
DEPARTMENT OF EDUCATION

I. School Financing

- Specifies a formula amount of \$5,900, for fiscal year 2016, and \$6,000, for fiscal year 2017.
- Changes the computation of a city, local, or exempted village school district's opportunity grant to a formula that subtracts a charge-off of 20 mills times the district's average valuation times the district's income factor from the product of the formula amount and the district's student count.
- Specifies that "average valuation" for the calculation of a city, local, or exempted village school district's opportunity grant is the average of a district's total taxable value for three specified tax years, or, if more than 20% of the district's total taxable real property in tax year 2014 is agricultural property, the average of a district's total taxable value for six specified tax years.
- Specifies that a district's opportunity grant must be at least 5% of the product of the formula amount and the district's student count.
- Specifies that "average valuation" for the calculation of a joint vocational school district's opportunity grant is the average of a district's total taxable value for three specified tax years.
- Specifies a "state share percentage" for each city, local, and exempted village school district that is equal to the district's opportunity grant divided by the product of the formula amount and the district's student count.
- Revises the calculation of targeted assistance funding by (1) renaming the "wealth index" factor of the computation to "capacity measure" and (2) using the "average valuation" that is used to calculate the opportunity grant.
- Revises the calculation of targeted assistance supplemental funding by basing the "three-year average tax valuation" on the average of a district's tax valuation for tax years rather than fiscal years.
- Requires the Department to make an additional payment of "capacity aid" funds to city, local, and exempted village school districts based on how much 1 mill of taxation will raise in revenue.
- Revises the dollar amounts for each category of special education services.



- Revises the dollar amounts for the calculation of kindergarten through third-grade literacy funds.
- Maintains the dollar amount for economically disadvantaged funds from fiscal year 2015 for both years of the biennium, and revises the calculation of the "economically disadvantaged index for a school district" that is used as a factor in the computation of economically disadvantaged funds.
- Maintains the dollar amounts for each category of limited English proficient students from fiscal year 2015 for both years of the biennium.
- Maintains the dollar amount for gifted identification funds and for each gifted unit from fiscal year 2015 for both years of the biennium.
- Revises the dollar amounts for each category of career-technical education programs and career-technical associated services.
- Changes the transportation funding formula by using "total ridership" (average number of students enrolled in regular education in grades kindergarten through 12 provided bus service during the first full week of October) rather than "qualifying ridership" (students who live more than one mile from school).
- Specifies that a school district's transportation funding be calculated using a multiplier that is the greater of 50% (rather than 60% as under current law) or the district's state share percentage (as calculated under the bill's provisions).
- Removes the requirement that each city, local, and exempted village school district report all data used to calculate funding for transportation through the Education Management Information System (EMIS).
- Removes the requirement that a community school governing authority that enters into an agreement to transport students or accepts responsibility to transport students must provide or arrange transportation free of charge for each of its enrolled students who would otherwise be transported by the students' school districts under those districts' transportation policies.
- Clarifies that payments made to a community school for transporting students must be calculated on a "per rider basis."
- Specifies that a city, local, or exempted village school district's aggregate amount of core foundation funding and pupil transportation funding may not increase to more than 7.5% of the previous year's state aid in each fiscal year of the biennium.

- Specifies that a joint vocational school district's aggregate amount of core foundation funding may not increase to more than 7.5% of the previous year's state aid in each fiscal year of the biennium.
- Guarantees that all districts receive at least the same amount of state aid in each fiscal year of the biennium as in fiscal year 2015.
- Guarantees that all districts receive in total per-pupil state operating funding at least half of 20% of the formula amount in each year of the biennium.
- Extends the Straight A Program to fiscal years 2016 and 2017, and (1) permits governmental entities partnering with educational entities to apply for grants, (2) requires the Straight A governing board to issue a "timely decision" on a grant rather than within 90 days, and (3) eliminates the committee that annually reviewed the program.
- Specifies that the amount a school district or community school must pay to a joint vocational school district providing special education and related services to a student of the district or school for costs that exceed the amount the joint vocational district receives under the funding formula must be calculated using a formula approved by the Department.
- Specifies that a city, local, or exempted village school district may enroll under its interdistrict open enrollment policy an adjacent or other district student who is a preschool child with a disability.
- Requires the Department of Education to pay to a district that enrolls under its open enrollment policy an adjacent or other district student who is a preschool child with a disability, and to deduct from the state education aid of the student's resident district, \$4,000 for that student.
- Specifies that, if a preschool child with a disability who is a resident of one district receives special education from another district under an agreement between the districts, the district providing the education may require the child's district of residence to pay the full amount (rather than half) of the tuition of the district providing the education, as calculated in accordance with existing law.
- Modifies the permitted uses of Auxiliary Services Funds.
- Specifies that if the appropriation for nonpublic school administrative cost reimbursement is sufficient, the Department may pay up to \$420 per pupil for each school year, rather (\$360 per pupil as under current law).



II. Community Schools

- Requires the Department of Education, not later than July 1, 2016, to submit and present to the House and Senate Education Committees a plan that proposes the expansion of the Department's authority to directly authorize community schools and recommendations for a rating rubric for community school sponsor evaluations.
- Requires an educational service center sponsoring a conversion school to be approved as a sponsor by the Department of Education.
- Changes the definition of "Internet- or computer-based community school" to assure inclusion of a school that offers career-technical education, even if that instruction provides some classroom-based instruction.
- Permits a community school that satisfies specified requirements to be licensed by the Department of Education to operate a preschool program and to admit individuals who are general education preschool students (preschool students who are not receiving special education) to that program.
- Requires a community school that operates a preschool program that is licensed by the Department to comply with the same licensing and operational standards that apply to preschool programs operated by school districts, eligible nonpublic schools, and county DD boards under current law.
- Specifies that a community school that operates a preschool program that is licensed by the Department may not receive state community school operating funding for students enrolled in that program, but authorizes the program to apply for early childhood education funding.
- Requires the Department of Education, in conjunction with an Ohio education service center (ESC) association and an Ohio gifted children association, to submit to the House and Senate education and finance committees, and subcommittees, a feasibility analysis of the establishment of 16 regional community schools for gifted children.
- Prohibits community schools and college-preparatory boarding schools from selling any property purchased from a school district by way of mandatory sale within five years of purchasing that property, unless the sale is to another community school or college-preparatory boarding school located in the district.
- Temporarily permits a city school district to offer for purchase district property to a professional sports museum located in the same municipal corporation, instead of

offering a right of first refusal to community schools or college-preparatory boarding schools and sale by auction.

III. State Testing and Report Cards

State assessments

- Prohibits funds appropriated from the General Revenue Fund from being used to purchase an assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC) for use as the state elementary and secondary achievement assessments.
- Prohibits federal Race to the Top program funds from being used for any purpose related to the state elementary and secondary achievement assessments.
- Requires the state elementary and secondary achievement assessments to be "nationally normed, standardized assessments."
- Makes eligible for high school graduation an individual who entered ninth grade for the first time *prior* to the 2014-2015 school year, if that person completes one of the three graduation pathways otherwise required for high school students who began ninth grade after that date.
- Makes eligible for high school graduation a person who entered ninth grade for the first time *prior* to the 2014-2015 school year, and who has not passed all areas of the Ohio Graduation Tests (OGT), if the person meets a graduation requirement (established by rules adopted by the State Board of Education) that combines partial passage of the OGT and completion of a graduation pathway.
- Exempts students enrolled in a chartered nonpublic school that is accredited through the Independent School Association of the Central States (ISACS) from (1) the requirement to complete one of three prescribed pathways for high school graduation, and (2) the requirement to take the high school end-of-course examinations.
- Removes a current law provision that delays a separate conditional exemption for chartered nonpublic schools until October 1, 2015, unless the General Assembly does not enact different requirements regarding end-of-course examinations for chartered nonpublic schools that are effective by that date, thus setting into effect that exemption for non-ISACS chartered nonpublic schools on the bill's effective date.

- Adds an administration deadline for the reading skills assessment for purposes of the Third-Grade Reading Guarantee of September 30 for students in grades one to three, and November 1 for students in kindergarten.
- Allows the reading skills assessments used to determine a student's reading level to be administered electronically using live audio and video connections whereby the teacher administering the assessment may be in a separate location from the student.

State report cards

- Requires the State Board of Education to establish proficiency percentages to meet each report card indicator that is based on a state assessment and sets deadlines by which the proficiency percentages must be established.
- Makes permissive, rather than mandatory as under current law, the development of the high school student academic progress measure as a part of the state report card by the State Board of Education.
- Specifies that the grade for the high school student academic progress measure, if developed by the State Board, not be reported sooner than the 2017-2018 school year.
- Specifies that the high school academic progress measure not be included in determining a district or school's overall report card grade.
- Changes the school year by which overall letter grades on the state report card must be first issued from the 2015-2016 school year, as under current law, to the 2017-2018 school year.
- Extends through the 2016-2017 school year the safe harbor provisions related to achievement assessment score results and report card ratings, for students, public school districts and schools, and teachers.
- Extends the deadline for the 2014-2015 state report card from September 15, 2015, to January 15, 2016.
- Extends until January 31, 2016, the deadline for the Department of Education's reports regarding students with disabilities for the 2014-2015 school year.
- Prohibits, for the 2014-2015 school year only, the Department from ranking school districts, community schools, and STEM schools according to academic performance measures.
- Sets a deadline of January 31, 2016, for the Department to rank districts, community schools, and STEM schools according to expenditures for the 2014-2015 school year.



IV. Educator Licensing

- Modifies the required components of the Ohio Teacher Residency Program to specify that mentoring must be provided by any teacher (rather than a lead professional educator) during only the first two years of the program and that the district or school must determine if counseling is necessary.
- Specifies that one of the required measures of progression through the Ohio Teacher Residency Program must be the performance-based assessment required by the State Board for resident educators in the third year of the program.
- Permits career-technical educators to forgo the first two years of the Ohio Teacher Residency Program.
- Requires the State Board, by July 1, 2016, to adopt rules that exempt consistently high-performing teachers from (1) the requirement to complete additional coursework to renew an educator license and (2) any related requirement prescribed by the district's or school's local professional development committee.
- Modifies the duration for which a pupil-activity program permit is valid (three years under current law) by specifying that, if the applicant holds an educator license, the permit is instead valid for the same number of years as the individual's educator license.
- Prohibits the State Board of Education from requiring any fee to be paid for a license, certificate, or permit issued for the purpose of teaching in a Junior ROTC program.
- Requires the State Board of Education to issue an alternative principal license or an alternative administrator license to an individual who (1) successfully completes the Bright New Leaders for Ohio Schools Program and (2) satisfies rules adopted by the State Board.

V. Exemptions and Waivers

Exemptions for high-performing school districts

- Repeals the current provision regarding exemptions for high-performing school districts and, instead, creates a new exemption provision for high-performing school districts effective with the 2016-2017 school year.
- Permits the Superintendent of Public Instruction to waive additional requirements upon application from high-performing school districts.



Conditional waivers for innovative programs

- Authorizes community schools, in addition to school districts and STEM schools under current law, to request from the Superintendent of Public Instruction a waiver for up to five school years from (1) administering the state-required achievement assessments, (2) teacher evaluations, and (3) reporting of student achievement data for report card ratings.
- Specifies that school districts, community schools, and STEM schools may submit a request for a waiver during the 2015-2016 school year only.
- Limits, to ten, the total number of school districts, community schools, and STEM schools that may be granted a waiver, based on requests for a waiver received during the 2015-2016 school year.
- Removes a provision requiring a school district to be a member of the Ohio Innovation Lab Network in order to be eligible to submit a request for a waiver.
- Removes STEM schools' current presumptive eligibility for being granted a waiver.
- Removes a provision specifying that a district's or school's waiver application that includes an overview of the district's or school's alternative assessment system must include "links to state-accepted and nationally accepted metrics, assessments, and evaluations."
- Revises the timing of the decision by the state Superintendent on whether to approve or deny a waiver or to request additional information from "not later than 30 days after receiving a request for a waiver" to "upon receipt of a waiver."
- Defines "innovative educational program or strategy," for purposes of a waiver, as a program or strategy that uses a new idea or method aimed at increasing student engagement and preparing students to be college or career ready.

VI. Other Education Provisions

Scholarship programs

- Increases maximum amount of an Ed Choice scholarship that may be awarded to a high school student from \$5,000 to \$5,700.
- Changes the basis for the Ed Choice scholarship according to performance index score ranking of a student's assigned district building, from a ranking based on the performance index scores of all public schools to a ranking based on the performance index scores of all buildings operated by school districts.



