F" for the overall value-added progress dimension;

(3) The district received an overall grade of "F" or a grade of "F" for the overall value-added progress dimension; or

(4) At least 50% of the schools operated by the district received an overall grade of "D" or "F."

## **Background**

An academic distress commission is directed to "assist the district for which it was established in improving the district's academic performance." In doing so, the commission may appoint, reassign, and terminate the contracts of district administrative personnel; contract with a private entity to perform school or district management functions; and establish a budget for the district and approve school district expenditures.<sup>118</sup>

Under continuing law, the commission ceases to exist when the district, for two of the three prior school years, either (1) is rated in need of continuous improvement or better (under the former report card and rating system), or (2) receives a grade of "C" or better for both the performance index score and overall value-added progress dimension, unless the state Superintendent sooner determines that the district can perform adequately without the commission.<sup>119</sup>

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<sup>117</sup> Section 15.

<sup>118</sup> R.C. 3302.10(J).

<sup>119</sup> R.C. 3302.10(L).



## Programs at the State School for the Blind

### Preschool education program

(R.C. 3325.06 and 3325.071; conforming change in R.C. 3325.07)

The act requires the State Board of Education to establish a program at the State School for the Blind to train and assist parents of children of preschool age whose disabilities are visual impairments. The program must enable these parents to provide their children with learning experiences that develop early literacy, communication, mobility, and daily living skills so the children can function independently in their living environments.<sup>120</sup> (This program is similar to one required for the State School for the Deaf under continuing law.<sup>121</sup>)

#### Methods of instruction

The State Board must, "insofar as practicable, plan, present, and carry into effect" the program through any of the following methods of instruction:

(1) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;

(2) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairments;

(3) Correspondence courses;

(4) Personal consultations and interviews;

(5) Day-care or child development courses for children and parents;

(6) Summer enrichment courses; and

(7) Other means or methods as the Superintendent of the State School for the Blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age.<sup>122</sup>

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<sup>120</sup> R.C. 3325.06(B).

<sup>121</sup> R.C. 3325.06(A) and 3325.07.

<sup>122</sup> R.C. 3325.071(A) to (G).



## **Participation of children who do not have disabilities that are visual impairments**

The act permits the Superintendent of the State School for the Blind to allow children who do not have visual impairments to participate in the methods of instruction used for the program so that visually impaired preschool children are able to learn alongside their peers while receiving specialized instruction. The Superintendent must establish policies and procedures regarding this participation.<sup>123</sup>

### **Fees**

The act permits the Superintendent of the State School for the Blind to establish reasonable fees for participation in the methods of instruction used for the program in order to defray the costs of carrying them out and requires the Superintendent to determine the manner of collection for the fees.

If fees are collected, they must be deposited in the State School for the Blind Even Start Fees and Gifts Fund, which is created in the state treasury by the act. All money in the Fund must be used to implement the methods of instruction used for the program.<sup>124</sup>

### **Career-technical education programs**

(R.C. 3325.09; conforming change in R.C. 3325.10)

The act requires the State Board to establish at the State School for the Blind career-technical education and work training programs for secondary and post-secondary students whose disabilities are visual impairments. These programs must develop communication, mobility, and work skills and assist students in becoming productive members of society so that they can contribute to their communities and living environments.<sup>125</sup>

The State School for the Blind may use any gifts, donations, or bequests it receives<sup>126</sup> for one or more of the following purposes that are related to these programs:

- (1) Room and board;

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<sup>123</sup> R.C. 3325.071.

<sup>124</sup> R.C. 3325.071.

<sup>125</sup> R.C. 3325.09(A).

<sup>126</sup> Continuing law permits the State School for the Blind to accept gifts, donations, or bequests made to it for programs or services relating to the education of students whose disabilities are visual impairments (R.C. 3325.10).

- (2) Training in mobility and orientation;
  - (3) Activities that teach daily living skills;
  - (4) Rehabilitation technology;
  - (5) Activities that teach group and individual social and interpersonal skills;
  - (6) Work placement in the community by the school or a community agency;
  - (7) Transportation to and from work sites or locations of community interaction;
- and
- (8) Supervision and management of programs and services.<sup>127</sup>

### **State School for the Blind Educational Program Expense Fund**

(R.C. 3325.17)

The act creates the State School for the Blind Educational Program Expense Fund in the state treasury. (A similar fund for the State School for the Deaf exists under continuing law.)

Moneys received by the State School for the Blind from all of the following sources must be credited to the Fund: (1) donations, (2) bequests, (3) student fundraising activities, (4) fees charged for camps, workshops, and summer work and learn cooperative programs, (5) gate receipts from school activities, and (6) any other moneys designated for deposit in the Fund by the Superintendent of the State School for the Blind. The act specifies that the approval of the State Board is not required to designate money for deposit into the Fund.

