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## DEPARTMENT OF EDUCATION

### I. School Financing

- Specifies a formula amount of \$5,900, for fiscal year 2016, and \$6,000, for fiscal year 2017.
- Revises the calculation of a district's "state share index" by:
  - Calculating an "income index" that is based on both a district's median Ohio adjusted gross income and average federal adjusted gross income; and
  - Revising the calculation of a district's "wealth index" factor of the computation by basing it on a district's "median income index" (as under current law) and a district's "income index."
- Revises the calculation of targeted assistance supplemental funding by providing this funding to districts with more than 10% agricultural real property but not to those with 10% or less agricultural real property, as well as making other changes to the formula.
- Removes a requirement that districts must receive targeted assistance funding (which is based on a district's value and income) in order to receive targeted assistance supplemental funding.
- 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.

- Removes a provision of current law that requires a joint vocational school district to spend at least 75% of its career-technical education funding on costs directly associated with career-technical education programs and not more than 25% on personnel expenditures.
- 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.
- Requires the Department to make an additional "graduation bonus" payment to each city, local, and exempted village school district, joint vocational school district, community school, and STEM school based on how many students graduate from the district or school.
- Requires the Department to make an additional "third-grade reading bonus" payment to each city, local, and exempted village school district and community school based on how many of its third grade students score at a proficient level or higher on the English language arts assessment.
- Requires the Department to make an additional "technology supplement" payment to each school district based on the district's rider density.
- 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).
- Requires the Department to pay each school district a transportation supplement based on the district's rider density.
- 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, excluding specified payments, 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, excluding specified payments, 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, other than career-technical and career-technical associated services received in fiscal year 2017.
- Guarantees that all districts receive in total per-pupil state operating funding at least 15%, for fiscal year 2016, and 25% for fiscal year 2017, of 20% of the formula amount in each year of the biennium.
- 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 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 is sponsored by an entity that is rated "exemplary" by the Department of Education to be licensed by the Department 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.
- Permits a community school sponsor or operator that has a contract with the school to provide a written guarantee of payment (in place of the surety bond required under current law) that obligates the sponsor or operator to pay the costs of audits conducted by the Auditor of State up to the amount of \$50,000.
- Establishes the five-year Parental Engagement Pilot Program with the Dayton Early College Academy Prep, Inc. (DECA Prep) community school to provide and study the effects of parent engagement on the performance of low-performing students.

### Access to school district property and exceptions

- Requires a school district, when it decides to sell real property, to first offer it to high-performing community schools and newly established community schools with a community school model that has a track record of high quality academic performance.



- Requires a school district, when it is required to offer unused school facilities for lease or sale, to first offer the facilities for sale or lease to high-performing community schools sponsored by the district.
- 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.
- Extends the expiration date of a provision of current law that temporarily permits a school district to offer highest priority to purchase an athletic field to the current leaseholder from December 31, 2015, to December 31, 2017, and exempts that provision from the change made by the bill that gives first priority to high-performing community schools when a district decides to sell a parcel of property.

### **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 Superintendent of Public Instruction to verify, within 30 days after the bill's effective date, that:
  - The state elementary and secondary achievement assessments that are administered in the 2015-2016 school year will be administered once each year, not over multiple testing windows, and in the second half of the school year; and
  - The length of those assessments will be reduced as compared to the assessments that were administered in the 2014-2015 school year, "in order to provide more time for classroom instruction and less disruption in student learning."



- If the 2015-2016 state achievement assessments do not meet the conditions described above, requires the state Superintendent to take the steps necessary to find and contract with one or more entities to develop and provide assessments that meet the prescribed conditions.
- Applies to the 2015-2016 school year, the current prohibition in effect for the 2014-2015 school year only that:
  - Prohibits school districts and schools from being required to administer the state achievement assessments in an online format;
  - Permits a district or school to administer such assessments in any combination of online and paper formats at the discretion of the district board or school governing authority; and
  - Requires the Department of Education to furnish, free of charge, all required state assessments for the school year.
- Revises the deadline by which the scores on state elementary and secondary achievement assessments must be sent to school districts and schools beginning with the 2015-2016 school year.
- 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:
  - The requirement to complete one of three prescribed pathways for high school graduation; and
  - 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.

- Creates an additional pathway for high school graduation for students enrolled in a non-ISACS school by authorizing such a student to graduate if the student attains a designated score on an alternative assessment approved by the Department of Education and selected by the student's school.
- Requires the reading skills assessments administered under the Third-Grade Reading Guarantee to be completed annually by September 30 starting with the 2015-2016 school year.

### **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 2016-2017 school year.
- Extends through the 2015-2016 school year the provision (currently in effect for the 2014-2015 school year only) that prohibits the Department of Education from assigning an overall letter grade for a school district or school.
- Extends through the 2015-2016 school year the provision (currently in effect for the 2014-2015 school year only) that prohibits districts or schools from utilizing, at any time during a student's academic career, a student's score on any state elementary-level achievement assessment or high school end-of-course examination that is administered in a specified school year as a factor in any decision to (1) retain the student, (2) promote the student to a higher grade level, or (3) grant course credit.

- Extends through the 2015-2016 school year the provision (currently in effect for the 2014-2015 school year only) that prohibits individual student score reports on state assessments administered in a specified school year from being released, except to a student's district or school or to the student or the student's parent or guardian.
- Prohibits, for the 2014-2015 school year only, the Department from assigning a grade for the performance index score for a school district or school.
- Prohibits school districts and schools from using the value-added progress dimension ratings from the 2014-2015 and 2015-2016 school years for:
  - Teacher and principal evaluations; or
  - Making decisions regarding the dismissal, retention, tenure, or compensation of teachers and principals, unless the district or school collectively agrees with its teachers or principals to use the ratings from those school years for those purposes.
- Specifies that, for a teacher of a grade level and subject area for which the value-added progress dimension is applicable and if no other measure is available to determine student academic growth, the evaluation for that teacher or principal must be based solely on teacher or principal performance.
- Repeals the current safe harbor provision (currently in effect for the 2014-2015 school year only) that *authorizes* a district or school to enter into a memorandum of understanding stipulating that it will not use the value-added rating from the assessments administered in the 2014-2015 school year for the purposes described above.
- Requires the Ohio Department of Education to submit a request to the U.S. Secretary of Education for a waiver from provisions of the "No Child Left Behind Act of 2001," to account for the bill's prohibition on using the value-added ratings used to calculate student academic growth for purposes of conducting teacher and principal evaluations based assessments administered in the 2014-2015 and 2015-2016 school years.
- 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.

- Requires each school district and school to report to the Department of Education the number of students who did not take a state achievement assessment that was administered in the 2014-2015 school year and who were not excused from taking the assessment, and to report that number as a whole and as a percentage.
- 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 and Evaluations**

- 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.

### **Evaluation of school counselors**

- Requires the Educator Standards Board to develop standards for school counselors.
- Requires the State Board of Education to develop, not later than May 31, 2016, a standards-based framework for the evaluation of school counselors that aligns with the standards for school counselors adopted by the Educator Standards Board and satisfies other requirements.
- Requires the State Board to develop specific standards and criteria that distinguish between accomplished, skilled, developing, and ineffective ratings for school counselor evaluations.
- Requires each school district board of education to adopt, not later than September 30, 2016, a standards-based school counselor evaluation policy that conforms to the framework developed by the State Board.
- Requires each district's policy to include procedures for implementing the framework beginning in the 2016-2017 school year and for using the evaluation results beginning in 2017-2018 for decisions regarding the retention and promotion of school counselors and the removal of poorly performing school counselors.
- Requires each district board to annually submit a report to the Department of Education, in a form and manner prescribed by the Department, regarding its implementation of its standards-based school counselor evaluation policy.