- Qualifies for participation in the Cleveland Scholarship Program, a private high school (grades 9-12) located in a school district that is (1) located in a municipal corporation with a population of at least 15,000 (instead of at least 50,000 under current law) and (2) located within five miles of the pilot project (Cleveland) school district's border (rather than adjacent to the pilot project school district as under current law).

College Credit Plus program

- Requires all public and participating private and out-of-state colleges to offer an associate degree pathway under the College Credit Plus (CCP) program that (1) requires at least 60, but not more than 72, credit hours to complete and (2) enables participants to earn an associate degree upon completion of the pathway.
- Appropriates \$4.9 million in FY 2016 and \$5.0 million in FY 2017 for supplemental CCP payments to school districts and specifies a method to calculate such payments.
- Specifically prohibits any requirement of the CCP program, or any rule adopted by the Director of Higher Education or the State Board for purposes of the CCP program, to apply to a chartered nonpublic secondary school that chooses not to participate in the program.
- Removes the end date of July 1, 2016, with regard to the exemption from the CCP program for career-technical education programs that grant articulated credit to students.
- Specifies that career-technical education programs that grant transcribed credit to students must be governed by the CCP program.
- Requires the CCP program to be the sole mechanism by which state funds are paid to colleges for students to earn "transcribed" credit, rather than "college-level" credit, while enrolled in high school and college.
- Requires the Director and the Superintendent of Public Instruction to include, in each biennial report on the CCP program, an analysis of quality assurance measures related to the program.

Mathematics curriculum requirement

- Permits students who enter the ninth grade for the first time on or after July 1, 2015, who are pursuing a "career-technical instructional track" to take a career-based pathway mathematics course as an alternative to Algebra II, which is currently required for most students in order to receive a high school diploma.



Credit based on subject area competency

- Requires the State Board of Education, not later than December 31, 2015, to update its statewide plan regarding methods for students to earn high school credit based on subject area competency to also include methods for students enrolled in 7th and 8th grade to meet curriculum requirements based on such competency.
- Requires school districts and community schools, beginning with the 2017-2018 school year, to comply with the updated plan and to permit students enrolled in 7th and 8th grade to meet curriculum requirements accordingly.
- Requires the Department of Education to provide assistance to the State Board for purposes of updating the statewide plan on subject competency, including credit by exam, and to, upon completion of the plan, inform students, parents, and schools of the updated plan.

Competency-Based Education Pilot Program

- Establishes the Competency-Based Education Pilot Program to provide grants to school districts, community schools, STEM schools, and consortia of one or more districts or schools led by one or more educational service centers for designing and implementing competency-based models of education for their students during the 2016-2017, 2017-2018, and 2018-2019 school years.
- Requires districts, schools, or consortia that wish to participate in the pilot program to submit an application to the Department of Education not later than November 1, 2015.
- Requires the Department to select, not later than March 1, 2016, not more than ten applicants to participate in the pilot program, and requires the Department to award each district, school, or consortium selected to participate in the pilot program a grant of up to \$250,000 for each fiscal year of the biennium.
- Requires each district, school, or consortium selected to participate in the pilot program to satisfy specified requirements for the competency-based education offered by the district, school, or consortium and agree to an annual performance review conducted by the Department.
- Specifies that a district, school, or consortium selected to participate in the pilot program remains subject to all accountability requirements in state and federal law that otherwise apply to it.

- Specifies that a student enrolled in a district or school that is selected to participate in the pilot program, either by itself or as part of a consortium, who is participating in competency-based education must be considered to be a full-time equivalent student while participating in competency-based education for purposes of state funding for that district or school, as determined by the Department.
- Requires the Department to post two reports on its website (the first not later than January 31, 2017, and the second not later than December 31, 2018) regarding the pilot program.

Education and business partnerships

- Specifically permits the Superintendent of Public Instruction to form partnerships with Ohio's business community to implement initiatives that connect students with the business community to increase student engagement and job readiness.

Eligibility to take the GED tests

- Specifies that a person who is at least 19 years old (rather than 18 as under current law) may take the tests 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.
- Permits a person who is at least 16 but less than 19 years old (rather than less than 18 as under current law) to apply to the Department of Education to take the GED tests, but requires additional application materials.
- Requires a person who is under 18 years old and who is approved to take the GED tests to remain enrolled in school and maintain at least a 75% attendance rate until (1) the person passes all required sections of the GED, or (2) the person reaches 18 years of age.
- Specifies that, for the purpose of calculating graduation rates for districts and schools on the state report cards, the Department must include any person who withdraws from school to take the GED tests (rather than any person who obtains approval to take the GED tests as under current law) as a dropout from the school.

Education of older students

- Changes the name of the Adult Career Opportunity Pilot Program to the Adult Diploma Pilot Program and makes changes in the administration of the program.
- Modifies separate provisions of current law that permit an individual age 22 and above who has not received a high school diploma or equivalence certificate to

enroll in certain types of public schools and public two-year colleges for the purpose of earning a high school diploma.

Student health services

- Specifically permits the board of education or governing authority of a school district, educational service center, community school, STEM school, or college-preparatory boarding school to enter into a contract with a hospital or an appropriately licensed health care provider to provide health services to students.
- Specifies that the hospital's or provider's employees who are providing the services of a nurse under the contract are not required to obtain a school nurse license or school nurse wellness coordinator license, but must hold a credential equivalent to being licensed as a registered nurse or licensed practical nurse.

Site-based management councils

- Repeals a provision of current law requiring each school district with a total student count of 5,000 or more to designate one school building to be operated by a site-based management council, unless the district received a specified grade on the most recent report card or the district filed an alternative management structure with the Department.

Student transportation

- Specifies that a school district board of education is not required to transport students to and from a nonpublic or community school on weekends absent an agreement to do so that was entered into before July 1 of the school year in which the agreement takes effect.
- Clarifies that a community school that takes over responsibility to transport a school district's resident students to and from the community school may determine that it is impractical to transport a student using the same procedures, requirements, and payment structure that a school district uses to determine impracticality.
- Removes a provision requiring a district board to submit a resolution declaring impracticality of transportation to the educational service center (ESC) that contains the district's territory and specifying the ESC's required actions upon receiving the resolution.
- Creates the School Transportation Joint Task Force to study transportation of students to public and nonpublic schools and requires it to make recommendations to the General Assembly by February 1, 2016.

School district competitive bidding

- Increases the competitive bidding threshold for school building, improvement, and repair contracts for school districts from \$25,000 to \$50,000.

Other provisions

- Changes the term of office of a joint vocational school district board member to one year, if that member is appointed on a rotating basis by members of the board when there is an even number of member districts under a plan on file with the Department of Education.
- Permits the administrator of a district, school, or other educational entity, as part of the school's existing comprehensive emergency management plan, to (1) approve the installation of security devices, including devices that prevent both entrance and exit through a door, in buildings under the administrator's control, and (2) incorporate protocols for specified emergency events.
- Modifies a provision permitting school districts to contract with public and private entities to provide academic remediation and intervention services to students in grades 1-6 outside of regular school hours by expanding eligibility to students in any grade.
- Permits the State Board of Education to establish an annual Teacher of the Year program, and allows, under the Ethics Law, a teacher recognized as a Teacher of the Year to receive a gift or privilege as part of the program and a person or entity to make a voluntary contribution to the program.

I. School Financing

(R.C. 3313.981, 3314.08, 3314.091, 3317.01, 3317.013, 3317.014, 3317.016, 3317.019, 3317.02, 3317.022, 3317.0212, 3317.0213, 3317.0214, 3317.0217, 3317.0218, 3317.051, 3317.16, 3317.20, 3317.26, 3319.57, 3323.13, and 3326.33; Sections 263.220, 263.230, 263.240, and 263.350)³²

H.B. 59 of the 130th General Assembly (the general operating budget act for the 2013-2015 biennium) enacted a new system of financing for school districts and other

³² R.C. 3317.017 and 3317.018 specify the computation of a district's "capacity measure" for purposes of the phase-out of tangible personal property tax reimbursements. These sections are not used to calculate a district's foundation funding under R.C. Chapter 3317.



public entities that provide primary and secondary education. This system specifies a per-pupil formula amount and then uses that amount, along with a district's "state share index" (which depends on valuation and, for districts with relatively low median income, on median income), to calculate a district's base payment (called the "opportunity grant"). The bill eliminates the state share index in favor of a state share percentage as used in prior funding formulas. The system also includes payments for targeted assistance (based on a district's property value and income) and supplemental targeted assistance (based on a district's percentage of agricultural property), as well as categorical payments (which include special education funds, kindergarten through third grade literacy funds, economically disadvantaged funds, limited English proficiency funds, gifted funds, career-technical education funds, and student transportation funds).

The bill makes changes to the current funding system as described below and applies these changes to the core foundation funding formulas for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. For a more detailed description of the bill's school funding system, see the LSC Redbook for the Department of Education and the LSC Comparison Document for the bill. Click on "Budget Bills and Related Documents," then on "Main Operating," and then on "Redbooks" or "Comparison Document."

Note, as used below, "ADM" means average daily membership. Current law, not affected by the bill, provides that the Department of Education use the student enrollment that a district is required to report three times during a school year (at the end of October, March, and June) to calculate a district's average daily membership for the specific purposes or categories required for the school funding system, including a district's "formula ADM" and "total ADM."³³ The bill clarifies that, in any given fiscal year, prior to school districts submitting the first required student enrollment report for that year (at the end of October), enrollment for the districts must be calculated based on the third report submitted by the districts for the previous fiscal year (at the end of June).

Formula amount

(R.C. 3317.02)

The bill specifies a formula amount of \$5,900, for fiscal year 2016, and \$6,000, for fiscal year 2017. That amount is incorporated in the school funding system to calculate a district's base payment (the "opportunity grant") and is used in the computation of

³³ R.C. 3317.03, not in the bill.



various other payments. (The formula amount for fiscal year 2015, prescribed by H.B. 59 of the 130th General Assembly, is \$5,800.)

Opportunity grant for city, local, and exempted village school districts

(R.C. 3317.022)

The bill replaces the computation of the opportunity grant for city, local, and exempted village school districts under current law with a formula that subtracts a charge-off from the product of the formula amount and the sum of the district's formula ADM and preschool scholarship ADM³⁴ (student count). A district's charge-off (local contribution) is equal to 20 mills times the district's average valuation times the district's income factor.

Additionally, the bill specifies that no district's opportunity grant may be less than 5% of its aggregate base cost amount.

Average valuation

(R.C. 3317.02 and 3317.022)

For purposes of the calculation of a district's opportunity grant, "average valuation" means the following:

--For fiscal year 2016, the average of a district's total taxable value for tax years 2012, 2013, and 2014 or, if for tax year 2014 more than 20% of the total taxable real property in a district is agricultural property, the average of a district's total taxable value for tax years 2009, 2010, 2011, 2012, 2013, and 2014;

--For fiscal year 2017, the average of a district's total taxable value for tax years 2013, 2014, and 2015 or, if for tax year 2015 more than 20% of the total taxable real property in a district is agricultural property, the average of a district's total taxable value for tax years 2010, 2011, 2012, 2013, 2014, and 2015.

If 30% or more of the potential value of a school district (the average valuation of the district plus the tax-exempt value of the district for the most recent tax year for which data is available) is exempt from taxation, the Department must adjust the district's average valuation by subtracting the district's average valuation from the difference between the district's tax-exempt value and 30% of the district's potential value.

³⁴ A district's "preschool scholarship ADM" is the number of preschool children receiving a scholarship to attend an alternative provider under the Autism Scholarship Program.



Income factor

(R.C. 3317.019)

A district's "income factor" is calculated using a district's "median income index" (the ratio of a district's median Ohio adjusted gross income to the median of the median Ohio adjusted gross income of all districts statewide), as follows:

Median Income Index	Income Factor
Less than or equal to 1.0	Equal to the median income index
Greater than 1.0 but less than 1.5	For fiscal year 2016, a scaled value between 1.0 and 1.1575 For fiscal year 2017, a scaled value between 1.0 and 1.189
Greater than or equal to 1.5	For fiscal year 2016, 1.1575 For fiscal year 2017, 1.189

Opportunity grant for joint vocational school districts

(R.C. 3317.16)

The bill does not change the calculation of the opportunity grant for joint vocational school districts. However, it specifies that the "average valuation" for purposes of that calculation is as follows:

--For fiscal year 2016, the average of a district's total taxable value for tax years 2012, 2013, and 2014;

--For fiscal year 2017, the average of a district's total taxable value for tax years 2013, 2014, and 2015.

