



Ohio Legislative Service Commission

Bill Analysis

Carrie Burggraf, Holly Cantrell Gilman,
and other LSC staff

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(As Passed by the House)

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

BILL SUMMARY

I. College Credit Plus (CCP) Program

- Renames the Post-Secondary Enrollment Options (PSEO) program as the College Credit Plus (CCP) program and makes several changes to the program.
- Specifies that the CCP program begins operation with the 2015-2016 school year and requires the Department of Education, State Board of Education, and Chancellor of the Board of Regents to adopt rules, guidelines, and procedures to ensure that the program is fully operational for that school year.
- Requires all public high schools and all public colleges, except the Northeast Ohio Medical University, to participate in the program and subjects all participating nonpublic high schools and participating private colleges to the CCP requirements.
- Permits eligible out-of-state colleges to participate in the CCP program and subjects them to the same requirements, with a few exceptions, and the same funding structure as participating private colleges, if they choose to participate.
- Specifies that CCP will govern arrangements in which a high school student enrolls in a college and, upon successful completion of coursework taken under the program, receives credit from the college, except under specified programs.
- Changes the amount paid to colleges for enrolling high school students to a per credit hour amount based on the formula amount and calculated according to (1) the type of high school and college in which the student is enrolled and (2) how students receive instruction.

- Prescribes specified default payment amounts (calculated according to the factors described above) for payments made by the Department to colleges for students participating in CCP, unless an agreement specifying an alternative payment structure is entered into by the high school and college.
- Requires the Department to make payments in January and July of each school year, for students participating under Option B, for credit hours that students were enrolled in during the previous term after the date on which a withdrawal from a course would have negatively affected the student's transcribed grade.
- Eliminates the option for a college to receive reimbursement through an alternative funding agreement with a high school; however, permits a high school and a college to enter into an agreement to establish an alternative payment structure.
- Eliminates current law prohibiting the charging of students for tuition, textbooks, and fees related to participation in the program and permits a student to be charged for a portion of these costs, unless the student (1) is enrolled in a public college under CCP, (2) is economically disadvantaged, or (3) is enrolled in a nonpublic high school under specified scholarship programs and a private or out-of-state college under CCP.
- Permits, rather than requires, a high school to seek reimbursement from a student or a student's parent for failed courses under the program, unless the student is identified as economically disadvantaged by the Department and was not expelled.
- Maintains current law specifying that (1) payments made by the Department to colleges for public high school students are to be deducted from the state operating payments of the students' school district or school and (2) payments made to colleges for nonpublic high school and home-instructed students are to be deducted from funds appropriated by the General Assembly for the CCP program.
- Permits a public college to include a student enrolled under CCP in its "state share of instruction" count for state higher education subsidies.
- Requires all students, in order to participate in CCP, to both (1) apply to a college in accordance with the college's established procedures for admission, and (2) meet the college's established standards for admission and for course placement.
- Qualifies students in grades 7 and 8 for participation in the CCP program.
- Specifies that no high school, except in limited circumstances, may prohibit a student enrolled in that school from participating in the CCP program, if the student meets all of the requirements for participation.



- Requires both public and participating nonpublic high schools and public and participating private colleges to (1) promote CCP on the school's or college's website and include details of current CCP agreements, (2) schedule or coordinate an informational session to meet with interested students and parents, and (3) annually collect, report, and track specified data related to the program.
- Requires high schools to both (1) implement a policy for awarding grades and calculating class standing for CCP courses, and (2) ensure the policy is equivalent to the school's policy for Advanced Placement or International Baccalaureate courses.
- Requires public high schools to develop, in consultation with a public partnering college, a 15-credit hour and a 30-credit hour model course pathway and publish the pathways among the school's official list of course offerings for the program.
- Requires public and participating nonpublic high schools to provide specified counseling information to students in grades 6 to 11 and to their parents before the students participate in the program.
- Requires each college to apply established standards and procedures for admission to the college under CCP and for course placement, as well as to (1) consider student data that may be an indicator of college readiness, (2) give priority to its current students for enrollment in courses, and (3) adhere to course capacity limitations.
- Requires colleges to (1) provide one professional development session per school year for high school teachers that are teaching courses under the CCP program and (2) conduct one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher.
- Requires each instructor teaching a course under the CCP program to meet the established credential requirements.
- Requires the Chancellor and the state Superintendent to (1) annually compile specified data related to the program from participating high schools and colleges and post the data on the Board of Regents' and Department of Education's websites, (2) submit a biennial report detailing the program's status to various state officials by December 31 every two years, beginning in 2017, and (3) establish a College Credit Plus advisory committee.