The State School for the Blind must use moneys in the Fund for educational programs, after-school activities, and expenses associated with student activities.<sup>128</sup>

### **Definition of a visual impairment**

(R.C. 3325.02 and 3325.10)

The act specifies that, for purposes of provisions of law related to the State School for the Blind, visual impairment means "blindness, partial blindness, deaf-blindness, or multiple disabilities if one of those disabilities is vision-related."<sup>129</sup>

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<sup>127</sup> R.C. 3325.09(B).

<sup>128</sup> R.C. 3325.17.



In order to align with this change, the act requires the State School for the Blind to be open to receive persons whose disabilities are visual impairments, rather than "blind and partially blind" persons as under prior law.<sup>130</sup> Moreover, it specifies that the State School for the Blind may receive and administer federal funds and accept and administer gifts, donations, or bequests relating to the education of students whose disabilities are visual impairments, rather than "blind or visually impaired" students as under prior law.<sup>131</sup>

## **Emergency management plans**

(R.C. 3313.536 and 3319.31; conforming change in R.C. 149.433)

The act revises the law regarding school safety plans by renaming them as "emergency management plans" and making several modifications to the specifications for and the administration of such plans.

### **Plan content and administration**

The act requires the "administrator" of a school district, community school, STEM school, college-preparatory boarding school, career-technical education program approved by the Department of Education, chartered nonpublic school, educational service center, preschool program or school-age child care program licensed by the Department, and any other facility that provides educational services to children that is subject to regulation by the Department to develop and adopt a comprehensive emergency management plan. For this purpose, the act defines an "administrator" as the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the districts, schools, or facilities listed above.<sup>132</sup> Under former law, only the board of education or governing authority of school districts, community schools, STEM schools, and chartered nonpublic schools were required to develop a school safety plan.

The act requires the administrator, in developing the plan, to examine environmental conditions and operations of each building to determine potential hazards to safety and propose operating changes to promote the prevention of potentially dangerous problems and circumstances. As under former law, the act requires administrators to involve community law enforcement and safety officials,

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<sup>129</sup> R.C. 3325.02(A).

<sup>130</sup> R.C. 3325.02(B).

<sup>131</sup> R.C. 3325.10.

<sup>132</sup> R.C. 3313.536(A) and (B).



parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. Also, as under former law, administrators must incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

In a manner similar to former law, each administrator must incorporate into the plan separate protocols for addressing serious threats to the safety of property, students, employees, or administrators and for responding to any emergency events that occur and compromise school safety. The second protocol must include a floor plan that is unique to each floor of the building, a site plan that includes all building property and surrounding property, and an emergency contact information sheet. As under former law, each protocol must include procedures for responding to threats and emergency events, including notifying appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. The act also maintains a provision of former law that requires the administrator, prior to the opening day of each school year, to inform each student or child enrolled in the school, and the student or child's parent, of the parental notification procedures included in the protocol.

#### **Annual test**

The act requires each administrator to prepare and conduct at least one annual emergency management test. The act defines an "emergency management test" as a regularly scheduled drill, exercise, or activity that is designed to assess and evaluate an emergency management plan.<sup>133</sup> A separate provision of continuing law unchanged by the act requires school safety drills, as well as fire and tornado drills.<sup>134</sup> The act is silent on any relationship between school safety drills and emergency management tests. Therefore, it is unclear whether the mandatory school safety drill may also serve as the mandatory emergency management test. That decision appears to be left to the discretion of the Department of Education, which is responsible for administering the emergency management tests in accordance with rules adopted by the State Board of Education. Former law did not require a test of the school safety plans.

#### **Access**

Also, under the act, an administrator must grant access to each building under the control of the administrator to law enforcement personnel, the fire department and emergency medical service organization that serve the political subdivision in which the building is located, and the county emergency management agency for the county

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<sup>133</sup> R.C. 3313.536(A)(2) and (E).

<sup>134</sup> R.C. 3737.73, not in the act.



in which the building is located so that such entities may hold training sessions for responding to threats and emergency events affecting the building. This access must occur outside of student instructional hours, and the administrator, or designee, must be present in the building during the training sessions.<sup>135</sup>

### **Rules**

The act requires the State Board to adopt rules regarding emergency management plans. The rules must include the content of the plans and procedures for filing the plans and specify the requirements and procedures for emergency management tests required by the act. Failure to comply with the State Board-adopted rules may result in disciplinary action for holders of a license from the State Board. The act permits the State Board to prescribe additional sanctions in its rules.<sup>136</sup>