### **Alternative framework for teacher evaluations**

- Modifies the alternative framework for teacher evaluations, beginning with the 2015-2016 school year, by increasing (to 50%) the teacher performance measure, decreasing (to 35%) the student academic growth measure, and permitting districts and schools to use a combination of specified components for the remainder of each evaluation.

### **V. Waivers**

- 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 K-8 student from \$4,250 to \$4,650 and to a high school student from \$5,000 to \$6,000.
- 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.
- Removes the current limitation on the number of Cleveland Pilot Project scholarships that may be awarded to students who were already enrolled in a nonpublic school when the students applied for the scholarship.
- Increases the maximum amount of a scholarship awarded under the Autism Scholarship Program to \$27,000 (from \$20,000 under current law).

- Increases the maximum amount of a scholarship awarded under the Jon Peterson Special Needs Scholarship Program to \$27,000 (from \$20,000 under current law).

### **College Credit Plus program**

- Specifically permits students to participate in the College Credit Plus (CCP) program during the summer term of a public or participating private college or an eligible out-of-state college.
- Requires the Chancellor of Higher Education, in consultation with the state Superintendent, to adopt rules regarding the participation of students in CCP during the summer.
- Specifically prohibits any requirement of the CCP program, or any rule adopted by the Chancellor or the State Board of Education 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 Chancellor 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 five 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 \$200,000 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.

### **GED tests**

- Requires a person who is at least 16 but less than 18 years old, when applying to the Department of Education for permission to take the tests of general educational development (GED), to include a high school transcript with specified information.
- 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 a person may take the GED tests, without additional requirements, if the person (1) is or was homeschooled, (2) is excused from attending school due to a physical or mental condition, (3) is moving or has moved out of Ohio, or (4) has an extenuating circumstance.
- 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.
- Specifies that a person who takes the GED tests but fails to attain the required scores must (1) retake only the specific test on which the person did not attain a passing score, and (2) pay only for the cost of the specific test that must be retaken.

### **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.

## **Out-of-state STEM school students**

- Permits a STEM school to admit out-of-state students and requires a STEM school that admits an out-of-state student to charge tuition for that student in an amount equal to the amount of state funds that the school would have received for that student if that student were a resident of Ohio.

## **Diplomas for home-schooled and nonchartered nonpublic school students**

- Specifies that a home-schooled student may be granted a high school diploma by the student's parent, guardian, or other person having charge or care of a child and clarifies other issues of law regarding high school diplomas of home-schooled students.
- Specifies that a person who has graduated from a nonchartered nonpublic school in the state and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school and clarifies other issues of law regarding high school diplomas of nonchartered nonpublic school students.

## **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, an appropriately licensed health care provider, a federally qualified health center, or a federally qualified health center look-alike to provide health services to students.
- Specifies that the employees of any of the specified entities 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.

## **Student discipline**

- Requires each school district board of education, by July 1, 2016, to adopt an updated policy of zero tolerance that provides for tiered responses based upon the nature and severity of the student's behavior.
- Requires the State Board of Education, by February 28, 2016, to adopt a model disciplinary policy that provides for a tiered response to specified behaviors and stresses preventive strategies and alternatives to suspension and expulsion.



- Requires the Department of Education, by May 31, 2016, to (1) provide each district with a copy of the model policy and (2) develop materials to assist districts in providing teacher and staff training on implementation of the policy.

### **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.

### **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.
- Requires that, if a joint vocational school district gains territory on or after January 1, 2015, due to a specified transfer of the entire territory of a "local" school district to another, contiguous "local" school district, then that JVSD must enter into a two-year transition agreement with the JVSD that lost the territory gained by the other JVSD due to the transfer, including provisions for continuing student enrollments and interdistrict payments.

- Permits the Superintendent of Public Instruction to adopt guidelines identifying the circumstances in which the Department, after consulting with the lead district of a career-technical planning district, may approve or disapprove a city, local, or exempted village school district's, community school's, or STEM school's career-technical education program after the deadline prescribed in current law.
- Prohibits the assessment against any client school districts of an educational service center (ESC) that is abolished by July 1, 2015, of any indebtedness to the Department of Education for expenses related to the dissolution that exceed the available assets of the ESC.
- Prohibits a school district or school from altering, truncating, or redacting any part of a student's record so that any information on the record is rendered unreadable or unintelligible during the course of transferring that record to an educational institution for a legitimate educational purpose.
- Abolishes the Healthy Choices for Healthy Children Council.
- 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, 3317.017, 3317.02, 3317.022, 3317.0212, 3317.0213, 3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.051, 3317.16, 3317.26, 3323.13, and 3326.33; Sections 263.220, 263.230, and 263.240)<sup>32</sup>

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 public entities that provide primary and secondary education. This system specifies a

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<sup>32</sup> R.C. 3317.018 and 3317.019 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.

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 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 detailed analysis of the current funding system and the one proposed by the Governor, see the LSC Redbook for the Department of Education. For a comparison of the Governor's proposal, the school funding system proposed in the House Passed version, and the school funding system proposed in the Senate Passed version, see the LSC Comparison Document for the Department. Both documents are published on the LSC website at <http://www.lsc.ohio.gov/>. 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."<sup>33</sup> 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

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<sup>33</sup> 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.)

## **State share index**

(R.C. 3317.17)

The bill makes revisions to the calculation of the "state share index." Under current law, the "state share index" is an index that depends on valuation and, for city, local, and exempted village school districts with relatively low median income, on median income. It is adjusted for school districts where 30% or more of the potential taxable valuation is exempted from taxation, which reduces the qualifying districts' three-year property valuation in the formula and, thereby, increases their calculated core funding.

The bill revises the computation of the "state share index" by doing both of the following:

(1) Calculating an "income index" that is based on both a district's "median income index" (which is calculated under current law and is equal to the district's median Ohio adjusted gross income divided by the median district's median Ohio adjusted gross income) and a district's three-year average federal adjusted gross income per pupil divided by the statewide average per pupil;

(2) Revising the calculation of the "wealth index" factor of the computation by basing it on both a district's "median income index" (as under current law) and a district's "income index," and by making other changes to the formula.

The "state share index" is a factor 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, career-technical education associated services funds and the third-grade reading bonus 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.

## **Targeted assistance supplemental funding**

(R.C. 3317.0217)

The bill revises the calculation of targeted assistance supplemental funding, which is based on a district's percentage of agricultural property, by doing all of the following:

(1) Basing the "three-year average valuation" on the average of a district's tax valuation for tax years 2012, 2013, and 2014, for fiscal year 2016, and tax years 2013, 2014, and 2015, for fiscal year 2017. Under current law, this valuation remains the same for both years of the biennium rather than changing for each fiscal year.

(2) Providing this funding to districts with more than 10% agricultural real property but not to those districts with 10% or less agricultural real property. Current law provides funding to those districts that have less than 10% (but greater than 0%) agricultural real property in an amount less than that paid to districts with at least 10% agricultural real property, with the amount of funding for districts with greater than 0% but less than 10% agricultural real property varying based on the district's percentage of agricultural real property.

(3) Making other changes to the formula for the computation of this funding.

Additionally, the bill removes a current law requirement that districts must receive targeted assistance funding (which is based on a district's value and income) in order to receive targeted assistance supplemental funding.