II. Advanced Standing Programs

- Renames "dual-enrollment program" as "advanced standing program."
- Adds college-preparatory boarding schools to the public schools required to offer an advanced standing program.



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

III. Community Schools

- Requires the Department of Education to withhold state payments to a new community school opening for its first year of operation until the school's sponsor confirms that the school has complied with certain requirements.
- Prohibits a community school that is permanently closed from reopening under another name if certain conditions still apply to the new school.
- Specifies conditions under which an educational service center may sponsor a conversion or start-up community school within and outside of its service territory.
- Revises provisions of the community school sponsor rating system scheduled to begin operation January 1, 2015.
- Creates a panel to rate the Office of Ohio School Sponsorship once every five years beginning July 1, 2016.
- Revises the role of a transformation alliance in recommending sponsors to operate community schools in a municipal school district (Cleveland).



IV. Scholarship Programs

- Revises the eligibility provisions for the Educational Choice (EdChoice) Scholarship Program to qualify students enrolled in a high school that receives a grade of "D" or "F" for the four-year adjusted cohort graduation rate in two of the three most recent report cards, beginning in the 2016-2017 school year.
- Qualifies for an EdChoice scholarship a student entitled to attend school in a school district in which the Pilot Project Scholarship Program is operating (Cleveland) if the number of applicants for the Pilot Project Scholarship Program exceeds the number of available scholarships under that program.
- Specifies that a student may not be awarded a scholarship for the same school year under both the EdChoice Scholarship Program and the Pilot Project Scholarship Program.
- Beginning July 1, 2015, requires that any third-grade student, with certain exceptions, who attends a chartered nonpublic school with either an EdChoice or Cleveland Pilot Project scholarship is subject to the retention provisions of the third-grade reading guarantee.
- Requires chartered nonpublic schools to adopt policies and procedures for the annual assessment of reading skills of scholarship students in kindergarten through third grade, to provide notification to parents and guardians of scholarship students identified as reading below grade-level; to provide intensive reading instruction services to such scholarship students; and to report annually to the Department the number of such scholarship students.

V. Other Education Provisions

Career-technical education

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

in grades seven through twelve (from 1,500 students in grades nine through twelve as under current law).

Student career advising

- Beginning in the 2016-2017 school year, requires each city, local, exempted village, and joint vocational school district, each community school, and each STEM school to adopt a policy on career advising that specifies how a district will perform certain related activities and to update that policy at least once every two years.
- Beginning in the 2016-2017 school year, requires each district, community school, and STEM school to (1) identify students who are at risk of dropping out of school using a research-based, locally based method and (2) develop a "student success plan" for each of those students that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.
- Requires a district or school, prior to developing a student success plan for a student identified as at risk of dropping out of school, to invite the student's parent, guardian, or custodian to assist in developing the plan.
- Requires the Department of Education to develop and post on its website, not later than December 1, 2014, model policies on career advising and model student success plans.

Exemptions from the Ohio Core Curriculum

- With respect to the conditions that a dropout prevention and recovery program must satisfy in order to receive a waiver from the Ohio Core Curriculum, requires the program to develop a student success plan (rather than an individual career plan as under current law) that satisfies the bill's requirements and, starting on July 1, 2016, to satisfy new requirements related to career advising and student services.
- Regarding the existing exemption from the Ohio Core Curriculum for a student who enters ninth grade before July 1, 2014, and meets certain other conditions, specifies that the student must have a "student success plan" (rather than an "individual career plan" as under current law) in order to qualify for the exemption.

Age and schooling certificates

- Permits a superintendent, if certain requirements are satisfied, to issue an age and schooling certificate to a child over age 16 who is participating in a program that, upon successful completion of instruction, will result in the child receiving an



industry-recognized credential, a journeyman certification as recognized by the U.S. Department of Labor, or full-time employment.

- Repeals a provision permitting a superintendent, if certain requirements are satisfied, to issue an age and schooling certificate to a child over age 16 who is unable to pass a test for the completion of seventh grade and who is not so below the normal in mental development that the child cannot profit from further schooling.

State report cards

- Changes from up to three years to the most recent year the scope of value-added data used to determine the value-added progress dimension grade for a school district or school on the annual state report cards.
- Requires the Department of Education to use only assessment scores from students who have taken assessments at the school for at least two of the most recent school years in determining the value-added progress dimension grade for a school district or school on the annual state report cards.
- Makes other miscellaneous changes to the report card law.