### **Sanctions**

The act subjects any administrator who is an applicant for a license or who holds an educator license from the State Board to disciplinary action on the administrator's license, if the administrator fails to comply with the requirements related to an emergency management plan. However, the act allows the Superintendent of Public Instruction to exempt any administrator from the requirements related to the plan if the Superintendent determines that the requirements do not otherwise apply to a building or buildings under the control of that administrator.<sup>137</sup>

### **Distribution of the plan**

Similar to former law, the act requires each administrator to submit an electronic copy of the emergency management plan to the Department not less than once every three years. Also, by July 1 each year, an administrator must review the emergency management plan and certify to the Department that the plan is current and accurate. And an administrator must submit an electronic copy of the plan to the Department whenever a major modification to a building requires changes in the procedures outlined in the plan and whenever information on the emergency contact information sheet changes.<sup>138</sup> The administrator must file updated copies of the plan with the Department and other required entities listed below not later than the tenth day after

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<sup>135</sup> R.C. 3313.536(E)(2).

<sup>136</sup> R.C. 3313.536(F).

<sup>137</sup> R.C. 3313.536(G) and (H) and 3319.31.

<sup>138</sup> R.C. 3313.536(C).

the revision is adopted.<sup>139</sup> Former law had required the updated copies by the 91st day after the revision was adopted.

In addition, the act requires each administrator to file a copy of the emergency management plan with each law enforcement agency that has jurisdiction over the building and, upon request, to the fire department and emergency medical service organization that serve the political subdivision in which the building is located and the county emergency management agency for the county in which the building is located.

Upon receipt of an emergency management plan, the act directs the Department to submit that information to the Attorney General and the Director of Public Safety. The act requires the Attorney General to post the information on the Ohio Law Enforcement Gateway, or its successor, and the Director of Public Safety to post the information on the Contact and Information Management System. The act directs any department or entity that receives an emergency management plan, as well the administrator who develops and adopts the plan, to keep the copies in a secure place.

### **Plans as security records**

As under former law, the act states that copies of an emergency management plan and related information are security records, and thus not public records. In addition, under the act, any information from or related to an emergency management plan posted to the Contact and Information Management System is exempt from public disclosure or release. Finally, the act specifies that a floor plan that is part of or related to an emergency management plan filed with the Attorney General is not a public record to the extent it is a record kept by the Attorney General.<sup>140</sup>

### **Participation in district extracurricular activities by community school and STEM school students**

(R.C. 3313.537)

The act revises the law on participation in school district extracurricular activities by community school and STEM school students. Under prior law, a school district superintendent was required to afford any of the district's resident students enrolled in a community school *sponsored* by the district the opportunity to participate in extracurricular activities offered by the "traditional public school" to which the student otherwise would be assigned. Also, a student enrolled in a STEM school could "not be prohibited from" participating in any extracurricular activities offered at the "traditional

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<sup>139</sup> R.C. 3313.536(D).

<sup>140</sup> R.C. 149.433 and 3313.536(I).



public school" that was *operated* by the student's resident school district.<sup>141</sup> The act eliminates these provisions in favor of broader participation provisions similar to those afforded to nonpublic school and home-instructed students.<sup>142</sup>

### **Resident students**

The act requires a school district superintendent to afford any of the school district's resident students enrolled in a community school or STEM school the opportunity to participate in extracurricular activities offered by the *district school* to which the student would otherwise be assigned during the current school year.<sup>143</sup>

### **Nonresident students**

The act also permits, but does not require, a school district superintendent to afford any student who (1) is enrolled in a community school or STEM school and (2) is *not* entitled to attend school in that district, the opportunity to participate in an extracurricular activity offered by a school of the district, if (1) the student's community school or STEM school does not offer the activity, and (2) the activity is not interscholastic athletics, interscholastic contests, or competition in music, drama, or forensics.<sup>144</sup>

### **Appropriate age and grade level**

Continuing law requires that a community or STEM school student must fulfill the same academic, nonacademic, and financial requirements as any other participant. The act adds that the student must be of the appropriate age and grade level, as determined by the superintendent, for the school that offers the extracurricular activity.<sup>145</sup>

### **Authority to require enrollment in a district course removed**

Prior law permitted a school district board to require a community school student to enroll and participate in no more than one academic course at the school

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<sup>141</sup> R.C. 3313.537(B)(1) and (B)(2), revised by the act.

<sup>142</sup> See R.C. 3313.5311 and 3313.5312, neither in the act.

<sup>143</sup> R.C. 3313.537(B)(1).

<sup>144</sup> R.C. 3313.537(B)(2).

<sup>145</sup> R.C. 3313.537(C).

offering the extracurricular activity as a condition to participating in the activity.<sup>146</sup> The act eliminates this provision.