State share percentage for city, local, and exempted village school districts

(R.C. 3317.02)

The bill specifies a "state share percentage" for each city, local, and exempted village school district that is equal to the district's opportunity grant (after the charge-off is subtracted) divided by the product of the formula amount and the district's



aggregate student count.³⁵ Essentially, it is the percentage of the total opportunity grant amount supplied by the state.

This factor is used instead of the "state share index" (as under current law) in the calculation of the opportunity grant, special education funds, catastrophic cost for special education students, kindergarten through third grade literacy funds, limited English proficiency funds, career-technical education funds, and career-technical education associated services funds for city, local, and exempted village school districts. It is also a factor in the calculation of additional state aid for preschool special education children that is paid to city, local, and exempted village school districts and institutions (the departments of Mental Health and Addiction Services, Developmental Disabilities, Youth Services, and Rehabilitation and Correction), the calculation of payments to county DD boards that provide special education and related services to children with disabilities, and the criteria for a city, local, exempted village, or joint vocational school district to qualify for a grant program for innovators.³⁶

Targeted assistance

(R.C. 3317.0217)

The bill revises the calculation of targeted assistance funding, which is based on a district's value and income, by (1) renaming the "wealth index" factor of the computation to "capacity measure" and (2) using the "average valuation" that is used to calculate the opportunity grant. Targeted assistance is paid to city, local, and exempted village school districts, and community schools and STEM schools are paid 25% of the per-pupil amount of targeted assistance funding for each student's resident school district (unless the community school is an Internet- or computer-based community school (e-school)).

The bill also revises the calculation of targeted assistance supplemental funding, which is based on a district's percentage of agricultural property, by basing the "three-year average tax valuation" on the average of a district's tax valuation for tax years rather than fiscal years. Targeted assistance supplemental funding is paid to city, local, and exempted village school districts.

³⁵ This is comparable to the "state share percentage" calculated for joint vocational school districts under current law, which is not changed by the bill (R.C. 3317.16).

³⁶ Previous funding formulas also used a "state share percentage" for similar purposes.



Capacity aid

(R.C. 3317.0218)

The bill requires the Department to make an additional payment of "capacity aid" funds to school districts based on how much 1 mill of taxation will raise in revenue for the district.

Special education funding

(R.C. 3317.013)

The bill specifies the following dollar amounts for the six categories of special education services, as described in the table below. These amounts are used in the calculation of special education funding for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. These amounts are increased from the ones specified for fiscal years 2014 and 2015.

Category	Disability	Dollar amount for fiscal year 2016	Dollar amount for fiscal year 2017
1	Speech and language disability	\$1,547	\$1,578
2	Specific learning disabled; developmentally disabled; other health-impairment minor; preschool child who is developmentally delayed	\$3,926	\$4,005
3	Hearing disabled; severe behavior disabled	\$9,433	\$9,622
4	Vision impaired; other health-impairment major	\$12,589	\$12,841
5	Orthopedically disabled; multiple disabilities	\$17,049	\$17,390
6	Autistic; traumatic brain injuries; both visually and hearing impaired	\$25,134	\$25,637

Kindergarten through third grade literacy funds

(R.C. 3314.08(C)(1)(d), 3317.022(A)(4), and 3326.33(D))

The bill revises the dollar amounts for the calculation of kindergarten through third grade literacy funds for city, local, and exempted village school districts and the payment of these funds to community schools and STEM schools.



Economically disadvantaged funds

(R.C. 3314.08(C)(1)(e), 3317.022(A)(5), 3317.16(A)(3), and 3326.33(E))

The bill revises the dollar amounts for the calculation of economically disadvantaged funds for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools.

It also revises the "economically disadvantaged index for a school district" that is used in the factor for the calculation of economically disadvantaged funds as follows:

(1) For a city, local, or exempted village school district, the bill uses the percentage of students in the sum of the total ADM of all city, local, and exempted village school districts who are identified as economically disadvantaged as part of the computation of the index;

(2) For a joint vocational school district, the bill uses the percentage of students in the sum of the formula ADM of all joint vocational school districts who are identified as economically disadvantaged as part of the computation of the index.

Funding for limited English proficient students

(R.C. 3317.016)

The bill specifies the following dollar amounts for categories of limited English proficient students, as described in the table below. These amounts are used in the calculation of funding for limited English proficient students for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. The amounts are the same as those currently specified for fiscal year 2015.

Category	Type of student under current law	Dollar amount for fiscal year 2016 and for fiscal year 2017
1	A student who has been enrolled in schools in the U.S. for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments (reading or writing)	\$1,515
2	A student who has been enrolled in schools in the U.S. for more than 180 school days or was previously exempted from taking the spring administration of either of the state's English language arts assessments (reading or writing)	\$1,136



Category	Type of student under current law	Dollar amount for fiscal year 2016 and for fiscal year 2017
3	A student who does not qualify for inclusion in categories 1 or 2 and is in a trial-mainstream period, as defined by the Department	\$758

Gifted funding

(R.C. 3317.022(A)(7) and 3317.051)

Gifted identification funding

The bill maintains the dollar amount for gifted identification funding (\$5.05) from fiscal year 2015 for both fiscal years of the biennium. This funding is paid to city, local, and exempted village school districts.

Gifted unit funding

The bill also maintains the dollar amount for each gifted unit (\$37,370) from fiscal year 2015 for both fiscal years of the biennium. The Department must pay gifted unit funding to a district in an amount equal to the dollar amount for each gifted unit times the number of units allocated to a district. Under current law, the Department must allocate funding units to a city, local, or exempted village school district for services to identified gifted students as follows:

(1) One gifted coordinator unit for every 3,300 students in a district's gifted unit ADM (which is the district's formula ADM minus the number of its resident students enrolled in community schools and STEM schools), with a minimum of 0.5 units and a maximum of 8 units for any district.

(2) One gifted intervention specialist unit for every 1,100 students in a district's gifted unit ADM, with a minimum of 0.3 units allocated for any district.

Career-technical education funding

(R.C. 3317.014)

The bill specifies the following dollar amounts for the five categories of career-technical education programs, as described in the table below. These amounts are used in the calculation of career-technical education funding for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. These amounts are increased from the ones specified for fiscal years 2014 and 2015.



Category	Career-technical education programs ³⁷	Dollar amount for fiscal year 2016	Dollar amount for fiscal year 2017
1	Workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies	\$4,992	\$5,192
2	Workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communication	\$4,732	\$4,921
3	Career-based intervention programs	\$1,726	\$1,795
4	Workforce development programs in education and training, marketing, workforce development academics, public administration, and career development	\$1,466	\$1,525
5	Family and consumer science programs	\$1,258	\$1,308

Associated services funding

(R.C. 3317.014)

The bill specifies the following amount for career-technical education associated services: \$236, in fiscal year 2016, or \$245, in fiscal year 2017. These amounts are multiplied by a district's total career-technical ADM and a district's state share percentage in order to calculate the district's career-technical education associated services funding. These amounts, too, are increased from those for fiscal years 2014 and 2015.

Transportation funding

(R.C. 3317.0212)

The bill changes the calculation of the statewide transportation cost per student that is used in the transportation funding formula by using "total ridership" rather than

³⁷ Continuing law specifies that each career-technical education program must be defined by the Department in consultation with the Governor's Office of Workforce Transformation (R.C. 3317.014).



"qualifying ridership." A district's "total ridership" is the average number of resident students enrolled in regular education in grades kindergarten through 12 who are provided school bus service by a district during the first full week of October, whereas a district's "qualifying ridership" only includes those students who live more than one mile from the school they attend.

The bill also specifies that a school district's transportation funding be calculated using a multiplier that is the greater of 50% (rather than 60% as under current law) or the district's state share percentage (as calculated under the bill's provisions).

Finally, the bill removes the requirement that each city, local, and exempted village school district report all data used to calculate funding for transportation through the Education Management Information System (EMIS).

Transportation payments to community schools

(R.C. 3314.091)

The bill removes the requirement that a community school governing authority that enters into an agreement to transport students or accepts responsibility to transport students must provide or arrange transportation free of charge for each of its enrolled students who would otherwise be transported by the students' school districts under those districts' transportation policies. However, the bill retains this requirement for the enrolled students who are required to be transported under current law.

The bill also clarifies that payments made to a community school for transporting students must be calculated "on a per rider basis."

Payments prior to bill's 90-day effective date

(Section 263.220)

The bill requires the Superintendent of Public Instruction, prior to the effective date of the bill's school funding provisions (90 days after the bill is filed with the Secretary of State), to make operating payments in amounts "substantially equal" to those made in the prior year, "or otherwise," at the Superintendent's discretion.

Payment caps and guarantees

(R.C. 3317.26; Sections 263.230 and 263.240)

The bill adjusts a city, local, or exempted village school district's aggregate amount of core foundation funding and pupil transportation funding by imposing a cap that restricts the increase in the aggregate amount of funding over the previous year's



state aid to no more than 7.5% of the previous year's state aid in each fiscal year of the biennium. This capped funding is further adjusted by guaranteeing that all districts receive at least the same amount of state aid in each fiscal year of the biennium as in fiscal year 2015.

Similarly, joint vocational school districts are guaranteed to receive at least the same amount of state aid in each fiscal year of the biennium as in fiscal year 2015 but are also subject to a cap that limits the increase in state aid to no more than 7.5% of the previous year's state aid in each fiscal year of the biennium.

The bill also requires the Department to adjust, as necessary, the transitional aid guarantee base of school districts that participate in the establishment of a joint vocational school district that first begins receiving core foundation funding in fiscal years 2016 or 2017 and to establish, as necessary, the guarantee base of the new joint vocational school district as an amount equal to the absolute value of the sum of the associated adjustments for the participant school districts.

The bill further guarantees that all districts receive in total per-pupil state operating funding at least half of 20% of the formula amount for each year of the biennium.

Straight A Program

(Section 263.350)

The bill extends the Straight A Program to fiscal years 2016 and 2017. This program was created in uncodified law by H.B. 59 of the 130th General Assembly to provide grants for fiscal years 2014 and 2015 to school districts, educational service centers (ESCs), community schools, STEM schools, college-preparatory boarding schools, individual school buildings, education consortia, institutions of higher education, and private entities partnering with one or more of those educational entities. The purpose of those grants is to fund projects aiming to achieve significant advancement in one or more of the following goals: (1) student achievement, (2) spending reduction in the five-year fiscal forecast, (3) utilization of a greater share of resources in the classroom, and (4) use a shared services delivery model.

The bill largely retains the provisions of the Straight A Program, as enacted in H.B. 59 and as subsequently amended in H.B. 342 of the 130th General Assembly. It does, however, change these provisions in the following ways:

(1) Permits governmental entities partnering with one or more educational entities to apply for grants;



(2) Removes the requirement that the Straight A governing board issue a decision on a grant application within 90 days of receiving the application and instead requires the board to issue a "timely decision"; and

(3) Eliminates the advisory committee that annually reviewed the grant program and provided strategic advice to the governing board and the Director of the Governor's Office of 21st Century Education.

Payment of excess cost for special education services

(R.C. 3317.16)

Law not changed by the bill requires a city, local, or exempted village school district or community school to pay a joint vocational school district providing special education and related services to a student of the district or school for the costs that exceed the amount the joint vocational school district receives under the formula for providing those services. Under the bill, the amount of this payment must be calculated using a formula approved by the Department. This replaces the requirement in current law that this amount be calculated by subtracting the formula amount, the amount for the student's special education category, and any additional state aid attributable to the student's special education category from the actual cost to provide special education and related services to the student.

Open enrollment for preschool children with disabilities

(R.C. 3313.981)

The bill permits a city, local, or exempted village school district to enroll under its interdistrict open enrollment policy an adjacent or other district student who is a preschool child with a disability. For each of these students, the Department of Education must pay \$4,000 to the district that enrolls the student and deduct that amount from the state education aid of the student's resident district.

Special education provided by another district for preschool children

(R.C. 3323.13)

If a preschool child with a disability who is a resident of one district receives special education from another district under an agreement between the districts, the bill specifies that the district providing the education may require the child's district to pay the tuition of the district providing the education as calculated in accordance with existing law, rather than half of that amount as provided under current law.



Auxiliary Services funds

(R.C. 3317.06)

The bill modifies the permitted uses of Auxiliary Services funds by: (1) specifying that "instructional materials" may include media content that a student accesses through a computer or other electronic device, (2) permitting the purchase of any mobile application for less than \$20 (instead of \$10 as under current law), and (3) adding to the definition of "computer hardware and related equipment," that may be purchased or leased, to include any equipment designed to make accessible the environment of a classroom to a student who is physically unable to attend classroom activities by allowing real-time interaction with other students both one-on-one and in group discussion.