Targeted assistance supplemental funding is paid to city, local, and exempted village school districts.

## **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.

<b>Category</b>	<b>Type of student under current law</b>	<b>Dollar amount for fiscal year 2016 and for fiscal year 2017</b>
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
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 <sup>34</sup>	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,	\$4,732	\$4,921

<sup>34</sup> 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).



Category	Career-technical education programs <sup>34</sup>	Dollar amount for fiscal year 2016	Dollar amount for fiscal year 2017
	transportation systems, and arts and communication		
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

The bill also removes a provision of current law that requires a joint vocational school district to spend at least 75% of its career-technical education funding on costs directly associated with career-technical education programs and not more than 25% on personnel expenditures.<sup>35</sup> The bill does not, however, remove this requirement for city, local, and exempted village school districts, community schools, and STEM schools.<sup>36</sup>

### **Career-technical 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.

### **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.

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<sup>35</sup> R.C. 3317.16(D)(2).

<sup>36</sup> R.C. 3314.08(C)(5), 3317.022(E), and 3326.39, latter section not in the bill.



## **Graduation bonus**

(R.C. 3314.085(B)(1), 3317.0215, 3317.16(A)(7), and 3326.41(B))

The bill requires the Department to make an additional "graduation bonus" payment to each city, local, and exempted village school district, joint vocational school district, community school, and STEM school based on how many students graduate from the district or school, as indicated on the district's or school's most recent report card.

## **Third-grade reading bonus**

(R.C. 3314.085(B)(2) and 3317.0216)

The bill requires the Department to make an additional "third-grade reading bonus" payment to each city, local, and exempted village school district and community school based on how many of the district's or school's third grade students score at a proficient level or higher on the district's or school's most recent administration of the English language arts assessment.

## **Technology supplement**

(R.C. 3317.022(A)(13))

The bill requires the Department to make an additional "technology supplement" payment to each city, local, and exempted village school district based on the district's transportation rider density (the total ADM per square mile of the district).

## **Transportation funding**

(R.C. 3317.0212)

The bill 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 index.

Additionally, the bill requires the Department to pay each district a transportation supplement that is based on the district's rider density (the total ADM per square mile of the district).

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 (excluding specified payments listed below) 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. For purposes of this provision, "core foundation funding" does not include the district's payments for the following:

--For fiscal years 2016 and 2017, capacity aid, the graduation bonus, the third-grade reading bonus, the technology supplement, and the transportation supplement;

--For fiscal year 2017, career-technical education and career-technical education associated services.

A district's core foundation funding and pupil transportation 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, except that districts are not



guaranteed to receive the same amount of career-technical education and career-technical associated services funding for fiscal year 2017 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, except they are not guaranteed to receive the same amount of career-technical education and career-technical associated services funding for fiscal year 2017 as in fiscal year 2015. They 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 (excluding specified payments listed below) in each fiscal year of the biennium. For purposes of this provision, "state aid" does not include the district's payments for the following:

--For fiscal years 2016 and 2017, the graduation bonus;

--For fiscal year 2017, career-technical education and career-technical education associated services.

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 15%, for fiscal year 2016, and 25% for fiscal year 2017, of 20% of the formula amount.

### **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.<sup>37</sup> 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, Toledo, or Youngstown), (2) a poorly performing school district as determined by the school's performance index, value-added progress dimension, or other ratings or grades on the state report card, or (3) a school district in the original community school pilot project area (Lucas County).<sup>38</sup>

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;

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<sup>37</sup> R.C. 3317.063, not in the bill.

<sup>38</sup> R.C. 3314.02(A)(3).



(6) A federally tax-exempt entity under certain specified conditions;

(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.<sup>39</sup>

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.

### **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,<sup>40</sup> 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.

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

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<sup>39</sup> R.C. 3314.02(C)(1)(a) through (g).

<sup>40</sup> R.C. 3314.086, not in the bill.



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 is sponsored by an entity that is rated "exemplary" by the Department of Education to be licensed by the Department to operate a preschool program for children age three or older.

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 general education preschool students (preschool students who are not receiving special education) 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 not general education preschool students.

### **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).<sup>41</sup>

### **Community school surety bond, cash deposit, or written guarantee**

(R.C. 3314.50)

Under current law, a community school may not open for operation unless the governing authority of the school has either: (1) posted a surety bond in the amount of \$50,000 with the Auditor of State, to be used in the event the school closes, to pay the Auditor of State any moneys owed by the school for the costs of audits, or (2) deposited with the Auditor of State \$50,000 cash as a guarantee of payment. The bill permits a community school sponsor or operator that has a contract with the school to provide a written guarantee of payment, in lieu of a surety bond or cash deposit, that obligates the sponsor or operator to pay up to \$50,000 toward the costs of audits conducted by the Auditor of State if the school closes. The bill specifies that any such written guarantee is binding upon any successor entity that enters into a contract to sponsor or to operate the school, and any such entity, as a condition of its undertaking must acknowledge and accept that obligation. The bill adds that the surety, cash deposit, or written guarantee is to be used not only for moneys owed, but for moneys "that become owed" by the school for the costs of the audits. The bill specifically prohibits a community school that is subject to these provisions from maintaining or continuing its operations absent the ongoing provision of a surety bond, a cash deposit, or a written guarantee.

The bill also specifies that, in the event that a sponsor or operator has provided a written guarantee, and later, the governing authority of the school posts a surety bond, or the governing authority of the school, a sponsor, or an operator provides a cash deposit of \$50,000, the written guarantee is cancelled. The bill requires the Department of Education to notify the Auditor of State of the proposed initiation of operations of any community school and to provide the Auditor of State with the certification of the sponsor of the community school of the compliance by the community school with all legal preconditions to the initiation of its operations, including the filing of a surety bond, deposit of cash guarantee, or written guarantee of payment. Additionally, the bill requires, when the Auditor of State conducts an audit of a community school that has closed and is subject to the requirements of this provision, the Auditor of State must certify the costs of the audit to the Treasurer of State, who must assess the surety for the

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<sup>41</sup> 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.)



costs of the audit, or pay out of the cash deposit the costs of the audit to reimburse the Auditor of State for audit costs. Furthermore, under the bill's provisions, when an entity provides a written guarantee in lieu of a surety bond or cash guarantee, that entity is solely and fully liable for the costs of any audits conducted and must promptly pay those costs up to \$50,000.

Finally, the bill specifies that to the extent that the amount of the bond or cash deposit is not needed to cover audit costs, the bond must be cancelled and any cash balance must be refunded by the Treasurer of State to the entity that provided the bond.

### **Parental engagement pilot program**

(R.C. 3314.39; Section 223.10)

The bill establishes a five-year parental engagement pilot project at the Dayton Early College Academy Preparatory, Incorporated (DECA Prep), a community school in Dayton that serves grades kindergarten through six, and earmarks for it up to \$100,000 in each of fiscal years 2016 and 2017. The pilot project is a research and development initiative to study the impact of required parental engagement for low-performing students. Under the bill, it will operate from the 2016-2017 school year through the 2020-2021 school year. The pilot project provides additional educational opportunities to students and mandatory coaching for parents and is to be administered by the Auditor of State. The Auditor of State also must certify the amounts to be paid to DECA Prep from funds appropriated by the General Assembly for purposes of the pilot project based on conditions that the Auditor of State develops jointly with the Department of Education and DECA Prep.

The bill requires DECA Prep to work with an institution of higher education in Ohio to design and perform a five-year study on the pilot project. Further, the bill requires that any funds appropriated by the General Assembly for the pilot project be used to pay for additional testing resources to provide additional teaching resources to provide the additional educational opportunities for students and coaching for parents on Saturdays and nonschool hours throughout the week.