### **Prohibition against imposing more restrictive rules**

Finally, the act prohibits any school or school district from imposing additional rules on a community or STEM school student to participate under this section that do not apply to other students participating in the same extracurricular activity.<sup>147</sup>

### **Concussions sustained by athletes in interscholastic and youth sports**

(R.C. 3313.539, 3707.511, and 3707.521)

The act revises the law governing the assessment and clearance of athletes in interscholastic and youth sports who have sustained a concussion or head injury during practice or competition. These assessments are made by physicians and licensed health care professionals (referred to as "health care providers" under prior law) who satisfy certain requirements, as described below.

### **Assessment of athletes and clearance to return to practice or competition**

Law unchanged by the act requires a coach or referee of interscholastic athletics at all public and private schools (including schools operated by school districts, community schools, STEM schools, chartered nonpublic schools, and nonchartered nonpublic schools) or a coach, referee, or official of a youth sports organization<sup>148</sup> to remove from practice or competition an athlete exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury.<sup>149</sup> Following removal from practice or competition, a coach, referee, or official is prohibited from allowing an athlete to return to any practice or competition until the athlete has been assessed and cleared for return by specified health care providers.<sup>150</sup> Prior law permitted both of the following to assess these athletes and clear them to return to practice or competition: (1) physicians licensed in Ohio who were authorized to practice

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<sup>146</sup> R.C. 3313.537(C).

<sup>147</sup> R.C. 3313.537(E).

<sup>148</sup> A "youth sports organization" is a public or nonpublic entity that organizes athletic activities in which the athletes are not more than 19 years old and are required to pay a fee to participate in the athletic activity or whose cost to participate is sponsored by a business or nonprofit corporation (R.C. 3707.51, not in the act).

<sup>149</sup> R.C. 3313.539(D), 3314.03(A)(11)(d), 3326.11, and 3707.511(D).

<sup>150</sup> R.C. 3313.539(E) and 3707.511(E).



medicine and surgery or osteopathic medicine or surgery and (2) any other "health care provider" licensed in Ohio that the district board, school governing authority, or youth sports organization authorized to assess an athlete who had been removed from practice or competition.<sup>151</sup>

The act, however, authorizes licensed "health care professionals" to assess these athletes and clear them to return to practice or competition without the authorization of a district board, school governing authority, or youth sports organization, provided the following requirements are satisfied:

(1) The health care professional's licensing agency adopts rules establishing standards that are equal to or stronger than guidelines developed by the committee established by the act (see "**Guidelines regarding concussions and head injuries,**" below).<sup>152</sup>

(2) The health care professional meets the minimum education requirements for assessment and clearance of an athlete established in those rules.<sup>153</sup>

Under the act, a "licensed health care professional" is an individual other than a physician who is authorized under Ohio law to practice a health care profession.<sup>154</sup>

Beginning September 17, 2015, all physicians and all other licensed health care professionals that district boards, school governing authorities, or youth sports organizations previously authorized to assess athletes who have been removed from practice or competition must satisfy the requirements described above as applied by their respective licensing agencies.<sup>155</sup>

As a result, at that time, a licensed health care professional is authorized under the act to assess athletes and clear them to return to practice or competition in one of two ways: (1) satisfying those requirements or (2) satisfying the requirements *and* obtaining authorization from a district board, school governing authority, or youth sports organization to assess athletes and clear them to return to practice or competition.

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<sup>151</sup> R.C. 3313.539(E)(1) and 3707.511(E)(1).

<sup>152</sup> R.C. 3707.521(E).

<sup>153</sup> R.C. 3313.539(E)(1)(iii) and 3707.511(E)(1)(iii).

<sup>154</sup> R.C. 3313.539(A)(2) and 3707.511(A)(2).

<sup>155</sup> R.C. 3313.539(E)(4) and 3707.511(E)(4).

## **Guidelines regarding concussions and head injuries**

The act requires the Director of Health to establish a committee regarding (1) concussions and head injuries sustained by athletes while participating in interscholastic athletic events and athletic activities organized by youth sports organizations and (2) the assessment and clearance of those athletes under Ohio law. The Department of Health must provide administrative support to the committee.<sup>156</sup>

By March 17, 2015, the committee must develop and publish guidelines addressing all of the following with regard to athletes exhibiting signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in an interscholastic athletic event or an athletic activity organized by a youth sports organization:

(1) The diagnosis and treatment of concussions and head injuries;

(2) The conditions under which an athlete may be granted clearance to return to practice or competition;

(3) The minimum education requirements necessary to qualify a physician or licensed health care professional to assess and clear an athlete for return to practice or competition.<sup>157</sup>

### **Committee membership**

The Director must serve as a member of the committee and must appoint all of the following as the remaining committee members:

(1) A representative of the State Medical Board;

(2) An Ohio licensed physician who practices as a neurologist;

(3) An Ohio licensed physician who practices sports medicine;

(4) A representative of the State Chiropractic Board;

(5) An Ohio licensed chiropractor who has a background in neurology;

(6) An Ohio licensed chiropractor who practices sports medicine.