School districts receive state Auxiliary Services funds to purchase goods and services for students who attend chartered nonpublic schools located within their territories. Those moneys may be used to purchase, for loan to students of chartered nonpublic schools, such things as textbooks, digital texts, workbooks, instructional equipment including computers, and library materials, or to provide health or special education services.

Nonpublic school administrative cost reimbursement

(Section 263.190)

Each chartered nonpublic school may be reimbursed for administrative and clerical costs incurred as a result of complying with state and federal recordkeeping and reporting requirements. Current permanent law prescribes \$360 as the maximum amount per pupil that may be reimbursed to a school each year.³⁸ The bill specifies in an uncodified provision that if the appropriation for this reimbursement is sufficient, the Department may pay up to \$420 per pupil for each school year.

II. Community Schools

Community schools (often called "charter schools") are public schools that operate independently from any school district under a contract with a sponsoring entity. A conversion community school, created by converting an existing school, may be located in and sponsored by any school district or educational service center in the state. On the other hand, a new "start-up" community school may be located only in a "challenged school district." A challenged school district is any of the following: (1) a "Big-Eight" school district (Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton,

³⁸ R.C. 3317.063, not in the bill.



Toledo, or Youngstown), (2) a poorly performing school district as determined by the school's performance index, value-added progress dimension, or overall score ratings on the state report card, or (3) a school district in the original community school pilot project area (Lucas County).³⁹

The sponsor of a start-up community school may be any of the following:

- (1) The school district in which the school is located;
- (2) A school district located in the same county as the district in which the school is located has a major portion of its territory;
- (3) A joint vocational school district serving the same county as the district in which the school is located has a major portion of its territory;
- (4) An educational service center;
- (5) The board of trustees of a state university (or the board's designee) under certain specified conditions;
- (6) A federally tax-exempt entity under certain specified conditions; or
- (7) The mayor of Columbus for new community schools in the Columbus City School District under specified conditions. However, it does not appear that those conditions have been triggered.⁴⁰

Many community school governing authorities contract with an operator to run the day-to-day operations of the school. The school's contract with the operator is separate from the school's contract with its sponsor. Operators may be either for-profit or nonprofit entities.

Study on direct authorization and sponsor evaluations

(Section 263.580)

Under continuing law, the Department of Education's Office of Ohio School Sponsorship is permitted to directly authorize the operation of a limited number of both new and existing community schools, rather than those schools being subject to the oversight of other public or private sponsors. The office is also authorized to assume the

³⁹ R.C. 3314.02(A)(3).

⁴⁰ R.C. 3314.02(C)(1)(a) through (g).



sponsorship of a community school whose contract has been voided due to its sponsor being prohibited from sponsoring additional schools.

The bill requires the Department of Education, not later than July 1, 2016, to submit and present to the standing committees on education of the House of Representatives and the Senate both of the following:

(1) A plan that proposes the expansion of the Department's authority to directly authorize community schools;⁴¹ and

(2) Recommendations for a ratings rubric for evaluating sponsors.⁴² The recommendations must include research-based evidence that demonstrates that the rubric will result in improved academic results.

Educational service center sponsorship of conversion schools

(R.C. 3314.02(B)(2))

Under current law, an educational service center (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. The bill removes this provision and, instead, requires that any ESC that sponsors a conversion community school must be approved by and enter into an agreement with the Department under the same terms and conditions as all other sponsors.

Definition of Internet- or computer-based community schools ("e-schools")

(R.C. 3314.02(A)(7))

The bill revises the definition of "Internet- or computer-based community school" ("e-school") to assure inclusion of an e-school that offers career-technical education,⁴³ even if that instruction provides some classroom-based instruction. The bill specifies that such a community school that operates mainly as an e-school but provides some classroom-based instruction is still an Internet- or computer-based community school, so long as it provides instruction electronically under the current definition of an e-school.

⁴¹ R.C. 3314.029, not in the bill.

⁴² R.C. 3314.016, not in the bill.

⁴³ R.C. 3314.086, not in the bill.



Current law defines an e-school as a community school in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an Internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include Internet-based, other computer-based, and noncomputer-based learning opportunities.

Preschool programs operated by community schools

(R.C. 3301.52, 3301.53, 3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 3314.03, 3314.06, and 3314.08; Section 263.20)

Preschool program requirements

The bill permits a community school that satisfies any of the following requirements to be licensed by the Department of Education to operate a preschool program for children age three or older:

(1) The school is sponsored by an entity that is rated "exemplary" by the Department;

(2) The school offers any of grade levels four through twelve and has received, on the most recent report card, a grade of "C" or better for the overall value-added progress dimension and for the performance index score;

(3) The school does not offer a grade level higher than three and has received, on the most recent report card, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three.

This program must comply with the same licensing and operational standards that apply to preschool programs operated by school districts, eligible nonpublic schools, and county DD boards under current law.

If a community school operates a preschool program that is licensed by the Department, the bill permits the school to admit individuals who are younger than five years of age to that 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 or for enrollment of a preschool student in a Montessori preschool program, a community school may not enroll students who are under five years old.

Student count

The bill requires the governing authority of a community school to annually report the number of students enrolled in a preschool program operated by the school



that is licensed by the Department who are not receiving special education and related services pursuant to an individualized education program (IEP).

Funding

The bill specifies that community schools that operate preschool programs that are licensed by the Department may not receive state community school operating funding for students enrolled in those programs. However, the bill does authorize those programs to apply for early childhood education funding (per pupil funds that the Department may pay to certain qualified preschool providers for students from families with incomes of not more than 200% of the federal poverty guidelines).⁴⁴

Gifted community school feasibility analysis

(Section 263.590)

The bill requires the Department of Education, in conjunction with an association of education service centers (ESC) in the state and an association that advocates for gifted children in the state, to complete a feasibility analysis of the establishment of a start-up community school that serves primarily gifted students in each of the 16 regions of the Educational Regional Service System. The Department must submit the analysis to the chairpersons of the education committees, finance committees, and finance subcommittees on education of the House of Representatives and the Senate not later than July 1, 2016.

The Education Regional Service System supports state and regional education initiatives and efforts to improve school effectiveness and student achievement, including special education and related services.⁴⁵ The system operates through an advisory council in each of 16 regions throughout the state.⁴⁶

⁴⁴ Previous budget acts also enacted similar early childhood education funding provisions. The bill also specifically permits community schools operating a Montessori program in a municipal school district (Cleveland) to apply for early childhood funding for fiscal years 2016 and 2017. Currently, a community school operating a Montessori program in any school district may apply for such funds for fiscal year 2015. (See Section 263.20 of H.B. 59, as amended by H.B. 487, both of the 130th General Assembly.)

⁴⁵ R.C. 3312.01, not in the bill.

⁴⁶ R.C. 3312.02 and 3312.04, neither in the bill.



Disposal of school district property purchased by a community school or college-preparatory boarding school

(R.C. 3313.411)

The bill prohibits the governing authority of a community school or board of trustees of a college-preparatory boarding⁴⁷ school from selling any property the school purchased from a school district by way of mandatory sale, unless the property is being purchased by another community school or college-preparatory boarding school located in the district. Continuing law requires a school district board to offer for lease or sale certain unused real property to the governing authorities of community schools and the board of trustees of any college-preparatory boarding schools that are located within the district.

Sale of school district property to a professional sports museum

(Section 263.600)

The bill permits, until July 1, 1017, the board of education of a city school district to offer for sale property it owns to a professional sports museum that is located in the same municipal corporation, prior to offering that property for sale according to continuing law. Currently, if a school district board of education decides to dispose of real property, it must offer a right of first refusal to community schools or college-preparatory boarding schools located within the district. If no community school or college-preparatory boarding school makes an offer to purchase that property, the school district must then offer the property at public auction.⁴⁸

III. State Testing and Report Cards

Prohibition on use of PARCC assessments

(R.C. 3301.078)

The bill explicitly prohibits funds appropriated from the General Revenue Fund from being used to purchase an assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC) for use as the state elementary and secondary achievement assessments. Currently, the assessments developed by PARCC are prescribed as the state's elementary-level assessments in English language arts and mathematics and as the high school end-of-course

⁴⁷ There are no college-preparatory boarding schools operating currently. They are authorized under R.C. Chapter 3328.

⁴⁸ R.C. 3313.41, not in the bill.



examinations in English language arts I, English language arts II, Algebra I, and geometry.

Funding for state achievement assessments

(Section 263.283)

The bill prohibits any federal Race to the Top program funds from being used for any purpose related to the state elementary and secondary achievement assessments.

Type of state achievement assessments

(Section 263.570)

The bill explicitly requires the state elementary and secondary achievement assessments to be "nationally normed, standardized assessments."

High school graduation testing requirements

(R.C. 3313.614)

The bill provides additional pathways to high school graduation for students who entered ninth grade prior to the 2014-2015 school year. Under current law, such students must attain a passing score on each of the Ohio Graduation Tests (OGT),⁴⁹ but beginning with students who enter ninth grade in the 2014-2015 school year, high school students must complete one of three graduation pathways to be eligible for a diploma. Those pathways are: (1) score at "remediation-free" levels in English, math, and reading on nationally standardized assessments, (2) attain a cumulative passing score on the state high school 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.⁵⁰

The bill makes eligible for graduation a person who entered ninth grade prior to the 2014-2015 school year, and who satisfies either of the following conditions:

- (1) The person completes one of the graduation pathways described above; or

⁴⁹ R.C. 3301.0710(B)(1) and 3313.61, neither in the bill.

⁵⁰ R.C. 3313.618, not in the bill.

(2) The person successfully completes some, but not all, areas of the OGT, but also completes one of the graduation pathways, in accordance with rules established by the State Board of Education.

Under the bill, the State Board's rules must be adopted by December 31, 2015, and must prescribe the manner in which such a person may be eligible to graduate from high school under the second option described above. Finally, the rules must do the following:

(1) Include the date by which a person who began ninth grade prior to the 2014-2015 school year may be eligible for high school graduation under the bill's revised graduation provisions;

(2) Include methods of replacing individual assessments of the OGT and methods of integrating the three graduation pathways;

(3) Ensure that the second graduation option described above requires a mastery that is equivalent or greater to the expectations of the OGT.

Exemption from high school graduation requirements and assessments

(R.C. 3301.0711 and 3313.612; conforming changes in R.C. 3301.0712 and 3313.615)

The bill exempts students enrolled in a chartered nonpublic school that is accredited through the Independent School Association of the Central States (ISACS) from (1) the requirement to complete one of three prescribed pathways in order to graduate from high school (see "**High school graduation testing requirements**" above), and (2) the requirement to take the high school end-of-course examinations. This exemption is similar to one that existed under former law in effect until September 24, 2014, but that provision exempted ISACS schools from the end-of-course examination requirement.⁵¹

For a chartered nonpublic school not accredited through ISACS, the bill maintains a separate conditional exemption, which specifies that a nonpublic school is not required to administer the end-of-course examinations if it publishes in a prescribed manner the results of the college and career readiness assessments that must be administered to its students. That provision does not exempt such students from the requirement to complete a high school graduation pathway, which, under the bill, no longer applies to students in an ISACS-accredited chartered nonpublic school.

⁵¹ R.C. 3313.612, as amended by H.B. 59 and as subsequently amended by H.B. 487, both of the 130th General Assembly.

The bill also maintains the current requirements for students attending a chartered nonpublic school under the Educational Choice Scholarship Program, Pilot Project Scholarship Program (Cleveland), Jon Peterson Special Needs Scholarship Program, or the Autism Scholarship Program to (1) complete one of three prescribed pathways for high school graduation, and (2) take the high school end-of-course examinations.

Finally, the bill removes a provision of current law that delays the conditional exemption for chartered nonpublic schools described above until October 1, 2015, unless the General Assembly does not enact different requirements regarding end-of-course examinations for chartered nonpublic schools that are effective by that date. The effect of the bill's change is to set into effect the exemption on the bill's (90-day) effective date.

The bill does not affect another separate, uncodified provision of current law that outright exempts, for the current 2014-2015 school year only, all chartered nonpublic schools from being required to administer the end-of-course examinations, and their students from being required to take those examinations.⁵²

Third-grade reading guarantee diagnostic assessments

(R.C. 3313.608)

The bill adds a deadline for the administration of the reading skills assessment for students in grades kindergarten through third grade for purposes of identifying students who are reading below grade level for purposes of the third-grade reading guarantee. Under the bill, the reading skills assessment must be completed by September 30 for students in grades one to three, and by November 1 for students in kindergarten. The required reading skills assessment is the reading diagnostic assessment or a comparable tool approved by the Department of Education.