Diagnostic assessments

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

Academic distress commissions

- Revises the conditions for the establishment of a school district academic distress commission.

College and work-ready assessment system

- Provides for an exemption for a student attending a chartered nonpublic school from passing the end-of-course examinations as a prerequisite for high school graduation, if the student's school publishes for each graduating class the results of the required nationally standardized assessment that measures college and career readiness.
- Eliminates the current end-of-course examination exemption for students attending a chartered nonpublic school accredited through the Independent School Association of the Central States.
- Permits nonchartered, nonpublic school students and home-instructed students to participate in the system of college and work ready assessments and end-of-course examinations.

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

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



Volunteer patrol of school premises; income tax credit

- Permits a public or nonpublic school to enter into an agreement with a current or retired law enforcement officer to provide volunteer patrol services.
- Requires a retired law enforcement officer who wishes to provide volunteer patrol services to undergo a criminal records check, at the officer's own expense, every five years.
- Provides a qualified immunity from liability in a civil action for damages for a school district or its board of education, a public or nonpublic governing authority or its members, and any volunteer for injury, death, or loss to person or property allegedly arising from the volunteer's performance of services.
- Provides a nonrefundable personal income tax credit for a current or retired law enforcement officer who volunteers to patrol school premises in the amount of \$2 for each hour or part of an hour that services are provided, not to exceed \$500 in any taxable year exclusive of any permitted carry over amounts.

Debt forgiveness for certain consolidating schools

- Provides that if the voluntary transfer of a school district results in the complete dissolution of that district and satisfies certain specified conditions, the acquiring school district will acquire the transferring district's territory free and clear of any indebtedness owed by the transferring district to the state Solvency Assistance Fund.
- Specifically permits the Director of Budget and Management to transfer available moneys from the General Revenue Fund, appropriated for operating payments to schools, into the Solvency Assistance Fund to replace the amount owed by the transferring district.

Other provisions

- Permits renewal of resident educator licenses and alternative resident educator licenses for reasons specified in rules to be adopted by the State Board of Education.
- Requires the Chancellor, not later than March 31, 2015, to both (1) identify one or more nationally normed assessments that may be used to determine remediation-free status, and (2) establish score levels that represent remediation-free status in mathematics, reading, and writing.
- Requires state institutions of higher education to accept a sworn affidavit verifying the completion of a student's high school curriculum, which shall count as proof of



completion for admission purposes, if the student was enrolled in a chartered nonpublic high school or was home-instructed.

- Requires each school district, by July 31 of each year, to submit a report to the Department of Education detailing its spending of the gifted student identification funds and gifted student unit funding it received for the previous fiscal year.
- Specifies that no rule adopted by the State Board of Education may permit a school district to report that it has provided services to an identified gifted student unless those services are paid for by the district.
- Specifies that any state subsidy paid to an educational service center is a "state operating subsidy" to be used for the operation of that service center and for any other services provided to a school district that are required by the Education Code.
- Requires a school district's energy conservation project report to include estimated costs for measurement and verification of energy savings, in addition to other estimated costs required under continuing law.
- Specifies that if pursuant to continuing law a school district board of education opts not to use general bidding requirements for an installment payment contract for energy conservation measures, the contract must be awarded through a competitive selection process in accordance with rules adopted by the School Facilities Commission.
- Revises the requirements related to annual reporting of reductions in energy consumption and resulting operational and maintenance cost savings.
- Creates the School Based Health Care Advisory Workgroup to study, and make recommendations to the General Assembly regarding, the improvement of academic achievement through better student health.

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CONTENT AND OPERATION

I. College Credit Plus Program

Overview – replacement of PSEO with CCP

(R.C. 921.06, 3313.6013, 3365.01 (repeal and reenact), 3365.02 (repeal and reenact), 3365.03 (repeal and reenact), 3365.033 (enact), 3365.04 (new), 3365.05 (new), 3365.07 (repeal and reenact), 3365.071 (enact), 3365.08, 3365.11 (new), 3365.13 (enact), and 3365.15 (repeal and reenact) and Section 7; renumbered (new number in parentheses) R.C. 3365.04 (3365.06), 3365.041 (3365.032), 3365.05 (3365.12), 3365.06 (3365.031), 3365.11 (3365.09); repealed R.C. 3345.062, 3365.021, 3365.022, 3365.09, 3365.10, and 3365.12; conforming changes in R.C. 3302.03, 3313.6016, 3314.08, 3317.03, 3324.07, 3326.36, 3328.24, 3333.041, 3333.35, 3333.43, 3333.86, and 3345.06)

The bill changes the name of the Post-Secondary Enrollment Options (PSEO) program to the College Credit Plus (CCP) program. Much like PSEO, CCP allows high school students who are enrolled in public or nonpublic secondary schools or who are home-instructed to enroll in nonsectarian college courses to receive high school and college credit. The bill also makes several changes to the administration of the program, including how payments on behalf of a student are calculated.