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<sup>156</sup> R.C. 3707.521(B)(1).

<sup>157</sup> R.C. 3707.521(C).



Each of the appointed members must have substantial experience in the diagnosis and treatment of concussions and head injuries.<sup>158</sup>

### **Development of guidelines**

In developing these guidelines, the committee must consider nationally recognized standards for the treatment and care of concussions and head injuries and the scope of practice of any licensed health care professional as it relates to qualifications to assess and clear an athlete for return to practice or competition. Additionally, the act requires the Director to solicit input from all of the following:

(1) An Ohio licensed physician who is certified by the American Board of Emergency Medicine or American Osteopathic Board of Emergency Medicine and who actively practices emergency medicine and is actively involved in emergency medical services;

(2) An Ohio licensed physician who is certified in pediatric emergency medicine by the American Board of Pediatrics, American Osteopathic Board of Pediatrics, or American Board of Emergency Medicine and who actively practices pediatric emergency medicine and is actively involved in emergency medical services;

(3) An Ohio licensed physician who is certified by the American Board of Neurological Surgery or American Osteopathic Board of Surgery and who actively practices neurosurgery;

(4) An Ohio licensed physician who actively practices in the field of sports medicine;

(5) An Ohio licensed athletic trainer;

(6) An Ohio licensed physical therapist;

(7) An Ohio licensed chiropractor;

(8) An Ohio licensed registered nurse who actively practices emergency nursing and is actively involved in emergency medical services;

(9) A representative of a youth sports organization;

(10) A representative of a school district board of education or governing authority of a chartered or nonchartered nonpublic school;

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<sup>158</sup> R.C. 3707.521(B)(2).

(11) Any other individual selected by the committee who has interests that the committee considers relevant to its duties.<sup>159</sup>

### **Adoption of guidelines by licensing agencies**

Under the act, if an agency that is responsible for the licensing of physicians or other health care professionals seeks to have its licensees authorized to assess and clear athletes for return to practice or competition, the agency must adopt rules in accordance with Ohio's Administrative Procedure Act establishing standards that are equal to or stronger than the guidelines developed by the committee. The licensing agency may also adopt rules in accordance with Ohio's Administrative Procedure Act establishing continuing education requirements for its licensees who assess and clear athletes for return to practice or competition.<sup>160</sup>

## **Debt forgiveness for certain consolidating schools**

### **Voluntary transfer of entire territory of school district**

(R.C. 3311.24, 3311.241, and 3311.38)

The act provides that the net indebtedness owed to the state Solvency Assistance Fund by a school district that voluntarily transfers its entire territory (according to the parameters described in "**Qualifying transfers**," below) in a transfer that is initiated not later than December 31, 2015, must be cancelled, if the following conditions are satisfied:

(1) The amount owed by the transferring district to the state Solvency Assistance Fund is greater than or equal to 33% of the transferring school district's operating budget for the current fiscal year, but does not exceed \$10 million.

(2) The transferring district has remained in a state of "fiscal emergency," under continuing law, during the previous two fiscal years.

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

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

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<sup>159</sup> R.C. 3707.521(D).

<sup>160</sup> R.C. 3707.521(E).



(5) The acquiring district has submitted to the State Board of Education a written five-year projection of solvency which takes into account the fiscal effects of acquiring the transferring district.<sup>161</sup>

### **Qualifying transfers**

Two types of transfers under continuing law are eligible for Solvency Assistance Fund debt forgiveness under the act. First, the act's provisions apply where the State Board of Education adopts a resolution proposing the transfer of district territory, after one of the following circumstances occur: (1) the State Board conducts a study when there is evidence of a need to transfer territories to another district or (2) a majority vote of a district board requests transfer of the entire district. This type of transfer requires both a majority vote of the electors in the transferring district and the approval of the board of the acquiring district.<sup>162</sup>

Second, the act's provisions apply where the transferring district's board files a proposal for transfer with the State Board after obtaining a (1) signed petition evidencing that 75% of the qualified voters of the district request the transfer or (2) written consent evidencing that 75% of property owners within the district request the transfer. (Although continuing law also provides for the transfer of a portion of a district if similar requirements are satisfied, that provision is not relevant here because the act does not apply to a partial transfer.) In either case, the State Board must approve or disapprove the transfer. If the State Board approves the transfer, the transferring district must, within 30 days, adopt a resolution transferring the territory and submit a copy of the resolution to the acquiring district. The transfer takes place when the acquiring district passes a resolution accepting the transfer.<sup>163</sup>

### **Solvency Assistance Fund debt forgiveness; dissolution of transferring district**

If the conditions set forth above are satisfied, the acquiring district acquires the transferring district's territory free and clear of any amount owed by the transferring district to the state Solvency Assistance Fund. However, the act clarifies that the acquiring district, under continuing law, must assume the obligations of all other liens,

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<sup>161</sup> R.C. 3311.241(A).