The bill permits DECA Prep to require parents of students identified as "low-performing," as defined by the governing authority of DECA Prep using special assessments, to agree to attend coaching classes and ensure that their children complete the additional requirements of the pilot project as a condition of enrollment. A student whose parent fails to comply with the agreement will not be offered admission to the school for the following year.

Finally, the bill specifies that any additional resources and academic support provided by the pilot program is to supplement and not replace academic interventions



or accommodations otherwise required and provided under other provisions of law, including a student's IEP (individualized education program).

### **Community school access to school district property**

(R.C. 3313.413 (conforming changes in R.C. 3313.41 and 3313.411))

The bill requires a school district board, when it decides to sell real property, to first offer that property for sale to the governing authorities of high-performing community schools and newly established community schools with a community school model that has a track record of high quality academic performance, as determined by the Department of Education, before offering it to all start-up community schools and any college-preparatory boarding schools located in the district as required under current law.

Additionally, the bill requires a school district board, when it is required under current law to offer unused school facilities for lease or sale, prior to offering those facilities to all start-up community schools and any college-preparatory boarding schools located in the district, to first offer the facilities for sale or lease to the governing authorities of high-performing community schools sponsored by the district.

The bill further specifies that the purchase price of any property or unused facilities sold under those provisions must not be more than the appraised fair market value of that property as determined by an appraisal that is not more than one year old.

#### **High-performing community school**

Under the bill "high-performing community school" means a community school that meets one of the following conditions:

(1) The school received a grade of "A," "B," or "C" for the performance index score or has increased its performance index score for the previous three years, and received a grade of "A" or "B" for the value-added progress dimension on its most recent report card rating;

(2) If the school serves only grades K through 3, the school received a grade of "A" or "B" for making progress in literacy on its most recent report card;

(3) If the school is a drop out recovery school, the school received a rating of "exceeds standards" on its most recent report card.



## **School district property purchased by community school**

(R.C. 3313.411)

The bill prohibits the governing authority of a community school or board of trustees of a college-preparatory boarding<sup>42</sup> 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.

## **Sale of school district property to a pro sports museum**

(Section 263.600)

The bill permits the board of education of a city school district, until July 1, 2017, 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.

## **Sale or lease of school district athletic field**

(Sections 610.35 and 610.36 of the bill, amending Section 7 of H.B. 532 of the 129th General Assembly)

The bill makes two changes to a provision of current law that temporarily permits a school district to offer highest priority to purchase an athletic field to the chartered nonpublic school that is the current leaseholder of the property. First it extends the expiration of the provision from December 31, 2015, to December 31, 2017. Second, it exempts that provision from changes made by the bill that gives first priority to high-performing community schools when a school district decides to dispose of a property.<sup>43</sup> (The bill continues the exemption for the authorized sale to the nonpublic school from current right of refusal for other community schools and college-preparatory boarding schools located in the district.)

The current provision of law amended by the bill applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school. Under that law, the board of education of such a school district may offer for sale an athletic field that it owns in its corporate capacity to the chartered

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<sup>42</sup> There are no college-preparatory boarding schools operating currently. They are authorized under R.C. Chapter 3328.

<sup>43</sup> R.C. 3313.411.



nonpublic school that is the current leaseholder of the property prior to offering the property for sale in the manner required under continuing law.

### **Background on access to school district property**

Generally, if a school district board decides to sell real property worth more than \$10,000, the district board must first offer the property to community schools and college-preparatory boarding schools<sup>44</sup> located within the district's territory. Additionally, if the district owns certain real property that it has not used for two years, the board is required to offer it for sale or lease to such schools. Otherwise, when a district board decides to sell real property it must offer the property at public auction or it may sell the property directly to specified entities. If the property is offered at public auction, but is not sold, the district board may sell it at a private sale.<sup>45</sup>

## **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 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.

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<sup>44</sup> Currently, there are no college-preparatory boarding schools in operation in the state.

<sup>45</sup> R.C. 3313.41 and 3313.411.



## **Type of state achievement assessments**

(Section 263.620)

The bill requires the Superintendent of Public Instruction, within 30 days after the bill's effective date, to verify that the state elementary and secondary achievement assessments that are administered in the 2015-2016 school year will be administered (1) once each year, (2) not over multiple testing windows, and (3) in the second half of the school year (except for end-of-course examinations for courses completed during the first semester of the school year). The state Superintendent must also verify by that same deadline that the length of those assessments will be reduced as compared to the assessments that were administered in the 2014-2015 school year, "in order to provide more time for classroom instruction and less disruption in student learning."

If the state Superintendent verifies that the assessments and their administration do not meet the prescribed conditions, the Superintendent must take the steps necessary to find and contract with one or more entities to develop and provide assessments that meet the prescribed conditions.

The bill also contains a statement specifying that, "(for) the online administration of assessments, a single technology platform is preferred but not required."

## **Online administration of state assessments**

(Section 10 of H.B. 487 of the 130th General Assembly, as amended in Sections 610.17 and 610.18)

The bill applies to the 2015-2016 school year, the current prohibition now in effect for the 2014-2015 school year only that (1) prohibits school districts and schools from being required to administer the state elementary and secondary achievement assessments in an online format, (2) permits a district or school to administer such assessments in any combination of online and paper formats at the discretion of the district board or school governing authority, and (3) requires the Department of Education to furnish, free of charge, all required state assessments for the school year.

The bill also states that "school districts and schools are encouraged to administer the assessments in an online format."

## **Delivery of assessment scores to districts and schools**

(R.C. 3301.0711(G))

Current law prescribes a deadline by which the individual scores of state assessments must be sent to school districts and schools (see "**Background**" below).



Beginning with the 2015-2016 school year, the bill revises that provision by requiring the Department of Education, or an entity with which it contracts for the scoring of state achievement assessments, to send to each school district and school a list of individual scores for all students who took a state achievement assessment by the following deadlines:

(1) For all elementary and secondary assessments (except for the third-grade English language arts assessment), within 45 days of the assessment's administration or by June 30 of each school year, whichever is earlier;

(2) For the third-grade English language arts assessment, within 45 days of the assessment's administration or by June 15 of each school year, whichever is earlier.

The bill also permits the results from the writing component of any assessment in the area of English language arts, except for the third-grade English language arts assessment, to be sent after 45 days of the assessment's administration as long as the results are sent by June 30 of each school year.

## **Background**

Current law requires that the individual scores of state achievement assessments be sent to school districts and schools within 60 days after the administration of an assessment, but in no case after June 15 following the assessment administration, except for the 2014-2015 school year, wherein the scores must be sent by November 15, 2015.<sup>46</sup>

## **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),<sup>47</sup> 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-

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<sup>46</sup> Section 10 of H.B. 367 of the 130th General Assembly.

<sup>47</sup> R.C. 3301.0710(B)(1) and 3313.61, neither in the bill.



recognized credential or a state agency- or board-issued license for practice in a specific vocation.<sup>48</sup>

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;

(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 examinations**

(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

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<sup>48</sup> R.C. 3313.618, not in the bill.



September 24, 2014, but that provision exempted ISACS schools from the end-of-course examination requirement.<sup>49</sup>

### **Exemption from end-of-course examinations**

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. The bill also authorizes such a school to forgo the end-of-course examinations if it publishes the results of an alternative assessment that is used as a pathway for high school graduation. Neither the bill nor current law 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.