The CCP program will begin operation with the 2015-2016 school year. In preparation of the new CCP program, the Department of Education, State Board of Education, and Chancellor of the Board of Regents must take the necessary steps to adopt rules, guidelines, and procedures and to create any necessary forms and documents so that the CCP program is fully operational for that school year.

Meanwhile, for the 2014-2015 school year, students will continue to participate under the PSEO program. The Department must also continue to make payments under the PSEO program for students who participate in the program during the 2013-2014 or 2014-2015 school years. Beginning with the 2015-2016 school year, all students who enroll in a college under the program to participate during that school year must participate under the new CCP program.¹

Background on PSEO

The Post-Secondary Enrollment Options (PSEO) program allows high school students to enroll in nonsectarian college courses on a full- or part-time basis and to receive high school and college credit. Under continuing law, students in public high schools (school districts, community schools, and STEM schools) and nonpublic high schools (both chartered and nonchartered) are eligible to participate in the program. Additionally, a provision enacted by Am. Sub. H.B. 59 of the 130th General Assembly qualified homeschooled students for participation in the program beginning with the 2013-2014 school year. College courses under the program may be taken at any participating state institution of higher education, private nonprofit college or university, or private for-profit educational institution.

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

The state payment to an institution of higher education on behalf of a student under PSEO is made in the fiscal year after the student completes the college course. State payments for students enrolled in public high schools are deducted from the state aid accounts of the students' school districts, community schools, or STEM schools. State payments for students enrolled in nonpublic high schools are paid out of a separate state amount set aside for that purpose, since those schools do not receive

¹ Section 7.

operations funding from the state. The amount of the payment for each public or nonpublic secondary student is the lesser of the actual cost of tuition, textbooks, materials, and fees associated with the college course or the full-time equivalent percentage of time the student attends the course multiplied by the "tuition base," which is defined as the "formula amount" under the school funding formula. That amount is \$5,800 for fiscal year 2015.

Funding and payment

(New R.C. 3365.01 and 3365.07; R.C. 3365.071)

The bill creates a new structure for the calculation of payments under the CCP program for students who participate under Option B (see "**Background on PSEO**," above). The source of funding, however, remains the same. For a student enrolled in a public school (school district, community school, STEM school, or college-preparatory boarding school) payments are deducted from state operating amounts computed for the student's district or school. For a student enrolled in a chartered or nonchartered nonpublic school or who is home-instructed, the payments are made from an appropriation of the General Assembly for that purpose.²

Not later than 30 days after the end of each term (semester or quarter), each college that expects to receive payment from the Department of Education for students participating under Option B must notify the Department of the number of enrolled credit hours for each student, a factor that is used in the calculation of payments (see "**Payments for the number of enrolled credit hours**," below). If the college provides proper notification, the Department must then make payments every January or July, or as soon as possible thereafter, for students enrolled in that college during the previous term.³

Calculation of payments to colleges

(New R.C. 3365.01 and 3365.07)

Payments made by the Department to colleges for CCP are to be calculated according to a per credit hour amount, based on the formula amount, as well as according to the type of high school and college in which the student is enrolled (public or private) and how students receive instruction (at the college/online and taught by college faculty, at the high school and taught by college faculty, or at the high school and taught by a high school teacher). Payments made by the Department for eligible

² New R.C. 3365.07(F)(1) and (2).

³ New R.C. 3365.07(E) and (F).



out-of-state colleges participating in the program are calculated in the same manner as payments for private colleges. (See "**Requirements for public and participating private and out-of-state colleges**" for more information on eligible out-of-state colleges). All payments are calculated on a per credit hour basis and then multiplied by the number of enrolled credit hours for each participating student (see below).