<sup>162</sup> R.C. 3311.38.

<sup>163</sup> R.C. 3311.24.



encumbrances, and debts of the transferring district.<sup>164</sup> Once the transfer is complete, the board of the transferring district is abolished and the district is dissolved.<sup>165</sup>

### **Replacement of funds lost by Solvency Assistance Fund**

To replace the debt amount owed by a transferring school district to the state Solvency Assistance Fund, the act specifically permits the Director of Budget and Management to transfer any available moneys from the General Revenue Fund that were appropriated for operating payments to schools into the state Solvency Assistance Fund.<sup>166</sup>

### **Transfer from a local school district to a contiguous school district within the same educational service center**

(Section 7)

The act requires the cancellation of the amount owed to the Solvency Assistance Fund by any school district that has fewer than 500 students when the district is transferred in its entirety to, or receives the entire territory of, a contiguous school district within the same educational service center (ESC) not later than June 30, 2015.<sup>167</sup>

This transfer must take place in one of the two ways specified in continuing law for such transfers:

(1) The ESC governing board must initiate the transfer by proposing it in a resolution and, at least 30 days later, adopt a resolution making the transfer effective prior to the next July 1, unless a number of qualified electors equal to a majority of the votes in the last general election residing in the area proposed for transfer file a petition of referendum against the transfer. If a petition of referendum is filed, the electors in the districts containing territory to be transferred must vote on the proposal. The transfer is subject to the approval of the boards that would receive the territory, although a transfer that is opposed by a board receiving territory may be appealed to the State Board who must approve or disapprove the transfer.

(2) A petition proposing a transfer must be signed by a number of qualified electors equal to 55% of the voters in the last general election residing in the area proposed for transfer and filed at the office of the ESC superintendent. The transfer

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<sup>164</sup> R.C. 3311.241(B).

<sup>165</sup> R.C. 3311.241(C).

<sup>166</sup> R.C. 3311.241(D).

<sup>167</sup> Section 7(A) and (B).



must then be put to a vote of the electors in the district that contains the territory to be transferred. Any transfer also must be approved by the board that would receive the territory within 30 days.<sup>168</sup>

The act also specifies that the cancellation of the amount owed to the Solvency Assistance Fund by a school district as provided in the act does not prohibit an eligible school district from receiving assistance from the Ohio School Facilities Commission.<sup>169</sup>

### **Background on the Solvency Assistance Fund**

To assist a district in "fiscal emergency," the state offers interest-free advances on its state operating funding through the School District Solvency Assistance Fund. That fund consists of two separate accounts, the shared resource account and the catastrophic expenditures account. A district in fiscal emergency may receive payments from either account to help it "remain solvent." Generally, a fiscal emergency district also must pay back its advances within two years, although a district may take up to ten years for repayment if approved by the Director of Budget and Management and the state Superintendent. The statute does not set a limit on the amount that may be advanced to a district from the fund, but a rule of the Director of Budget and Management states that the advance is limited to the amount necessary for the district to remain solvent.<sup>170</sup>

## **Resident educator licenses**

### **Renewal**

(R.C. 3319.22 and 3319.26)

The act makes both resident educator and alternative resident educator licenses renewable for reasons specified in rules adopted by the State Board of Education. Additionally, the act requires the State Board to adopt rules specifying the reasons under which such licenses may be renewed. Under continuing law, resident educator and alternative resident educator licenses are valid for four years and may be extended by the State Board, on a case-by-case basis, to enable completion of the Ohio Teacher Residency Program. But prior law did not permit outright renewal of either license.

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<sup>168</sup> R.C. 3311.22, not in the act.

<sup>169</sup> Section 7(C).

<sup>170</sup> R.C. 3316.20, not in the act; O.A.C. 126-5-01.



## Montessori teachers

(R.C. 3319.261)

The act requires the State Board to issue an alternative resident educator license to each applicant who holds a bachelor's degree, is employed in a school that operates an approved Montessori program, and who has either (1) graduated from an American Montessori society-affiliated teacher education program or (2) received a certificate from the Association Montessori Internationale. A teacher who is granted a license under this provision is subject to the same requirements as other alternative resident educators and must be granted a professional educator license upon successful completion of the continuing law requirements for alternative resident educators. For background information on the Montessori method, see "**Montessori community schools**," above.