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.<sup>50</sup>

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<sup>49</sup> R.C. 3313.612, as amended by H.B. 59 and as subsequently amended by H.B. 487, both of the 130th General Assembly.

<sup>50</sup> Section 12 of H.B. 367 of the 130th General Assembly.



## **Graduation requirements for certain chartered nonpublic schools**

(R.C. 3313.612 and 3313.619; conforming changes in R.C. 3313.614 and 3313.902)

The bill creates another additional pathway for high school graduation for students enrolled in a chartered nonpublic school that is *not* accredited through the Independent School Association of the Central States. Such a student may receive a high school diploma if the student attains a designated score on an alternative assessment approved by the Department of Education and selected by the student's school.

For that purpose, the bill requires the Department to approve assessments that (1) are nationally norm-referenced, (2) have internal consistency reliability coefficients of at least "0.8," (3) are standardized, (4) have specific evidence of "content, concurrent, or criterion validity," (5) have evidence of norming studies in the previous ten years, (6) have a measure of student achievement in core academic areas, and (7) have high validity evidenced by the alignment of the assessment with nationally recognized content. The Department must also designate passing scores on each of the assessments it approves.

Despite the bill's creation of an additional pathway for high school graduation, the bill specifically states that the new pathway *does not* prohibit a non-ISACS chartered nonpublic school from granting a high school diploma to a student under one of the three graduation pathways already prescribed under current law.

## **Third-grade reading guarantee diagnostic assessments**

(R.C. 3313.608; Section 263.553)

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, beginning with the 2015-2016 school year, the reading skills assessment must be completed by September 30 for students in grades kindergarten to three. The required reading skills assessment is the reading diagnostic assessment or a comparable tool approved by the Department of Education.

## **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.<sup>51</sup>

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.

### **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

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<sup>51</sup> R.C. 3302.03(C)(1)(c) and (C)(3)(b).

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, 3314.02, and 3314.05)

The bill changes, from the 2015-2016 school year, as under current law, to the 2016-2017 school year, the first issuance of overall letter grades on the state report card.

### **Safe harbor provisions**

(R.C. 3302.036; Section 13 of H.B. 487 of the 130th General Assembly (repealed))

The bill revises provisions enacted in 2014, and subsequently amended in 2015, that afford districts, schools, and students a temporary safe harbor from the results of state assessments.<sup>52</sup> Those revisions extend the following provisions through the 2015-2016 school year:

(1) The provision prohibiting the Department of Education from assigning an overall letter grade for a school district or school, which is currently in effect for the 2014-2015 school year only;

(2) The provision that prohibits districts or schools from utilizing, at any time during a student's academic career, a student's score on any state elementary-level achievement assessment or high school end-of-course examination that is administered in a specified school year 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. This prohibition does not apply to the third-grade English language arts assessment used for purposes of the third-grade reading guarantee;

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<sup>52</sup> H.B. 487 of the 130th General Assembly, effective September 17, 2014, and H.B. 7 of the 131st General Assembly, effective March 16, 2015.



(3) The provision prohibiting individual student score reports on state assessments administered in a specified school year from being released, except to a student's district or school or to the student or the student's parent or guardian.

The bill also enacts a new provision that prohibits, for the 2014-2015 school year only, the Department from assigning a grade for the performance index score for a district or school.

### **Safe harbor for teachers and principals**

(Section 263.650)

The bill replaces the current, separate safe harbor provision in effect for only the 2014-2015 school year that *authorizes* a school district or school to enter into a memorandum of understanding with its teachers' labor union stipulating that the value-added progress dimension rating that is based on the results of the state achievement assessments administered in the 2014-2015 school year *will not* be used for (1) teacher or principal evaluations, or (2) making decisions regarding dismissal, retention, tenure, or compensation.<sup>53</sup>

In replacing this provision, the bill *prohibits* a school district or school from using the value-added ratings from assessments administered in both the 2014-2015 and 2015-2016 school years for the purposes described above. However, the bill does permit a district or school to enter into a memorandum of understanding collectively with its teachers or principals stipulating that value-added ratings from those school years may be used for the purposes described above.

Finally, for a teacher of a grade level and subject area for which the value-added rating is applicable and if no other measure is available to determine student academic growth, the bill requires the evaluation for that teacher or principal to be based solely on teacher or principal performance (e.g., walkthroughs, class observations, and professional growth plans).

### **Waiver from NCLB provisions**

(Section 263.630)

Ohio's current flexibility waiver from provisions of the federal "No Child Left Behind Act of 2001" (NCLB) requires (and state law implements) a state-developed system of teacher evaluations that must be conducted by school districts and by community schools and STEM schools that receive federal Race to the Top grant funds.

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<sup>53</sup> Section 13 of H.B. 487 of the 130th General Assembly.



Among other items, the waiver requires the inclusion of student growth in the teacher evaluation system, but it does not specify how much student growth is to be accounted for in an evaluation. Instead, the U.S. Department of Education stated in a guidance document that the waiver requires student growth to be included as a "significant factor" in the system, and requires the Ohio Department of Education to determine the degree of such inclusion.<sup>54</sup>

The bill requires the Department of Education, within 30 days after the bill's effective date, to apply to the U.S. Secretary of Education for a waiver from provisions of NCLB to account for the bill's two-year prohibition on using value-added ratings to calculate student academic growth for teacher or principal evaluations and for making decisions regarding dismissal, retention, tenure, or compensation.

### **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.<sup>55</sup>

### **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.<sup>56</sup> Under current law, the Department must submit this report not later than October 1 each year. The bill continues that deadline for subsequent years.

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<sup>54</sup> <https://www.ed.gov/sites/default/files/esea-flexibility-faqs.doc>.

<sup>55</sup> R.C. 3302.03.

<sup>56</sup> R.C. 3302.035, not in the bill.

## **Report of students who do not take state assessments**

(Section 263.640)

The bill requires each school district or school to report to the Department of Education the number and percentage of its students who did not take a state-required achievement assessment administered in the 2014-2015 school year and who were not specifically excused for being a special education student or a limited English proficient student.

## **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.<sup>57</sup> 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.<sup>58</sup>

## **IV. Educator Licensing and Evaluations**

### **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 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.

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<sup>57</sup> R.C. 3302.21(A)(1), (2), and (5), not in the bill.

<sup>58</sup> R.C. 3302.21(A)(3) and (4).



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

athletics<sup>59</sup>). 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.<sup>60</sup> According to the Department of Education's website, a one-year temporary license costs \$40.<sup>61</sup>

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.

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<sup>59</sup> R.C. 3313.53, not in the bill.

<sup>60</sup> Ohio Administrative Code (O.A.C.) 3301-23-44(C).

<sup>61</sup> 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 licenses<sup>62</sup> 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,<sup>63</sup> 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;

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

### **Evaluation of school counselors**

(R.C. 3319.113 and 3319.61)

#### **Standards for school counselors**

The bill requires the Educator Standards Board to develop standards for school counselors that align with the American School Counselor Association's professional

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<sup>62</sup> See R.C. 3319.27, not in the bill.

<sup>63</sup> Section 733.40 of H.B. 59 of the 130th General Assembly.



standards and the additional minimum operating standards for school districts adopted by the State Board of Education.<sup>64</sup> These standards must reflect all of the following:

(1) What school counselors are expected to know and be able to do at all stages of their careers;

(2) Knowledge of academic, personal, and social counseling for students;

(3) Effective principles to implement an effective school counseling program;

(4) Ohio-specific knowledge of career counseling for students and education options that provide flexibility for earning credit, such as earning units of high school credit based on a demonstration of subject area competency in accordance with methods adopted by the State Board under current law<sup>65</sup> and earning college credit through the College Credit Plus program.<sup>66</sup>

### **Standards-based state framework for evaluation of school counselors**

The bill requires the State Board, not later than May 31, 2016, to develop a standards-based state framework for the evaluation of school counselors. The State Board may update this framework periodically by adoption of a resolution.