The bill also allows for the reading skills assessment to determine a student's reading level to be administered electronically using live, two-way audio and video connections whereby the teacher administering the assessment may be in a separate location from the student. In other words, the bill allows for the virtual administration of the reading skills assessment.

⁵² Section 12 of H.B. 367 of the 130th General Assembly.

State report card measures

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 bill makes a few revisions to the report card system.

Proficiency percentages

(R.C. 3302.02)

The bill requires the State Board of Education to adopt rules to establish proficiency percentages to meet each report card performance indicator based on a state assessment. In other words, the State Board must determine what percentage of students must receive a score of "proficient" or higher on a state assessment in order for a district or school to be considered to have met the performance indicator for that assessment. Current law requires that "performance indicators met" is one of the graded components on the state report card and is also used in the calculation of a school district or school's overall grade.⁵³

The bill sets deadlines by which the State Board must adopt these proficiency percentages as follows:

- (1) Not later than December 31, 2015, for the 2014-2015 school year;
- (2) Not later than July 1, 2016, for the 2015-2016 school year;
- (3) Not later than July 1, 2017, for the 2016-2017 school year, and for each school year thereafter.

Under current law, adopting rules to establish such measures for the 2014-2015 school year and each school year thereafter is optional for the State Board.

⁵³ R.C. 3302.03(C)(1)(c) and (C)(3)(b).

High school value-added component

(R.C. 3302.03(D))

The bill makes changes regarding the high school value-added component in the state report card. First, it allows, rather than requires as under current law, the State Board of Education to develop the high school student academic progress measure on or after July 1, 2015. Second, the bill specifies that if the State Board develops the measure, districts and schools will not be assigned a separate letter grade for it sooner than the 2017-2018 school year. Finally, the bill prohibits the measure from being included in determining a district or building's overall grade.

Under current law, the State Board is required to adopt a high school student academic progress measure not later than July 1, 2015. Further, current law requires that the measure be included on the state report card without an assigned letter grade for the 2014-2015 school year, and assigned a separate letter grade in the 2015-2016 school year. The separate letter grade must also be included in a district or school's overall letter grade within the "progress" component of the overall grade calculation.

Delay of overall report card grades

(R.C. 3302.03 and 3302.036; conforming changes in R.C. 3302.05, 3310.03, 3313.473, 3314.02, and 3314.05)

The bill changes, from the 2015-2016 school year, as under current law, to the 2017-2018 school year, the first issuance of overall letter grades on the state report card. A separate provision of the bill requires the overall grades to be issued beginning with the 2016-2017 school year, but the provision requiring overall grades in the 2017-2018 school year stipulates that it prevails over the other provision.

Extension of safe harbor provisions for students, teachers, and schools

(R.C. 3302.036 and Sections 4 and 5 of H.B. 7 of the 131st General Assembly (as amended by Section 591.10) and Section 13 of H.B. 487 of the 130th General Assembly (as amended by Sections 610.17 and 610.18))

The bill extends through the 2016-2017 school year the safe harbor provisions related to achievement assessment score results and report card ratings that are currently in effect for only the 2014-2015 school year for students, public schools, and teachers. Essentially, the bill's provisions do the following:

(1) Prohibits the Department from (a) assigning an overall letter grade for school districts and schools for the 2015-2016 and 2016-2017 school years (as described above),



and (b) ranking districts and schools based on operating expenditures, performance achievements, and other specified items for the 2015-2016 and 2016-2017 school years;

(2) Prohibits the report card ratings issued for the 2015-2016 and 2016-2017 school years from being considered in determining whether a school district or school is subject to prescribed sanctions or penalties;

(3) 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;

(4) 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 (that measures student academic growth based on state assessment scores) will not be used when making decisions regarding teacher dismissal, retention, tenure, or compensation;

(5) Prohibits public schools from utilizing, at any time during a student's academic career, a student's score on any elementary-level state assessment or high school end-of-course examination that is administered in the 2015-2016 and 2016-2017 school years as a factor in any decision to (a) retain the student, (b) promote the student to a higher grade level, or (c) grant course credit; and

(6) Prohibits the release of individual student score reports on the state elementary assessments and high school end-of-course examinations administered in the 2015-2016 and 2016-2017 school years, except to a student's school district or school or to a student or student's parent or guardian.

Report card deadline for the 2014-2015 school year

(Section 263.510)

The bill extends the deadline for the 2014-2015 state report card from September 15, 2015, to January 15, 2016. Current law requires the Department of Education to issue report cards that measure the academic performance of school districts and schools annually not later than September 15 or the preceding Friday when that day falls on a Saturday or Sunday.⁵⁴

⁵⁴ R.C. 3302.03.



Reports for students with disabilities

(Section 263.520)

The bill extends the deadline for the report the Department of Education must issue regarding performance measures disaggregated for a school district's or school's students with disabilities subgroup using data from the 2014-2015 school year to January 31, 2016. Those performance measures are the value-added progress dimension score, performance index score, and four- and five-year adjusted cohort graduation rates.⁵⁵ Under current law, the Department must submit this report not later than October 1 each year. The bill continues that deadline for subsequent years.

School district and school rankings

(Section 263.490)

The bill prohibits, temporarily, for the 2014-2015 school year only, the Department of Education from ranking school districts, community schools, and STEM schools according to academic performance measures as otherwise required by continuing law. Those measures include performance index, student performance growth based on the value-added progress dimension, and the performance of, and opportunities provided to, students identified as gifted using value-added progress dimensions, if applicable, and other relevant measures as designated by the Superintendent of Public Instruction.⁵⁶ The bill also sets a deadline of January 31, 2016, for the Department to rank districts, community schools, and STEM schools according to expenditures for the 2014-2015 school year. School expenditure rankings include current operating expenditure per equivalent pupils and the percentage of total operating expenditures spent for classroom instruction.⁵⁷

IV. Educator Licensing

Ohio Teacher Residency Program

(R.C. 3319.223)

Under current law, most newly licensed educators are issued either a resident educator license or an alternative resident educator license under which they also must

⁵⁵ R.C. 3302.035, not in the bill.

⁵⁶ R.C. 3302.21(A)(1), (2), and (5), not in the bill.

⁵⁷ R.C. 3302.21(A)(3) and (4).



complete a four-year teacher residency program – the Ohio Teacher Residency Program.

The bill modifies a requirement that the program include mentoring by teachers who hold a lead professional educator license issued by the State Board of Education. Instead, the bill requires that the program include mentoring by any teacher during only the first two years of the program. Second, it modifies the required counseling component by specifying that the district or school must determine if counseling is necessary. Finally, it specifies that one of the required measures of progression through the program must be the performance-based assessment required by the State Board for resident educators in the third year of the program.

The bill also specifies that a career-technical education instructor teaching under an alternative resident educator license may not be required to complete the conditions of the first two years of the Ohio Teacher Residency Program and may apply for a professional educator license after successful completion of the requirements of the last two years of that Program, as it existed prior to the effective date of this provision.

Renewal of educator licenses for consistently high-performing teachers

(R.C. 3319.22)

The bill requires the State Board of Education, by July 1, 2016, to adopt rules, in accordance with the Administrative Procedure Act, that exempt consistently high-performing teachers from (1) the requirement to complete additional coursework to renew an educator license issued by the State Board, and (2) any related requirement prescribed by the district's or school's local professional development committees. The bill also requires the State Board, by that same date, to define "consistently high-performing teachers" for the purpose of this provision.

Under current law, the State Board must adopt rules establishing standards and requirements for obtaining educator licenses, as well as requirements for renewing such licenses. If these rules require additional coursework for license renewal, then each school district and chartered nonpublic school must establish a local professional development committee to determine whether the coursework proposed by a teacher is appropriate for license renewal and meets the requirement of these rules.

Pupil-activity program permits

(R.C. 3319.303)

Under current law, the State Board of Education must adopt rules establishing standards and requirements for obtaining a pupil-activity program permit, which is



issued by the State Board for coaching, supervising, or directing a pupil-activity program (including programs in music, language, arts, speech, government, and athletics⁵⁸). Currently, all pupil-activity program permits are valid for three years and are renewable.

The bill modifies the duration for which a pupil-activity program permit is valid, if the applicant already holds an educator license, certificate, or permit issued by the State Board. In this instance, the bill specifies that the pupil-activity program permit is valid for the same number of years as the individual's educator license, certificate, or permit, and is also renewable. Also, if the educator's license is suspended or revoked, the permit is also subject to suspension or revocation. The bill does not specify how to determine the duration of the permit if the applicant holds multiple licenses, certificates, or permits.

If an applicant does not hold an educator license, certificate, or permit issued by the State Board, the pupil-activity program permit remains valid for three years, as under current law.

Licensure fees for teaching in a Junior ROTC program

(R.C. 3319.51)

The bill prohibits the State Board of Education from requiring any fee to be paid for a license, certificate, or permit issued for the purpose of teaching in a Junior ROTC program. Currently, the Administrative Code authorizes the State Board to issue a "temporary teaching license for military science" to individuals for the purpose of teaching in such a program.⁵⁹ According to the Department of Education's website, a one-year temporary license costs \$40.⁶⁰

Under continuing law, the State Board must annually establish the amount of fees required for licenses, certificates, and permits that are issued by the State Board. The established fees, along with appropriations made by the General Assembly for such purposes, are paid into the State Board's Licensure Fund, which is used to pay for administrative costs related to the issuance and renewal of licenses, certificates, and permits.

⁵⁸ R.C. 3313.53, not in the bill.

⁵⁹ Ohio Administrative Code (O.A.C.) 3301-23-44(C).

⁶⁰ Ohio Department of Education. See <http://education.ohio.gov/Topics/Teaching/Educator-Licensure/Additional-Information/Complete-List-of-Applications>.



Bright New Leaders for Ohio Schools Program

(R.C. 3319.271)

Issuance of licenses to individuals upon completion of the Program

The bill requires the State Board of Education to issue an alternative principal license or an alternative administrator license to an individual who does both of the following:

(1) Successfully completes the Bright New Leaders for Ohio Schools Program;

(2) Satisfies rules adopted by the State Board, in consultation with the board of directors of the Program, for obtaining an alternative principal license or an alternative administrator license upon completion of the Program. In developing these rules, the State Board must use its existing rules regarding alternative principal and alternative administrator licenses⁶¹ as guidance.

Program background

The Bright New Leaders for Ohio Schools Program was created and is implemented by a nonprofit corporation that was incorporated, pursuant to H.B. 59 of the 130th General Assembly,⁶² to do all of the following:

(1) Provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership;

(2) Enable those individuals to earn degrees and obtain licenses in public school administration; and

(3) Promote the placement of those individuals in public schools that have a poverty percentage greater than 50%.

V. Exemptions and Waivers

Exemptions for high-performing school districts

(R.C. 3302.05 (repealed), 3302.16, 3313.608, and 3319.301)

Current law requires the State Board of Education to adopt rules freeing specified higher performing school districts from state education statutes and rules,

⁶¹ See R.C. 3319.27, not in the bill.

⁶² Section 733.40 of H.B. 59 of the 130th General Assembly.



except certain State Board operating standards for school districts. The bill repeals that provision and, instead, creates a new exemption provision.

For this purpose, the bill defines a "high-performing school district" as any school district (city, local, or exempted village school district, specifically including a municipal school district (Cleveland Municipal School District), and a joint vocational school district) that:

(1) Has for the two most recent school years received an "A" for the overall value-added progress dimension on the state report card;

(2) Had at least 95% of its third grade students score proficient or higher on the third-grade English language arts state achievement assessment; and

(3) Had a four-year adjusted cohort graduation rate of 93% or higher.

In order to determine if a joint vocational school district is considered "high-performing," the Department of Education must develop performance criteria that are equivalent to the requirements for other types of districts based on report cards issued for joint vocational school districts.⁶³

Beginning with the 2017-2018 school year, the bill also requires that at least 75% of students in a four-year adjusted cohort receive a remediation-free score, based on the district's average scores on the nationally standardized assessment to measure college readiness,⁶⁴ in order to be considered "high-performing."

Once a school district meets the prescribed conditions, the district is considered high-performing for three years, unless less than 95% of a district's third-grade students fail to score proficient or higher on the third-grade English language arts state achievement assessment.⁶⁵ Failure to meet that measure results in an immediate loss of high-performing status for the district.