Payments for the number of enrolled credit hours

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

Payments made by the Department are based upon the number of credit hours in which a student is enrolled during the previous term after the date on which a course withdrawal would negatively affect the student's grade under the college's established withdrawal policy.⁴ If a student withdraws from a course prior to this date, the bill prohibits the Department from making a payment for that course.⁵ Therefore, if a withdrawal occurs prior to the established date, the college receives no state funds for the course from which the student withdrew.

The bill also eliminates a provision requiring that colleges be reimbursed by the state only for nonremedial courses.⁶ Instead, the bill requires that all courses offered under CCP (1) be the same courses that are included in the partnering college's course catalogue for college-level, nonremedial courses and (2) apply to at least one degree or professional certification at the partnering college.⁷

Default payment amounts

(New R.C. 3365.07)

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

(1) The "default ceiling amount" (83% of the formula amount divided by either 30 or 45, depending on whether the college operates on a semester or quarter schedule,

⁴ New R.C. 3365.01(K).

⁵ New R.C. 3365.07(F).

⁶ Current R.C. 3365.07(C)(2), not in the bill.

⁷ New R.C. 3365.12(A).

respectively⁸), for a student enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

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

(3) The "default floor amount" (which is defined as 25% of the default ceiling amount⁹), for a participant enrolled in a college course delivered at the student's high school and taught by a high school teacher.¹⁰

Additionally, for a home-instructed student who is enrolled in a college course at a public, private, or eligible out-of-state college that is delivered on the college campus, at another location operated by the college, or online, the Department must pay the college the default ceiling amount.¹¹ However, the bill does not specify any amount that the Department must pay for a college course that is delivered in a high school setting.

Alternative payment structures

(New R.C. 3365.07)

The bill permits the district board, or the equivalent, of a student's high school and a college to enter into an agreement establishing an alternative payment structure for tuition, textbooks, and fees that differs from the above default payment amounts.¹² If such an agreement is entered into, the Department must make payments to colleges according to the alternative payment structure instead of the default payment amounts.

The bill prescribes certain restrictions on agreements for an alternative payment structure. For a public or nonpublic high school student enrolled in a public college, as well as a public high school student enrolled in a private college, the payments made for each student by the Department under such an agreement cannot exceed the default ceiling amount. However, the bill expressly permits the payments to be less than the default floor amount. Additionally, public or nonpublic high school students enrolled in a public college cannot be charged for participation in CCP, including under an alternative payment structure.¹³ However, public high school students enrolled in a

⁸ New R.C. 3365.01(B).

⁹ New R.C. 3365.01(C).

¹⁰ New R.C. 3365.07(A)(1).

¹¹ New R.C. 3365.07(D).

¹² New R.C. 3365.07(A)(2) and (B)(2).

¹³ New R.C. 3365.07(A)(3)



private college may be charged a specified amount under such an agreement, if certain conditions are met.¹⁴ (For more on charging students for participation in CCP, see "**Textbooks, fees, and charging students for participation**," below).

Finally, for a nonpublic high school student enrolled in a private or eligible out-of-state college, payments for each student made by the Department must be the default payment amounts outlined above.¹⁵ There is no alternative payment structure available to calculate payments made by the Department, and the bill specifically prohibits payments made by the Department from exceeding the default ceiling amount. The bill, however, does require the governing body of the high school and the college to negotiate costs that exceed payments made by the Department. Presumably, the agreement may include charging a student for any of these costs, as the bill specifies which students cannot be charged under such an agreement.¹⁶

Funding for nonpublic and home-instructed students

(R.C. 3365.071)

Under current law, PSEO payments for nonpublic and home-instructed students are made according to a method in which the Department allocates payments to colleges for PSEO.¹⁷ In recent years, due to the limited amount of funds allocated for participating nonpublic students and the growing demand for PSEO courses by these students, temporary law has authorized the Department to apportion those funds according to rule of the State Board. Under that rule, the Department has allocated funding to nonpublic school students according to units of study (that is, one course at a time for each student) and by giving priority to students based on their grade levels.¹⁸ Thus, twelfth-grade students have the highest priority for funding. Current law prescribes that payments for home-instructed students be allocated in the same manner.¹⁹

The bill eliminates this provision and instead requires the State Board of Education, in consultation with the Chancellor, to adopt rules prescribing a method to

¹⁴ New R.C. 3365.07(B)(2).

¹⁵ New R.C. 3365.07(C).

¹⁶ New R.C. 3365.07(C)(2).

¹⁷ Current R.C. 3365.10, not in the bill.