The framework must establish an evaluation system that does the following:

(1) Requires school counselors to demonstrate their ability to product positive student outcomes using metrics, including those from the school or school district's state report card issued by the Department of Education;<sup>67</sup>

(2) Is aligned with the standards for school counseling adopted by the Educator Standards Board and requires school counselors to demonstrate their ability in all the areas identified by those standards;

(3) Requires that all school counselors be evaluated annually, except as otherwise appropriate for high-performing school counselors;

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<sup>64</sup> R.C. 3301.07(D)(3), not in the bill.

<sup>65</sup> R.C. 3313.603(J), not in the bill.

<sup>66</sup> R.C. Chapter 3365.

<sup>67</sup> R.C. 3302.03.



(4) Assigns a rating on each evaluation in accordance with the specific standards and criteria for those ratings developed by the State Board (see "**Ratings for school counselor evaluations**" below);

(5) Designates the personnel that may conduct evaluations of school counselors in accordance with this framework;

(6) Requires that each school counselor be provided with a written report of the results of that school counselor's evaluation;

(7) Provides for professional development to accelerate and continue school counselor growth and provide support to poorly performing school counselors.

### **Ratings for school counselor evaluations**

The bill also requires the State Board to develop specific standards and criteria that distinguish between the following levels of performance for school counselors for the purpose of assigning ratings on school counselor evaluations:

(1) Accomplished;

(2) Skilled;

(3) Developing;

(4) Ineffective.

The State Board must consult with experts, school counselors and principals employed in public schools, and representatives of stakeholder groups in developing these standards and criteria.

### **School district evaluation policies for school counselors**

The bill requires each school district board, by September 30, 2016, to adopt a standards-based school counselor evaluation policy that conforms with the standards-based state framework for the evaluation of school counselors. The policy must become operative at the expiration of any collective bargaining agreement covering school counselors employed by the board that is in effect on the bill's effective date and must be included in any renewal or extension of such an agreement.

The board must include both of the following:

(1) The implementation of the standards-based state framework for the evaluation of school counselors beginning in the 2016-2017 school year;



(2) Procedures for using the evaluation results, beginning in the 2017-2018 school year, for decisions regarding the retention and promotion of school counselors and the removal of poorly performing school counselors.

Each district board must annually submit a report to the Department, in a form and manner prescribed by the Department, regarding its implementation of its evaluation policy. The bill specifies that the Department must not permit or require that the name or personally identifiable information of any school counselor be reported to the Department as part of this annual report.

### **Collective bargaining agreements**

The bill specifies that its requirements regarding school counselor evaluations prevail over any conflicting provision of a collective bargaining agreement entered into on or after the bill's effective date.

### **Alternative framework for teacher evaluations**

(R.C. 3319.114)

Under current law, each district or school may choose to use the alternative framework for the evaluation of teachers in lieu of the prescribed state framework under the Ohio Teacher Evaluation System (OTES). Beginning with evaluations conducted for the 2015-2016 school year, the bill makes the following changes to the alternative framework:

(1) Requires the teacher performance measure to account for 50% of each evaluation (current law requires 42.5% to 50%);

(2) Decreases the student academic growth measure to account for 35% (current law requires 42.5% to 50%);

(3) Removes the requirement that the teacher performance measure and the student academic growth measure be an equal percentage of each evaluation;

(4) Specifies that the remainder of each evaluation must be one (as under current law) or any combination (as added by the bill) of the following: (a) student surveys, (b) teacher self-evaluations, (c) peer review evaluations, and (d) student portfolios. The bill also adds to the list of permissible components "any other component determined appropriate" by the district board or school governing authority.

Additionally, the bill modifies a provision requiring each district or school to use one of the instruments approved by the Department of Education when evaluating the component chosen for the remainder of each evaluation. Instead, the bill permits, but



does not require, districts and schools to use the approved instruments when evaluating the component or components chosen.

The bill does not modify the prescribed state framework under OTES, as described below.

### **Background on teacher evaluations**

Under current law, all school districts and educational service centers, and all community schools and STEM schools that receive federal Race to the Top grant funds, must conduct annual teacher evaluations under the OTES developed by the State Board of Education.<sup>68</sup> OTES provides for multiple evaluation factors, including student academic growth, formal teacher observations, and classroom walkthroughs.<sup>69</sup> The alternative framework also provides for multiple factors, including student academic growth and the teacher performance measure, both defined by the Department of Education, as well as student surveys, teacher self-evaluations, peer review evaluations, and student portfolios and classroom walkthroughs.

For more information about the current law on the teacher evaluation frameworks, as recently amended by H.B. 362 of the 130th General Assembly, effective September 11, 2014, see pp. 8-12 of the LSC Final Analysis for that act, at [www.lsc.ohio.gov/analyses130/14-hb362-130.pdf](http://www.lsc.ohio.gov/analyses130/14-hb362-130.pdf).

## **V. Waivers**

### **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

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<sup>68</sup> R.C. 3319.111, 3314.03(A)(11)(i), and 3326.111, first and third sections not in the bill.

<sup>69</sup> R.C. 3319.112, not in the bill.



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.

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 (1) to a student in grades K-8 from \$4,250 to \$4,650, and (2) to a student in grades 9 through 12 from \$5,000 to \$6,000.

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.<sup>70</sup> 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 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

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<sup>70</sup> R.C. 3302.21(A)(1), not in the bill.

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.<sup>71</sup>

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).

## **Cleveland Scholarship Program**

(R.C. 3313.975)

Current law specifies that the Superintendent of Public Instruction must award as many Cleveland Pilot Project scholarships and tutorial assistance grants as can be funded given the amount appropriated for the program. However, current law also states that no more than 50% of all scholarships awarded may be to students who were already enrolled in a nonpublic school. The bill removes this restriction.

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<sup>71</sup> R.C. 3310.032, not in the bill.



## **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.

## **Autism Scholarship Program**

(R.C. 3310.41)

The bill increases the maximum amount of a scholarship awarded under the Autism Scholarship Program to \$27,000 (from \$20,000 under current law).

The Autism Scholarship Program pays scholarships to the parents of identified autistic children in grades pre-kindergarten to 12. The scholarship is to be used solely to pay all or part of the cost of sending the child to a public or an approved nonpublic special education program instead of the one provided by the child's resident school district.

The scholarship amount is the lesser of the amount charged by special education program or \$20,000 (increased to \$27,000 under the bill).

## **Jon Peterson Special Needs Scholarship Program**

(R.C. 3310.56)

The bill increases the maximum amount of a scholarship awarded under the Jon Peterson Special Needs Scholarship Program to \$27,000 (from \$20,000 under current law).

The Jon Peterson Special Needs Scholarship Program provides scholarships for children with disabilities to attend special education programs other than those offered by their school districts. The program applies to any identified disabled child in grades kindergarten through 12. It began operating in the 2012-2013 school year. A scholarship may be used to pay the expenses of a public or private provider of special education programs for implementation of the child's individualized education program (IEP) and other services associated with educating the child.



## **College Credit Plus program changes**

(R.C. 3365.02, 3365.034, 3365.07, and 3365.15)

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.