If a high-performing school district passes a resolution stating its intent to take advantage of the exemptions, it may be exempt from the following requirements beginning in the 2016-2017 school year:

(1) The teacher credential qualification requirements required to be provided to third-grade students in need of intensive remediation under the Third-Grade Reading

⁶³ R.C. 3302.033, not in the bill.

⁶⁴ R.C. 3301.0712(B)(1), not in the bill.

⁶⁵ R.C. 3301.0710(A)(1)(a), not in the bill.

Guarantee. Under that provision, teachers who provide intensive remediation in reading to third-grade students must have additional credentials, such as a reading endorsement on the teacher's license, a master's degree in reading, rated highly in reading instruction, or passage of a rigorous test of principles of scientifically research-based reading instruction.⁶⁶

(2) Class size requirements.

The bill also permits high-performing school districts to hire nonlicensed individuals to teach classes for not more than 40 hours a week. Current law allows districts to hire a nonlicensed individual to teach classes for not more than 12 hours a week.⁶⁷

Finally, beginning in the 2016-2017 school year, a high-performing school district may apply to the Superintendent of Public Instruction for a waiver that exempts the district from other provisions of the Revised Code or rules or standards of the State Board of Education not specified in the bill. The State Superintendent must consider every waiver application and determine whether to deny or grant a waiver on a case-by-case basis.

Conditional waiver for innovative programs

(R.C. 3302.15 and 3326.29 (repealed))

Current law 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 (1) administering the state-required elementary and secondary achievement assessments, (2) teacher evaluations, and (3) reporting of student achievement data for the purpose of report card ratings. The bill makes changes to this waiver program.

First, the bill eliminates the provision that makes eligible all STEM schools to be granted a waiver and eliminates a provision that requires school districts to be members of the Ohio Innovation Lab Network in order to submit a request for a waiver. The bill also adds community schools to the list of entities that may submit a request for and be granted a waiver, and in doing so, limits to ten the number of school districts, community schools, and STEM schools that may be granted a waiver under the program. The bill limits requests for a waiver to be submitted during the 2015-2016 school year only.

⁶⁶ R.C. 3313.608(H).

⁶⁷ R.C. 3319.301.



The bill also makes the following changes to the waiver program:

(1) Removes a requirement for a district's or school's alternative assessment system (that is part of a waiver application) to include "links to state-accepted and nationally accepted metrics, assessments, and evaluations";

(2) Revises the timing of the decision by the state Superintendent on whether to approve or deny a waiver or to request additional information from not later than 30 days after receiving a request for a waiver to "upon receipt of a waiver";

(3) Defines "innovative educational program or strategy," for purposes of a waiver, as a program or strategy that uses a new idea or method aimed at increasing student engagement and preparing students to be college or career ready.

Background

Current law authorizes all STEM schools (revised under the bill) 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, and (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 (revised under the bill), 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 or school is contingent on an ongoing review and evaluation of the program for which the waiver was granted by the state Superintendent.

Each request for a waiver must 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 (removed under the bill), (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, and (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.

Each request must also 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, and (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.

For purposes of the waiver program, the Department of Education must seek a waiver from the testing requirements prescribed under the federal "No Child Left Behind Act" if necessary to implement the waiver program. The Department must 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.

VI. Other Education Provisions

Ed Choice scholarships

(R.C. 3310.03 and 3310.09)

The bill makes two changes to the Educational Choice Scholarship Program. First, it raises the maximum amount that can be awarded to a student in grades 9 through 12 from \$5,000 to \$5,700. This is the same maximum amount awarded to students who are in grades 9 through 12 under the Cleveland Scholarship Program.⁶⁸

Second, the bill changes the basis for eligibility according to performance index score. Current law qualifies for a scholarship a student who would be assigned to a school building that has been ranked, in at least two out of three years, in the lowest 10% of *all public school buildings* according to performance index score. That ranking, required of the Department of Education in separate law, includes the rankings of not only school district-operated buildings, but community schools and STEM schools as well.⁶⁹ The bill, instead, changes the requirement so that the qualifying performance index score ranking is the lowest 10% among all school buildings operated by school

⁶⁸ R.C. 3313.978, not in the bill.

⁶⁹ R.C. 3302.21(A)(1), not in the bill.



districts, as determined by the Department. That is, the ranking for Ed Choice purposes only, under the bill, no longer includes community schools and STEM schools. (Ed Choice does not apply to community schools and STEM schools.)

Background on Ed Choice

The Educational Choice Scholarship Program operates statewide in every school district except Cleveland to provide scholarships for students who are assigned or would be assigned to district schools that have persistently low academic achievement or are from low-income families. Under the program, students may use their scholarships to enroll in participating chartered nonpublic schools.

Under continuing law, a student is eligible for a first-time Ed Choice scholarship if the student was attending, or otherwise would have been assigned to, a school building operated by the student's resident district that, on two of the three most recent report cards, either:

(1) Received a combination of any of the following ratings:

(a) Academic watch or emergency, under the former rating system;

(b) A "D" or "F" for both the performance index score and the overall value-added progress dimension or if the building serves only grades 10 through 12, the building received a grade of "D" or "F" for the performance index score and had a four-year adjusted cohort graduation rate of less than 75% (applies only for report cards issued for the 2012-2013 and 2013-2014 school year);

(c) A "D" or "F" for the overall grade or "F" for the overall value-added progress dimension (applies for report cards issued for the 2014-2015 school year and thereafter);

(2) Was ranked in the lowest 10% of all public school buildings according to performance index score (changed to 10% of school district-operated buildings under the bill); or

(3) Received a "D" or "F" in "making progress in improving K-3 literacy" starting in the 2016-2017 school year.

In addition, students whose family incomes are at or below 200% of the federal poverty guidelines also qualify for Ed Choice scholarship. Students who qualify under this provision are phased in by grade level over 13 years. Awards granted under this



qualification are funded by an appropriation from the General Assembly, as opposed to a deduction from the school district of residence.⁷⁰

In the case of eligibility based on school performance ratings, the school cannot have been rated any of the following on the most recent report card:

(1) Excellent or effective, under the former rating system;

(2) Received an "A" or "B" for the performance index score and the value-added progress dimension or, if a building serves only grades 10 through 12, the building received a grade of "A" or "B" for the performance index score and had a four-year adjusted cohort graduation rate of 75% or higher (applies only for report cards issued for the 2012- 2013 and 2013-2014 school years);

(3) An "A" or "B" for the overall grade or "A" for the value-added progress dimension or, if a building serves only grades 10 through 12, the building received a grade of "A" or "B" for the performance index score and had a four-year adjusted cohort graduation rate of 75% or higher (applies for report cards issued for the 2014-2015 school year and thereafter);

(4) An "A" for "making progress in improving K-3 literacy."

The amount of each annual Ed Choice scholarship is the lesser of (1) the tuition charged by the chartered nonpublic school in which the student is enrolled or (2) a "maximum" amount, which is:

(a) \$4,250 for grades K through 8; and

(b) \$5,000 for grades 9 through 12 (changed to \$5,700 under the bill).

Qualification of private schools for the Cleveland Scholarship Program

(R.C. 3313.976)

The bill specifies that, in order for a private high school (grades 9-12) to participate in the Cleveland Scholarship Pilot Program, the private school must be located in the pilot project (Cleveland) school district (as under current law) or in a school district that is both (1) located in a municipal corporation with a population of at least 15,000 (instead of at least 50,000 under current law) and (2) located within five miles of the pilot project school district's border (rather than adjacent to the pilot project school district as under current law).

⁷⁰ R.C. 3310.032, not in the bill.



The bill maintains current law requiring participating elementary schools to be located in the pilot project school district.

Background on Cleveland Scholarship Program

The Cleveland Scholarship Pilot Program provides scholarships to attend alternative schools, including private schools, and tutorial assistance grants to students who reside in any school district that is or has been under a federal court order requiring supervision and operational management of the district by the Superintendent of Public Instruction. Currently, only the Cleveland Municipal School District meets this criterion. The program has been authorized since 1995. It is financed partially with state funds and partially with an earmark of Cleveland's state payments.

College Credit Plus program changes

(R.C. 3365.02, 3365.07, 3365.14, and 3365.15; Section 263.243)

The College Credit Plus (CCP) program allows students who are enrolled in public or participating 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 participating private or out-of-state college.

Associate degree pathway

The bill requires all public colleges, and participating private and out-of-state colleges, to offer an associate degree pathway under the CCP program that enables participants to earn an associate degree upon completion of the pathway. The bill specifies that, in order to complete the pathway and earn an associate degree, students must earn at least 60, but not more than 72, semester credit hours (or the equivalent number of quarter hours). To meet this requirement, students in the pathway are specifically permitted to enroll in more than 60 credit hours over two school years. However, students may not enroll in more than 72 credit hours over the same period.

The bill further specifies that the Department of Education must reimburse colleges for students who are (1) participating under "Option B" of CCP and (2) enrolled in the associate degree pathway, in the same manner as for other CCP students, except for the calculation of payments. Under current law, unchanged by the bill, the formula for the calculation of CCP payments assumes a maximum of 30 credit hours per school year for colleges on a semester schedule and 45 credit hours per school year for colleges on a quarter schedule.⁷¹ Therefore, in order to reflect the increased number of credit hours required under the associate degree pathway, the bill requires the Director of

⁷¹ R.C. 3365.01(B) and (I), not in the bill.



Higher Education, in consultation with the Superintendent of Public Instruction, to adopt rules prescribing a method to calculate payments made for students enrolled in the pathway.

Supplemental payments for CCP

The bill appropriates approximately \$4.9 million for fiscal year 2016 and \$5.0 million for fiscal year 2017 for supplemental CCP payments to school districts and specifies that such payments must be used by districts only for purposes related to the CCP program. Payments must be computed and paid for by the Department, and each district's payment must be calculated according to the following:

(Growth in the number of students earning at least three college credits while enrolled in high school in the district) X
(the per credit hour rate used in determining the default floor amount⁷² under CCP, which is approximately \$41 under the bill) X 15.

In calculating the growth factor, the Department must use the number of students who earn at least three college credits through dual enrollment or advanced standing programs, which is currently a reported measure on each district's state report card.⁷³ Dual enrollment and advanced standing programs may include the CCP program (or the former Post-Secondary Enrollment Options program for the 2013-2014 and 2014-2015 school years), Advanced Placement courses, International Baccalaureate diploma courses, Early College High School programs, and career-technical courses.

More specifically, the bill requires the growth factor to be calculated by subtracting the number reported on the 2013-2014 report card from either the number reported on the 2015-2016 report card (for FY 2016) or from the number reported on the 2016-2017 report card (for FY 2017). However, the bill prohibits the growth factor from exceeding the number reported on the report card for the 2013-2014 school year. Additionally, the bill specifies that if the district's growth factor equals a negative number, the district will not receive any supplemental CCP payment.

Participation of chartered nonpublic schools

Under current law, all public high schools (school districts, community schools, STEM schools, and college-preparatory boarding schools) are required to participate in CCP and are subject to the requirements of the program. Chartered nonpublic high

⁷² See R.C. 3365.01(B)(1) and (2).

⁷³ See R.C. 3302.03(B)(2)(b) and (C)(2)(c).



schools also may choose to participate in CCP, and, if they do so, they are also subject to requirements of the program.

The bill specifically prohibits any requirement of the CCP program, and any rule adopted by the Director of Higher Education or the State Board of Education for purposes of the CCP program, to apply to a chartered nonpublic high school that chooses not to participate in the program.

Career-technical education programs under CCP

The CCP program governs arrangements in which a high school student enrolls in a college and, upon successful completion, receives transcribed credit⁷⁴ from the college. Under current law, specified programs are exempt from the CCP program, including, until July 1, 2016, career-technical education programs that grant articulated credit.⁷⁵

The bill removes the end date for this exemption, thus extending the exemption indefinitely for career-technical education programs that grant articulated credit. However, the bill further specifies that if such a program grants transcribed credit, that program must be governed by CCP.

Funding under the CCP program

Current law 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, with the exception of Early College High School (ECHS) programs that obtain a waiver, Advanced Placement (AP) or International Baccalaureate (IB) courses, and career-technical education programs that grant articulated credit.

The bill modifies this stipulation by clarifying that the CCP program is the sole mechanism by which such funds are paid for students to earn "transcribed credit" for college courses while enrolled in *both* a high school and a college. All programs and courses that are currently exempt from this funding stipulation, as described above continue to be exempt under this clarification.

⁷⁴ "Transcribed credit" is defined as "post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion of a course." R.C. 3365.01(U), not in the bill.

⁷⁵ "Articulated credit" is defined 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 high school. R.C. 3365.01(A), not in the bill.