### Background on educator licensing and the Ohio Teacher Residency Program

Educator licensing in Ohio is a tiered structure, starting with the resident educator license for entry-level teachers. Applicants for this license must be graduates of an approved teacher preparation program, have passed state licensure examinations, and, for teachers who wish to teach grades K-6, have completed 12 semester hours in the teaching of reading.<sup>171</sup> Holders of this license must participate in the four-year Ohio Teacher Residency Program as well.

An individual also might qualify for an alternative resident educator license. That license is granted to the holder of a bachelor's degree who has not completed a traditional teacher preparation program but who has completed certain pedagogical training and passed a test prescribed by the State Board. Then, while teaching under that license the individual must complete further coursework and pass further written tests and observational evaluations.<sup>172</sup> Holders of the alternative license also must complete the Teacher Residency Program.

The Ohio Teacher Residency Program is a four-year program for entry-level classroom teachers. Individuals who hold the new entry-level resident educator license, or an alternative resident educator license, must participate in the program. Successful completion of the program is a requirement for individuals holding those licenses to qualify for a professional educator license. The residency program must include (1) mentoring by teachers who hold a lead professional educator license, (2) counseling to

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<sup>171</sup> R.C. 3319.22 and 3319.24, latter not in the act; O.A.C. 3301-24-18.

<sup>172</sup> R.C. 3319.26; O.A.C. 3301-24-19.



ensure that participants receive needed professional development, and (3) measures of appropriate progression through the program.<sup>173</sup>

## **Reports of services provided to gifted students**

(R.C. 3324.09 and 3324.11)

The act requires the Department of Education, by October 30 of each year, to publish on its website each school district's expenditures of the gifted identification funds and gifted unit funding it received for the previous fiscal year for the identification of and services provided to the district's gifted students.

The act also specifies that no rule adopted by the State Board of Education may permit a school district to report that it has provided services to a student identified as gifted unless those services are paid for by the district. It further specifies that this provision does not prohibit a district from requiring a student to pay the costs of Advanced Placement or International Baccalaureate examinations.

## **Educational service center "state operating subsidy"**

(R.C. 3313.843(G))

The act specifies that any state subsidy paid to an educational service center is a "state operating subsidy" to be used for the operation of that service center and for any other services provided to a school district that are required by the Education Code (R.C. Title XXXIII). Under continuing law, a service center's "student count" used to compute the operating subsidy is the total student counts of all the school districts with which the service center has entered into service agreements. A district's total student count is its enrollment as reported on the annual state report card.

## **School facilities**

### **Energy conservation projects**

(R.C. 133.06(G) and 3313.372(B))

#### **Approval process: report of estimated cost savings**

A school district may issue bonds, subject to approval by the School Facilities Commission (SFC) but without voter approval, to purchase energy conservation improvements in an amount up to  $\frac{1}{10}$  of 1% of the district's tax valuation. In applying for approval, a district must submit to SFC a report that includes estimates of all costs of

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<sup>173</sup> R.C. 3319.223, not in the act.



design, engineering, installation, maintenance, repairs, debt service, and amounts by which energy consumption and resultant operational and maintenance costs may be reduced. Under the act, the report must include the estimate of costs of measurement and verification of energy savings.<sup>174</sup>

(Continuing law also requires that the report include estimates of both (1) forgone residual value of materials or equipment replaced by the new energy conservation measures, and (2) a baseline analysis of actual energy consumption data for the preceding three years, based only on the actual energy consumption data for the preceding 12 months.)

### **Competitive selection process**

Continuing law provides specific instruction requiring competitive bidding by school district boards of education when contracting for public improvements valued over \$25,000.<sup>175</sup> However, a district board may, by resolution adopted by two-thirds of all of its members, declare that the general building requirements under continuing law do not apply to the installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment contract.<sup>176</sup> The act specifies that, if a district board adopts such a resolution, the contract must be awarded through a competitive selection process in accordance with rules adopted by SFC.<sup>177</sup>

### **Installment payment contract provisions**

The act requires that the provisions of any installment contract entered into for purposes of energy conservation measures must provide that all payments *shall not exceed the* (rather than "shall be stated as a percentage of" as under prior law) calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a period of time.

Under the act, an installment contract may include services for measurement and verification of savings associated with the contractor's guarantee. The annual costs of these services must not exceed 10% of the guaranteed savings in any year of the contract. Prior law contained no provision regarding services for measurement and verification of energy savings.

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<sup>174</sup> R.C. 133.06(G)(1).

<sup>175</sup> R.C. 3313.46(A), not in the act.

<sup>176</sup> R.C. 3313.46(B)(3).

<sup>177</sup> R.C. 3313.372(B)(2).