### **Participation during the summer**

The bill specifically permits students who are eligible for the CCP program (see above) to participate in the program during the summer term of a public or a participating private or out-of-state college. It also requires the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, to adopt rules regarding participation in the program during the summer. Unless otherwise specified below, all requirements of the program apply to such students.

In order to participate in CCP during the summer, the bill requires the student to (1) meet the eligibility requirements of the program and (2) provide notification of the student's intent to participate by a date prescribed by the Chancellor (instead of by April 1, as current law requires for fall and spring participation). Additionally, the student or the student's parent must be responsible for any transportation related to participation during the summer.

If a student chooses to participate during the summer under "Option B," the Department of Education must reimburse the college for that student in the same manner as for students who participate under that option during the school year. However, reimbursement must be made by September of each year, or as soon as possible thereafter (rather than by January or July, as current law requires for fall and spring participation, respectively).

### **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 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 Chancellor 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 credit<sup>72</sup> 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.<sup>73</sup>

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.

### **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

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<sup>72</sup> "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.

<sup>73</sup> "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.

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.

(A conforming provision in the Community School Law states that compliance must begin with the 2016-2017 school year. This appears to be a drafting error.)<sup>74</sup>

## **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.<sup>75</sup>

### **Selection of 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 five districts, schools, or consortia to participate in the pilot program.

### **Awarding of grants**

The Department must award each district, school, or consortium selected to participate in the pilot program a grant of up to \$200,000 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.

### **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;

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<sup>74</sup> See R.C. 3314.03(A)(11)(f).

<sup>75</sup> 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**

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**

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**

The Department must post two separate reports regarding the pilot program on its website.

First, it 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, it 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.<sup>76</sup>

## **Eligibility requirements to take the GED tests**

(R.C. 3313.617)

Under current law, a person who is at least 18 years old 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

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<sup>76</sup> R.C. 3301.079(B)(2), not in the bill, 3313.603(J), and 3313.6020(C), not in the bill.

high school diploma. However, if a person is at least 16 but less than 18 years old, the person must apply to the Department of Education for permission to take the GED tests.

### **Approval from the Department of Education**

The bill maintains the requirement that a person who is at least 16 but less than 18 years old must apply to the Department to take the GED tests; however, the bill 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 (current law);

(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 a person's application, 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.

### **Automatic eligibility**

The bill also qualifies all of the following persons to take the GED tests, without additional administrative requirements and regardless of the age threshold prescribed by law (see above):

(1) A person who has a bodily or mental condition that does not permit attendance at school. In order to be excused from school for such a condition, a separate provision of law requires that (a) a physical condition must be certified in writing by a licensed physician, (b) a mental condition must be certified in writing by a licensed physician, a licensed psychologist, a licensed school psychologist, or a certificated

school psychologist, and (c) a provision must be made for appropriate instruction of that person.<sup>77</sup>

(2) A person who is currently home-schooled or has completed the final year of instruction at home.

(3) A person who is moving or has moved out of Ohio after previously attending school in the state.

(4) A person who has an extreme, extenuating circumstance, as determined by the Department, that requires the person to withdraw from school.

### **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.

### **Cost of the GED tests**

(R.C. 3313.617(F))

The bill specifies that if a person takes the GED tests but fails to attain the required scores to earn a high school equivalence diploma, the person is required to do the following:

(1) Retake only the specific test on which the person did not attain a passing score.

(2) Pay only for the cost of the specific test that must be retaken.

Furthermore, the bill specifically prohibits a person who fails to attain the required scores on all of the GED tests from paying again for the entire battery of tests, unless that person must retake the entire battery.

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<sup>77</sup> See R.C. 3321.04(A)(1), not in the bill.



## 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 Chancellor 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 Chancellor 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,<sup>78</sup> 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.

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<sup>78</sup> 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:

$$(\text{The student's career pathway training program amount} + \text{the student's work readiness training amount}) \times 1.2$$

### **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 Chancellor 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;



(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);

(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.

### **Out-of-state STEM school students**

(R.C. 3326.10, 3326.101, 3326.32, and 3326.50)

### **Admission**

The bill permits STEM school to admit, on a tuition basis, individuals who are not residents of Ohio. Under current law, individuals entitled to attend school in an Ohio school district are eligible to be admitted to a STEM school, and individuals who are not Ohio residents are not permitted to enroll in a STEM school.

### **Tuition and funding**

If a STEM school admits an out-of-state student, the bill requires that the school charge tuition for that student in an amount equal to the amount of state funds that the school would have received for that student if that student were a resident of Ohio, as calculated by the Department of Education. Currently, a STEM school is prohibited from charging tuition for any student enrolled in a STEM school.

Additionally, the bill prohibits a STEM school from receiving any state funds for an out-of-state student.

### **Report**

The bill requires a STEM school to report the total number of students enrolled in the school who are not residents of Ohio and any additional information regarding those students that the Department requires the school to report.

## Diplomas for home-schooled and nonchartered nonpublic school students

(R.C. 3313.6110)

The bill specifies that a person who has completed the final year of instruction at home and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by that person's parent, guardian, or other person having charge or care of a child. It further states that a diploma issued on or after July 1, 2015 must contain either: (1) a certification signed by the superintendent of the school district in which the person is entitled to attend school or (2) the official letter of excuse issued by the district superintendent for the student's final year of home education. If the diploma includes a signed certification, the certification must include the following statement:

"I certify that the student named in this diploma and the student's parent have complied with division (A)(2) of section 3321.04 of the Ohio Revised Code regarding instruction at home and the related rules of the Ohio State Board of Education."

The bill requires a district superintendent to sign any such diploma if the student and the parent have complied with the home instruction requirements.

The bill also specifies that a person who has graduated from a nonchartered nonpublic school in the state and who has successfully fulfilled the high school curriculum may be granted a high school diploma by the governing authority of that school.

The bill states that such a diploma granted to a student who received home instruction or attended a nonchartered nonpublic school serves as proof of successful completion of that person's applicable high school curriculum and fulfills any legal requirement that requires proof of a high school diploma. Further, such a diploma also is considered proof of completion of high school for purposes of application for employment. This is regardless of whether the diploma holder participated in the state achievement assessments,<sup>79</sup> Ohio Graduation Test (OGT)<sup>80</sup> or the College and Work-Ready Assessment System.<sup>81</sup>

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<sup>79</sup> R.C. 3301.0710(A)(1), not in the bill.

<sup>80</sup> R.C. 3301.0710(B)(1), not in the bill.

<sup>81</sup> R.C. 3301.0710(B)(2), not in the bill, and 3301.0712.



## **Background**

Under current law, the superintendent of the school district in which a child resides may excuse a child from attendance if the child is being instructed at home by a person qualified to teach the branches in which instruction is required, and any additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require. If a child receives home instruction, the issuing district superintendent must file in the superintendent's office, with a copy of the excuse, papers showing the qualifications of the person instructing the child at home were determined.<sup>82</sup>

## **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, an appropriately licensed health care provider, a federally qualified health center, or a federally qualified health center look-alike 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, the health care provider, the federally qualified health center, or the federally qualified health center look-alike 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

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<sup>82</sup> R.C. 3321.04(A)(2), not in the bill.



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.<sup>83</sup>

## **Zero tolerance and disciplinary policies for school districts**

(R.C. 3313.534)

### **Zero tolerance policies**

Under current law, each school district board of education was required, by July 1, 1998, to (1) adopt a zero tolerance policy for violent, disruptive, or inappropriate behavior, including excessive truancy. The bill requires each district board, by July 1, 2016, to adopt an "updated" zero tolerance policy for violent behavior that provides tiered responses to violent, disruptive, or inappropriate behavior, and excessive truancy, based upon the nature and severity of the behavior.