Biennial report on the CCP program

Under current law, the Chancellor of the Board of Regents (renamed as the Director of the Department of Higher Education under the bill) and the Superintendent of Public Instruction must submit a biennial report detailing the status of the CCP program to the Governor, President of the Senate, Speaker of the House, and chairpersons of the House and Senate Education committees. The bill adds a requirement that each biennial report also include an analysis of "quality assurance measures" related to the program.

Math curriculum for career-technical students

(R.C. 3313.603(C)(3))

Under current law, in order to receive a high school diploma, a student must successfully complete at least 20 prescribed units of instruction. For most students, four of those units consist of mathematics, including one unit of Algebra II or its equivalent.

The bill permits students who enter ninth grade for the first time on or after July 1, 2015, who are pursuing a "career-technical instructional track" to take a career-based pathway mathematics course as an alternative to Algebra II.

Credit based on subject area competency

(R.C. 3313.603(J) and 3314.03(A)(11)(f); Section 263.540)

Under current law, the State Board of Education, in consultation with the Chancellor of the Board of Regents, was required to adopt by March 31, 2009, a statewide plan implementing methods for students to earn high school credit based on subject area competency or a combination of classroom instruction and subject area competency. The statute required the plan to be phased in during the 2009-2010 school year. Currently, all school districts and community schools are required to comply with this plan and to award credit accordingly.

The bill requires the State Board to update the statewide plan by December 31, 2015, to also include methods for students enrolled in 7th and 8th grade to meet curriculum requirements based on subject area competency or a combination of classroom instruction and subject area competency. Additionally, the Department of Education must provide assistance to the State Board for purposes of updating the statewide plan on subject area competency, including credit by examination, to "reduce barriers to student participation in credit flexibility options." Upon completion of the plan, the Department must inform students, parents, and schools of the plan, and, beginning with the 2017-2018 school year, all school districts and community schools



are required to comply with the updated plan and permit students to meet curriculum requirements accordingly.

Competency-Based Education Pilot Program

(Sections 263.280 and 733.30)

The bill establishes the Competency-Based Education Pilot Program to provide grants to school districts, community schools, STEM schools and consortia of one or more districts or schools led by one or more educational service centers for designing and implementing competency-based models of education for their students during the 2016-2017, 2017-2018, and 2018-2019 school years.⁷⁶

Selection of pilot program participants

A district, school, or consortium that wishes to participate in the pilot program must submit an application to the Department of Education by November 1, 2015, in a form and manner prescribed by the Department. By March 1, 2016, the Department must select not more than ten districts, schools, or consortia to participate in the pilot program.

Awarding of grants to pilot program participants

The Department must award each district, school, or consortium selected to participate in the pilot program a grant of up to \$250,000 for each fiscal year of the biennium. The grant must be used during the 2015-2016 and 2016-2017 school years to plan for implementing competency-based education in the district, school, or consortium during the 2016-2017, 2017-2018, and 2018-2019 school years.

Requirements for pilot program participants

Competency-based education requirements

A district, school, or consortium selected to participate in the pilot program must offer competency-based education that satisfies all of the following requirements:

- (1) Students must advance upon mastery;
- (2) Competencies must include clear, measurable, transferable learning objectives that empower students;

⁷⁶ The bill specifically includes joint vocational school districts and the only "municipal" school district in the state (Cleveland). The specific inclusion of Cleveland is not substantive since it would be included already as a "city" school district.

(3) Assessments must be meaningful and a positive learning experience for students;

(4) Students must receive timely, differentiated support based on their individual learning needs;

(5) Learning outcomes must emphasize competencies that include application and creation of knowledge, along with the development of work-ready skills;

(6) It must incorporate partnerships with post-secondary institutions and members of industry.

Annual performance review requirement

The Department must require a district, school, or consortium to agree to an annual performance review conducted by the Department as a condition of participating in the pilot program.

Accountability requirements

The bill specifies that a district, school, or consortium selected to participate in the pilot program remains subject to all accountability requirements in state and federal law that apply to it.

State funding for pilot program participants

The bill specifies that, if a district or school is selected to participate in the pilot program either by itself or as part of a consortium, each student enrolled in the district or school who is participating in competency-based education must be considered to be a full-time equivalent student while participating in competency-based education for purposes of state funding for that district or school, as determined by the Department.

Reports regarding the pilot program

The bill requires the Department to post two separate reports regarding the pilot program on its website.

First, the Department must post, by January 31, 2017, a preliminary report that examines the planning and implementation of competency-based education in the districts, schools, and consortia selected to participate in the pilot program.

Next, the Department must post, by December 31, 2018, a report that includes all of the following:

(1) A review of the competency-based education offered by the districts, schools, and consortia selected to participate in the pilot program;

(2) An evaluation of the implementation of competency-based education by the districts, schools, and consortia selected to participate in the pilot program and student outcomes resulting from that competency-based education;

(3) A determination of the feasibility of a funding model that reflects student achievement outcomes as determined through competency-based education.

Education and business partnerships

(Section 263.530)

The bill specifically permits the Superintendent of Public Instruction to form partnerships with Ohio's business community, including the Ohio Business Roundtable, to create and implement initiatives that connect students with the business community. These initiatives are aimed to increase student engagement and job readiness through internships, work study, and site-based learning experiences.

If the Superintendent forms such a partnership, the initiatives implemented through that partnership must do all of the following:

(1) Support career connections included in the model curriculum developed by the State Board of Education for grades K-12 that embed career connection learning strategies into regular classroom instruction.

(2) Provide an opportunity for students to earn high school credit or meet curriculum requirements in accordance with the statewide plan on subject area competency (see above).

(3) Inform the development of student success plans for students who are at-risk of dropping out of school.⁷⁷

Eligibility requirements to take the GED tests

(R.C. 3313.617)

Automatic eligibility

The bill qualifies a person who is at least 19 years old, rather than at least 18 years old as under current law, to take the test of general educational development

⁷⁷ R.C. 3301.079(B)(2), not in the bill, 3313.603(J), and 3313.6020(C), not in the bill.

(GED), without additional administrative requirements, if the person is officially withdrawn from school and has not received a high school diploma.

Approval from the Department of Education

The bill permits a person who is at least 16 but less than 19 years old, instead of at least 16 but less than 18 years old as under current law, to apply to the Department of Education to take the GED tests, but also specifies that the person must *not* have received a high school diploma. Additionally, the bill requires the person to submit, along with the application, both of the following:

(1) Written approval from the person's parent or guardian or a court official, if the person is under 18 years old (current law); and

(2) The person's official high school transcript, which must include the previous 12 months of enrollment in a program approved to grant a high school diploma (added by the bill).

The bill also prescribes several additional requirements related to the approval of applications to take the GED tests. First, upon receipt of each application, the Department must approve or deny the application. Moreover, the Department may approve an application only if the person (1) has been continuously enrolled in a diploma granting program for at least one semester, (2) attained an attendance rate of 75% or higher during that semester, and (3) shows good cause. The State Board of Education must adopt rules determining what qualifies as "good cause" for this purpose.

Finally, if the Department approves the application of a person who is under 18 years old, that person must remain enrolled in school and maintain at least a 75% attendance rate, until either (1) the person passes all required sections of the GED tests, or (2) the person reaches 18 years of age.

Graduation rates for persons taking the GED

The bill specifies that, for the purpose of calculating graduation rates for school districts and schools on the state report cards, the Department must include any person who officially withdraws from school to take the GED tests (rather than any person who obtains approval to take the GED tests as under current law) as a dropout from the school in which the person was last enrolled. This change conforms to the bill's provision specifying that a person who is under 18 may receive approval from the Department to take the GED tests but must remain enrolled in school (therefore, is prohibited from dropping out) until the person passes the GED tests.



Adult Diploma Pilot Program

(R.C. 3313.902; Section 263.260)

The bill changes the name of the Adult Career Opportunity Pilot Program (established in 2014 by H.B. 483 of the 130th General Assembly) to the Adult Diploma Pilot Program. It also makes several changes to the pilot program, which are described in greater detail below.

Under law not changed by the bill, the pilot program permits eligible institutions to develop and offer programs of study that allow eligible students (those who are at least 22 years old and have not received a high school diploma or certificate of high school equivalence) to obtain a high school diploma. A program of study is eligible for approval if it (1) allows an eligible student to complete the requirements for obtaining a high school diploma while also completing requirements for an approved industry credential or certificate, (2) includes career advising and outreach, and (3) includes opportunities for students to receive a competency-based education. For purposes of the pilot program, an eligible institution is a community college, technical college, state community college, or "Ohio technical center" recognized by the Chancellor of the Ohio Board of Regents (renamed as the Director of Higher Education under the bill) that provides post-secondary workforce education.

Program approval

Under current law, an eligible institution must obtain approval from the State Board of Education and the Chancellor (renamed as the Director of Higher Education under the bill) in order to participate in the pilot program. The bill requires an eligible institution to obtain this approval from the Superintendent of Public Instruction instead of from the State Board, but it retains the requirement that an eligible institution also obtain this approval from the Chancellor.

Granting of high school diplomas

The bill requires the State Board, notwithstanding the requirements for a high school diploma in current law,⁷⁸ to grant a high school diploma to each student who (1) enrolls in an approved program of study at an approved institution and (2) completes the requirements for obtaining a high school diploma that are specified in rules adopted by the State Superintendent.

⁷⁸ R.C. 3313.61, 3313.611, and 3313.618, none in the bill.



Funding

Calculation of funding

The bill requires the Department of Education to calculate a state payment for each student enrolled in an approved program of study at each approved institution using the following formula:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

Career-pathway training program amount

A student's "career pathway training program amount" means the following:

(1) If the student is enrolled in a tier one career pathway training program (a career pathway training program that requires more than 600 hours of technical training, as determined by the Department), \$4,800.

(2) If the student is enrolled in a tier two career pathway training program (a career pathway training program that requires more than 300 hours of technical training but less than 600 hours of technical training, as determined by the Department), \$3,200.

(3) If the student is enrolled in a tier three career pathway training program (a career pathway training program that requires 300 hours or less of technical training, as determined by the Department), \$1,600.

Work readiness training amount

A student's "work readiness training amount" means the following:

(1) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted by the State Superintendent, \$1,500.

(2) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted by the State Superintendent, \$750.

Payment of funding

The bill requires the Department to pay the amount calculated for each student under the bill's provisions to the student's institution in three separate payments. First, 25% of the amount calculated must be paid to the student's institution after the student



successfully completes the first third of the approved program of study, as determined by the Department. Next, another 25% of the amount calculated must be paid to the student's institution after the student successfully completes the second third of the approved program of study, as determined by the Department. Finally, the remaining 50% of the amount calculated must be paid to the student's institution after the student successfully completes the final third of the approved program of study, as determined by the Department.

Funding for associated services

The bill permits each approved institution to use the amount that is "in addition to the student's career pathway training amount and the student's work readiness training amount" for the associated services of the approved program of study. The bill specifies that these services include counseling, advising, assessment, and other services as determined or required by the Department.

Rules

Law unchanged by the bill requires the state Superintendent, in consultation with the Chancellor (renamed as the Director of Higher Education under the bill), to adopt rules for the implementation of the pilot program, including the requirements for applying for program approval. The bill specifies that these rules must also address all of the following:

(1) The requirements for obtaining a high school diploma through the pilot program, including the requirement to obtain a passing score on an assessment that is appropriate for the career pathway training program that is being completed by the student and the date on which these requirements take effect;

(2) The assessment or assessments that may be used to complete the assessment requirement for each career pathway training program and the score that must be obtained on each assessment in order to pass the assessment;

(3) Guidelines regarding the funding of the pilot program, including a method of funding for students who transfer from one approved institution to another approved institution prior to completing an approved program of study;

(4) Circumstances under which a student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study;

(5) A requirement that a student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under the rules; and



(6) The payment of federal funds that are to be used by approved programs of study at approved institutions.

Enrollment of individuals age 22 and up

(R.C. 3314.38, 3317.036, 3317.23, 3317.231, 3317.24, and 3345.86; repealed Section 733.20 of H.B. 483 of the 130th General Assembly)

Under provisions of current law, an individual age 22 and above who has not received a high school diploma or a certificate of high school equivalence (an "eligible individual") may enroll in any of the following for the purpose of earning a high school diploma:

(1) A city, local, or exempted village school district that operates a dropout prevention and recovery program;

(2) A community school that operates a dropout prevention and recovery program;

(3) A joint vocational school district (JVSD) that operates an adult education program;

(4) A community college, university branch, technical college, or state community college.