### **Annual report of cost savings**

The act makes several changes to the district's annual reporting requirements related to the reduction of energy consumption and cost savings attributable to energy conservation measures. Those changes are as follows:

- (1) Requires that the annual report be in a form and manner prescribed by SFC;
- (2) Removes a requirement that the report be certified by an architect or engineer independent of any person that provided goods or services to the board in connection with the energy conservation measures that are the subject of the report; and
- (3) Permits a district to forgo further annual reporting if SFC verifies that the district's reports have fulfilled the savings guaranteed by the contractor for three consecutive years.<sup>178</sup>

### **Classroom facilities funding for STEM schools**

(R.C. 3318.70)

Under the act, the SFC must establish guidelines for assisting STEM schools that are not governed by a single school district board in the acquisition of classroom facilities. Furthermore, the act requires, rather than permits as under prior law, the SFC, upon receipt of the school's written proposal and with approval of the Controlling Board, to provide funding to any such STEM school to assist in the acquisition of classroom facilities.

A STEM school is established and receive state operating funding under one of two models. Under one model, a STEM school receives a per-pupil amount for each of its enrolled students that is deducted from the student's resident school district, in the same manner as operating funds are paid to community schools. It is this type of STEM school that is eligible for facilities funding from SFC under continuing law. (Under the other alternative model, a single school district board of education is the governing body of the STEM school. SFC is not authorized to provide facilities funding for STEM schools established under this alternative model.)

### **School Based Health Care Advisory Workgroup**

(Section 5)

The act creates the School Based Health Care Advisory Workgroup consisting of the following members:

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<sup>178</sup> R.C. 133.06(G).



- (1) The Superintendent of Public Instruction or the Superintendent's designee;
- (2) The Director of Developmental Disabilities or the Director's designee;
- (3) The Director of Health or the Director's designee;
- (4) The Director of Job and Family Services or the Director's designee;
- (5) The Director of Medicaid or the Director's designee;
- (6) The Director of Mental Health and Addiction Services or the Director's designee;
- (7) The Director of the Office of Health Transformation or the Director's designee, who shall serve as chairperson;
- (8) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House;
- (9) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the Senate President;
- (10) One representative from each of the following organizations, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization: (a) the Association of Ohio Health Commissioners, (b) the Buckeye Association of School Administrators, (c) the County Commissioners Association of Ohio, (d) the Greater Cincinnati Community Learning Institute, (e) the Ohio Association of Community Health Centers, (f) the Ohio Association of Health Plans, (g) the Ohio Association of School Nurses, (h) the Ohio Business Roundtable, (i) the Ohio Chamber of Commerce, (j) the Ohio Chapter of the American Academy of Pediatrics, (k) the Ohio Children's Hospital Association, (l) the Ohio Commission on Minority Health, (m) the Ohio Council of Behavioral Health and Family Services Providers, (n) the Ohio Dental Association, (o) the Ohio Optometric Association, (p) the Ohio Parent Teacher Association, (q) the Ohio State Medical Association, (r) the Public Children Services Association of Ohio, (s) Voices for Ohio's Children, (t) the Ohio Federation of Teachers, (u) the Ohio Association of County Behavioral Health Authorities, and (v) the Ohio School Psychologists Association.

The Workgroup is charged with the following duties:

- Reviewing evidence of the correlation between student health and academic achievement;



--Identifying existing best practices to improve academic achievement through better student health;

--Based on existing best practices, recommending one or more models for communities that want to improve academic achievement through better student health;

--Recommending financial strategies to sustain the models over time, with an emphasis on health coverage through commercial insurance and Medicaid, not other governmental subsidies;

--Recommending health care service delivery strategies that are known to improve health outcomes, such as patient-centered medical homes;

--Exploring the community learning center model delivery of student health care services;

--Ensuring that all recommendations adhere to state and federal law.

Appointments to the Workgroup must be made by October 2, 2014, and vacancies are to be filled in the same manner as the original appointments. The act specifies that Workgroup members are to serve without compensation or reimbursement for expenses incurred while serving on the Workgroup, except to the extent that serving on the Workgroup is considered to be among the member's employment duties.

The Workgroup must prepare a report of its findings and recommendations and, submit the report to the General Assembly by December 31, 2014. Upon submission of the report, the Workgroup will cease to exist.

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## HISTORY

ACTION	DATE
Introduced	03-18-14
Reported, H. Education	04-03-14
Passed House (62-30)	04-09-14
Reported, S. Education	05-20-14
Passed Senate (27-5)	05-21-14
House refused to concur in Senate amendments (6-91)	05-28-14
Senate requested conference committee	05-28-14
House acceded to request for conference committee	05-28-14
Senate agreed to conference committee report (23-9)	06-04-14
House agreed to conference committee report (64-31)	06-04-14

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