As under current law, the zero tolerance policy must include strategies to address such behavior that range from prevention to intervention. Additionally, the bill requires the updated policy to provide for all of the following:

(1) To the extent practicable, an out-of-school suspension or expulsion must be imposed only when a student's physical presence poses a continuing physical danger to the health and safety of other students and school employees (including situations in which a student, while at school or a school-sponsored activity, possesses a firearm or knife, causes serious physical harm to persons or property, or makes a bomb threat<sup>84</sup>).

(2) For all other types of behavior, an out-of-school suspension or expulsion must be discouraged and available only (a) as a penalty of last resort and (b) where it is impracticable to impose disciplinary action without removing the student from school.

(3) An out-of-school suspension or expulsion is not an appropriate penalty for excessive truancy.

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<sup>83</sup> R.C. 3319.221, not in the bill.

<sup>84</sup> See R.C. 3313.66(B), not in the bill.



## **Model disciplinary policy**

The bill requires the State Board of Education, by February 28, 2016, to adopt a model disciplinary policy for violent, disruptive, or inappropriate behavior, including excessive truancy, that (1) is consistent with the bill's requirements for the updated zero tolerance policies (see above), and (2) stresses preventive strategies and alternatives to suspension and expulsion. Furthermore, by May 31, 2016, the Department of Education, must (1) provide each district with a copy of the model policy and (2) develop materials to assist districts in providing teacher and staff training on the implementation of the strategies included in the policy.

## **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.



## **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.

### **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.<sup>85</sup> A district also must transport STEM school students, unless the school's proposal as approved by the STEM committee provides for transportation.<sup>86</sup>

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.<sup>87</sup>

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

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<sup>85</sup> R.C. 3327.01.

<sup>86</sup> R.C. 3326.20, not in the bill.

<sup>87</sup> R.C. 3327.01 and 3327.02.



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.<sup>88</sup>

## **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,

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<sup>88</sup> R.C. 3314.091.



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.

### **Joint vocational school district transition agreement**

(R.C. 3311.221)

The bill requires a joint vocational school district (JVSD) that gains territory on or after January 1, 2015, due to an "eligible school district transfer" to enter into a two-year transition agreement with the JVSD that lost the territory gained by the other JVSD due to the transfer. For purposes of this provision, an "eligible school district transfer" means the transfer, by June 30, 2015, of the entire territory of a "local" school district that has fewer than 500 students to another, contiguous "local" school district with the same educational service center that results in the cancellation of the amount owed to the State Solvency Assistance Fund by either or both local districts under a temporary provision of current law enacted in 2014.<sup>89</sup>

The bill specifies that the transition agreement must require all of the following:

(1) Each student of the local school district that is transferred who is enrolled, at the time of the transfer, in the JVSD that lost territory due to the transfer must remain enrolled in that JVSD for the remainder of the student's secondary education, so long as the student is enrolled in the local school district that received territory in the transfer and continues to enroll in a career-technical program.

(2) In the first year following the transfer, the JVSD that gains territory due to the transfer must pay the JVSD that lost territory due to the transfer an amount equal to 100% of the revenue collected from taxes levied by the JVSD that gains territory for the transferred portion of the district.

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<sup>89</sup> Section 7 of H.B. 487 of the 130th General Assembly, not in the bill.



(3) In the second year following the transfer, the JVSD that gains territory due to the transfer must pay the JVSD that lost territory due to the transfer an amount equal to 50% of the revenue collected from taxes levied by the JVSD that gains territory for the transferred portion of the district.

Additionally, the agreement must include any other terms mutually agreed upon by both JVSDs "to ensure an orderly transition of territory that maximizes opportunities for students."

### **Approval of career-technical education programs**

(R.C. 3317.161)

Existing law requires each city, local, or exempted village school district's, community school's, or STEM school's career-technical education programs to be approved in order for the district or school to receive state funding for the students enrolled in the program. Approval is obtained through a two-step process that involves an initial decision to approve or disapprove by the lead district of the district's or school's career-technical planning district (CTPD) and a review of that decision and approval by the Department, which must occur not later than May 15 prior to the first fiscal year for which the district or school is seeking funding for the program. Approval is valid for the five fiscal years following the fiscal year in which the program is approved. However, if a district or school becomes a new member of a CTPD, its programs must be approved or disapproved by the lead district of the CTPD during the fiscal year in which the district or school becomes a member of the CTPD even if the five-year approval period has not yet expired. A program's approval is subject to annual review and may be renewed at the end of the five-year approval period.

The bill permits the Superintendent of Public Instruction to adopt guidelines identifying circumstances in which the Department, after consulting with the lead district of a CTPD, may approve or disapprove a district's or school's career-technical education program after the deadline prescribed in current law for approval or disapproval by the Department has passed.

### **Expenses related to the abolishment of an educational service center**

(Section 263.610)

In the case of an educational service center (ESC) governing board that is abolished in accordance with current law by July 1, 2015, the bill prohibits the assessment against any client school districts of the ESC of any indebtedness to the Department of Education for expenses related to the dissolution that exceed the available assets of the ESC. For purposes of this provision, a "client school district" of an



ESC is a city, exempted village, or local school district that had entered into an agreement to receive any services from the ESC.

Under current law, the Superintendent of Public Instruction may assess against the remaining assets of an ESC that is abolished the amount of the costs incurred by the Department in performing the Superintendent's duties related to the dissolution, including the fees, if any, owed to the individual appointed to administer the Superintendent's dissolution order for the ESC. After assessing that amount against the remaining assets of the ESC, any excess cost must be divided equitably among the school districts that were client school districts of the ESC for its last fiscal year of operation. The law provides for the dissolution of an ESC if all of its client districts have terminated their service agreements with the ESC.<sup>90</sup>

### **Transfer of student records**

(R.C. 3319.323)

The bill prohibits a school district or school from altering, truncating, or redacting any part of a student's record so that any information on the record is rendered unreadable or unintelligible during the course of transferring that record to an educational institution for a legitimate educational purpose. Under continuing state and federal law, release without consent of personally identifiable student data is permitted for several prescribed purposes, one of which is the release to other school officials, including teachers, within the agency or institution who have a legitimate educational interest in or purpose for that information.<sup>91</sup>

### **Healthy Choices for Healthy Children Council**

(R.C. 3301.92 and 3301.921 (repealed); conforming changes in R.C. 3301.922, 3301.923, and 3313.674)

The bill abolishes the Healthy Choices for Healthy Children Council, which (1) monitors progress in improving student health and wellness, (2) makes periodic policy recommendations to the State Board of Education regarding ways to improve the nutritional standards for food and beverages for sale at schools, (3) makes recommendations for changes to nutritional standards within 60 days of the U.S. Department of Agriculture adopting any regulations for the sale of food or beverages in schools, (4) makes periodic recommendations to the Department of Education for the development of a clearinghouse of best practices in the areas of student nutrition,

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<sup>90</sup> R.C. 3311.0510, not in the bill.

<sup>91</sup> 20 U.S.C. 1232g and R.C. 3319.321, not in the bill.



physical activity for students, and body mass index screenings, and (5) regularly reviews developments in science and nutrition to ensure the Council remains informed for purposes of making its recommendations.

### **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.<sup>92</sup>

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<sup>92</sup> R.C. 2921.43(A), not in the bill.