The bill makes several modifications to these provisions, as described below.

Time period of enrollment

The bill specifies that eligible individuals may enroll in dropout prevention and recovery programs and community colleges, university branches, technical colleges, and state community colleges for up to two *consecutive* school years, rather than two cumulative school years as under current law. It does not, however, change the provisions of existing law specifying that students enrolled in adult education programs at JVSDs may enroll for up to two *cumulative* school years.

Program of study

The bill specifies that eligible individuals may elect to earn a high school diploma by successfully completing a competency-based educational program, rather than a competency-based instructional program as under current law.

A "competency-based educational program" is defined by the bill as any system of academic instruction, assessment, grading, and reporting where students receive



credit based on demonstrations and assessments of their learning rather than the amount of time they spend studying a subject. The program must encourage accelerated learning among students who master academic materials quickly while providing additional instructional support time for students who need it.

Funding

The bill specifies that the Department of Education must annually pay to a school district, school, community college, university branch, technical college, or state community college for each eligible individual enrolled up to \$5,000, as determined by the Department based on the individual's successful completion of the graduation requirements prescribed under existing law.

Currently, the Department must annually pay \$5,000 times the individual's enrollment on a full-time equivalency basis times the portion of the school year in which the individual is enrolled in the school expressed as a percentage.

Issuance of high school diploma

If an eligible individual enrolls in a JVSD, community college, university branch, technical college, or state community college and completes the requirements to earn a high school diploma in the manner provided in current law, the JVSD or institution must certify the completion of those requirements to the city, local, or exempted village school district in which the individual resides, which then must issue a diploma to the individual. The bill specifies that, in this scenario, the school district must issue a diploma *within sixty days of receiving the certification* from the JVSD or institution.

Rules

The bill requires the Department, rather than the State Board of Education, to adopt rules regarding the enrollment of eligible individuals. The bill specifies that these rules must include all of the following:

- (1) Eligibility for the programs;
- (2) Application for the programs;
- (3) Accountability criteria and measurements for the programs;
- (4) Monitoring of the programs;
- (5) Data reporting for the programs including the reporting of student enrollment demographics (rather than data collection and the reporting and certification of enrollment in the programs as under current law);



(6) Program outcomes (rather than the measurement of the academic performance of individuals enrolled in the program as under current law); and

(7) The standards of practice for competency-based educational programs (rather than the standards for competency-based instructional programs as under current law).

Report

The bill repeals a requirement that the Department of Education, by December 31, 2015, prepare and submit a report to the General Assembly regarding services provided to individuals ages 22 and above under the provisions described above.

Provision of health care services to students

(R.C. 3313.68, 3313.72, and 3313.721; conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24)

The bill permits the board of education or governing authority of a school district, educational service center (ESC), community school, STEM school, or college-preparatory boarding school to enter into a contract with a hospital or an appropriately licensed health care provider to provide health services to students, if those health services are specifically authorized by Ohio law. It also permits a district board to enter into such a contract in lieu of appointing a school physician or dentist or contracting with an ESC for the services of a nurse to provide diabetes care to students.

If the board or governing authority enters into such a contract, the bill specifically exempts employees of the hospital or the health care provider who are providing the services of a nurse under the contract from any requirement to obtain a school nurse license or a school nurse wellness coordinator license issued by the State Board. The bill also exempts such employees from any requirement prescribed by rule of the State Board related to either license. However, the bill specifies that such employees must, at a minimum, hold a credential equivalent to being licensed as a Registered Nurse or Licensed Practical Nurse.

Background on student health services

Under current law, district boards are specifically permitted to contract with a health district for the services of a school physician, dentist, or nurse. Additionally, a separate provision permits district boards to appoint school physicians and dentists to provide health services to students, as well as to contract with ESCs for the services of a school nurse, Registered Nurse, or Licensed Practical Nurse to provide diabetes care to students.



The State Board is required to establish standards and requirements for obtaining a school nurse license and a school nurse wellness coordinator license, which, at a minimum, must require the applicant to be licensed as a Registered Nurse. However, it is unclear if current law requires all nurses who provide health services to students to hold one of these licenses.⁷⁹

Site-based management councils

(Repealed R.C. 3313.473)

Under current law, each school district with a total student count of 5,000 or more must designate one school building to be operated by a site-based management council, unless the district received, on its most recent report card, a grade of an "A" or "B" for the performance index score and the value-added dimension (for the report card issued for the 2013-2014 school year) or for the overall grade (for the report card issued for the 2014-2015 school year and thereafter).

The bill repeals this provision.

Student transportation

Transportation of nonpublic and community school students

(R.C. 3327.01 and 3327.02)

The bill specifically provides that a district board is not required to transport elementary or high school students to and from a nonpublic or community school on weekends, unless the district board and the nonpublic or community school have an agreement in place before July 1, of the school year in which the agreement takes effect, instead of prior to July 1, 2014, as under current law.

Furthermore, the bill clarifies that in the event a community school takes over the responsibility for transportation of a school district's resident students to and from the community school, the community school may determine that it is impractical to transport any one student to and from school using the same procedure, requirements, and payment structure as a school district uses to determine that it is impractical to transport that student. In such case, the school must make a payment in lieu of transportation to parent, guardian, or custodian of the student.

⁷⁹ R.C. 3319.221, not in the bill.



District resolution declaring student transportation impractical

(R.C. 3327.02)

The bill removes a provision requiring that, if a district board passes a resolution declaring a student's transportation impractical, the board also must submit the resolution for concurrence to the ESC containing the district's territory. The bill also removes a provision specifying that, upon receiving the resolution:

(1) If the ESC disagrees with the board and considers the student's transportation practical, then the ESC must inform the district board and the board must provide the transportation.

(2) If the ESC agrees with the board and considers the student's transportation impractical, the board may offer payment in lieu of transportation.

School Transportation Joint Task Force

(Section 263.560)

The bill creates the School Transportation Joint Task Force consisting of members appointed equally by the Speaker of the House of Representatives and by the President of the Senate. The members must appoint a chair and vice-chair, who must be members of the General Assembly.

The Task Force must study and make recommendations to the General Assembly by February 1, 2016, on the following:

(1) The appropriate funding formula to assist school districts with the transportation of students to public and nonpublic schools; and

(2) The appropriate relationship, duties, and responsibilities between school districts, community schools, and nonpublic schools with regard to student transportation.

The bill also requires all state agencies to provide assistance to the Task Force as is requested by the Task Force.

Background on transportation

State law generally requires each city, exempted village, and local school district to transport to and from school any student in grades K to 8 who resides in the district and is enrolled in a school that is more than two miles from the student's home. A district is required to transport resident students attending the district's own schools, as



well as those attending nonpublic schools and community schools. A district may choose to transport students it is not required to transport, including high school students. If a district opts to transport high school students, it appears that the district must offer that service to nonpublic and community school students as well as those attending its own schools. Still, a district need not transport any private or community school student for whom the direct travel time is more than 30 minutes.⁸⁰ A district also must transport STEM school students, unless the school's proposal as approved by the STEM committee provides for transportation.⁸¹

A district or school may offer a payment in lieu of providing transportation to the parent of a student it is required to transport, upon a finding that it is impractical to transport that student.⁸²

A community school may transport its own students, and receive a payment for doing so, either through an agreement with the students' resident school district or by unilaterally assuming the district's transportation responsibility. If a community school unilaterally takes over transportation, the state payment for each student the school transports is the amount that would have been calculated for the district for the transportation mode the district would have used.⁸³

Competitive bidding threshold for school building contracts

(R.C. 3313.46)

Current law specifies that school district boards of education must fulfill various competitive bidding requirements when contracting for public improvement projects valued over \$25,000, except in cases of urgent necessity or security. The bill increases the competitive bidding threshold from \$25,000 to \$50,000 for such public improvement contracts, including contracts to build, repair, enlarge, improve, or demolish any school building.

⁸⁰ R.C. 3327.01.

⁸¹ R.C. 3326.20, not in the bill.

⁸² R.C. 3327.01 and 3327.02.

⁸³ R.C. 3314.091.



Joint vocational school district board membership

(R.C. 3311.19 and 3311.191)

The bill provides that the term of office for a specific type of joint vocational school district (JVSD) board member be for one year, instead of three as required under current law. This term applies in the case of a JVSD board to which both of the following apply:

(1) The JVSD board has an even number of member districts.

(2) The JVSD board has a plan on file with the Department of Education that provides for an additional member to be appointed on a rotating basis by one of the appointing boards.

However, under the bill, if such a member was appointed on or after September 29, 2013, that member may continue in office until the expiration of the member's current term of office (three years). If such a member vacates that office or any reason prior to the expiration of the member's term, the bill requires that the new replacement member be appointed to serve for the remainder of the vacating member's term. Once that term expires, the term of office thereafter is one year.

Background

H.B. 59 of the 130th General Assembly, effective September 29, 2013, made several changes to the method of appointing members to JVSD boards. As a result, JVSD boards are no longer required to be made up of representative members of the boards of the city, exempted village, or local school districts belonging to each respective JVSD or, in some cases, the educational service centers (ESC) serving the same county or counties as under former law. Rather, JVSD membership may be composed of members who are not themselves members of the represented district boards. On the other hand, district and ESC board members may still be members of a JVSD board, but only as long as they meet the professional qualifications prescribed by H.B. 59. Under those provisions, JVSD board members must meet specific professional qualifications and be selected based on the diversity of the employers from the geographical region of the state in which the respective JVSD is located. Members of JVSD boards must have experience as chief financial officers, chief executive officers, human resources managers, or other business and industry professionals who are qualified to discuss the labor needs of the region with respect to the regional economy. Appointing district and ESC boards must appoint members who represent employers in the JVSD region and who are qualified to consider a region's workforce needs with an understanding of the skills, training, and education needed for current and future employment needs in the region. In choosing members to appoint, district and ESC



boards may give preference to a qualified individual who has served on a joint vocational school business advisory committee. Under current law, the term of office for members of a JVSD board appointed on or after September 29, 2013, is three years and members are limited to two consecutive terms. However, a member may serve again after three or more years have passed since the member's last term expired.

Comprehensive emergency management plans and security devices

(R.C. 3313.536 and 3737.84)

Current law requires the "administrator" of a school district or other public 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, an "administrator" is defined as the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the entities listed above.

The bill permits the administrator, as part of the school's existing comprehensive emergency management plan, to approve the installation of security devices, including devices that prevent both ingress (entrance) and egress (exit) through a door, in buildings under the administrator's control. However, the bill specifies that the devices may be installed only if approved by both:

(1) The police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building; and

(2) The fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located.

The bill also specifically prohibits the State Fire Code, which consists of rules adopted by the State Fire Marshal, from containing any provision that prohibits the use of such security devices, so long as the devices are properly approved by the administrator, the police chief and fire chief (or their equivalents).

Finally, the bill permits the administrator, as part of the school's existing comprehensive emergency management plan, to incorporate protocols specifically for (a) situations involving an act of terrorism, a person possessing a deadly weapon on school property, or another act of violence, or (b) any other emergency event that requires students either to be secured in the building or rapidly evacuated in response to a threat. Under current law, each emergency management plan must include protocols addressing "serious threats to safety" and "emergency events." Additionally, a



separate provision of law requires school safety drills to be conducted annually to address the emergency situations specified by the bill. Safety drills must be conducted pursuant to the school's emergency management plan.⁸⁴

Contracting for academic remediation and intervention services

(R.C. 3313.6010)

The bill specifically permits a school district to contract with public and private entities for the purpose of providing academic remediation and intervention services, outside of regular school hours, to students in any grade. Services provided must be in the subjects of math, science, reading, writing, or social studies. Under current law, school districts may enter into contracts providing such services, in accordance with rules adopted by the State Board of Education, only to students in grades 1-6.

Ohio Teacher of the Year award

(R.C. 3319.67)

The bill allows the State Board of Education to establish an annual Teacher of the Year recognition program for outstanding teachers. Under the bill, a teacher who is recognized as a Teacher of the Year may accept gifts and privileges as part of the recognition program. Further, the bill permits a person or entity to make a voluntary contribution to the recognition program.

The bill specifies that the Ethics Law does not prohibit a teacher from accepting gifts or privileges under the program and does not prohibit a person or entity from making a voluntary contribution to the program. The Ethics Law generally prohibits a public servant from soliciting or accepting any additional compensation for the performance of the person's official duties and prohibits any person from knowingly promising or giving a public servant such additional compensation.⁸⁵

⁸⁴ R.C. 3737.73(D), not in the bill.

⁸⁵ R.C. 2921.43(A), not in the bill.