¹⁸ Ohio Administrative Code (O.A.C.) 3301-44-09, not in the bill.

¹⁹ Current R.C. 3365.022(C), not in the bill.



allocate and distribute payments for both nonpublic and home-instructed students.²⁰ If a student is not awarded funding according to these rules, the bill prohibits the Department from paying state funds to colleges for that student's participation in CCP.²¹

Inclusion in SSI

(New R.C. 3365.07(G))

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

Authority for alternative funding agreements eliminated

(Repealed R.C. 3365.12; conforming changes in 3314.08, 3326.36, 3365.04, 3365.041, and 3365.08)

The bill eliminates the current option for a college to receive reimbursement for the CCP program through an alternative funding agreement with a high school. Under current law, high schools and colleges are allowed to use an alternative funding formula for PSEO payments to the institution, so long as (1) both the high school and the college mutually agree on the alternative formula and (2) the alternative formula meets the rules adopted by the Superintendent of Public Instruction and the Chancellor of the Board of Regents regarding this option.

Textbooks, fees, and charging students for participation

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

The bill eliminates current law (1) requiring a college that expects to receive reimbursement from the Department for PSEO to furnish all textbooks and materials related to a PSEO course and (2) prohibiting such a college from charging a student for tuition, textbooks, materials, or other fees related to PSEO.²² Instead, the bill specifies, in certain circumstances, which entity is responsible for the costs of textbooks and fees

²⁰ R.C. 3365.071.

²¹ New R.C. 3365.07, first paragraph.

²² Current R.C. 3365.08(A), eliminated under the bill.



under the CCP program. Additionally, the bill permits students, under specified circumstances, to be charged for participation in the CCP program.

Public or nonpublic students enrolled in public colleges

For a public or nonpublic high school student enrolled in a public college, if the Department pays the default payment amounts, the high school must pay for the student's textbooks, while the college must waive payment of all other fees related to participation in CCP.²³ If the high school and the college enter into an agreement establishing an alternative payment structure, the high school and college may determine an alternative arrangement for which entity is responsible for the student's textbooks and fees. The bill prohibits any such student from being charged for any tuition, textbooks, or other fees related to participation in the program.²⁴

Public students enrolled in private colleges

For a public high school student enrolled in a private college, there is no provision specifying which entity is responsible for the cost of textbooks and fees. Rather, it appears that the arrangement is left to the high school and the college to determine under an alternative payment structure, which may include charging a student. The bill specifies that such a student may be charged only if all of the following conditions are met:

- (1) The Department's payment to the college for that student is not less than the default ceiling amount.
- (2) The high school provides the student with information on the no-cost options available for participation in the program.
- (3) The student is not identified as economically disadvantaged.²⁵

Additionally, the bill prescribes that such a student may not be charged more than the "maximum per participant amount," which is defined as the difference between (1) the formula amount divided by either 30 or 45, depending on whether the college operates on a semester or quarter schedule, multiplied by the number of enrolled credit hours and (2) the default ceiling amount.²⁶

²³ New R.C. 3365.07(A)(1)(b).

²⁴ New R.C. 3365.07(A)(3).

²⁵ New R.C. 3365.07(B)(2).

²⁶ New R.C. 3365.01(I).

Nonpublic students enrolled in private colleges

For a nonpublic high school student enrolled in a private college, there is no provision specifying which entity is responsible for the cost of textbooks and fees. Rather, costs that exceed the amount paid by the Department must be negotiated by the high school and the college. Presumably, this agreement may include charging a student. However, the bill specifically prohibits the charging of any such student for tuition, textbooks, or fees related to participation, if that student (1) is enrolled in a nonpublic high school under either the "Educational Choice Scholarship Program" or the Cleveland Scholarship Program, *and* (2) qualifies as low-income under either scholarship program.²⁷

Reimbursement by a student for failing a college course

(New R.C. 3365.09)

Current law requires the superintendent or equivalent of a public or nonpublic high school to bring an action for reimbursement from a student who receives a failing grade in a college course under the PSEO program.²⁸ The bill modifies this provision to permit, rather than to require, the superintendent or equivalent to seek reimbursement. Furthermore, the bill prohibits the superintendent or equivalent from seeking reimbursement if the student is identified as economically disadvantaged, according to rules adopted by the Department, unless that student was expelled from school.

Other dual enrollment arrangements

(New R.C. 3365.02)

The bill stipulates that the CCP program governs arrangements in which a high school student enrolls in a college and, upon successful completion, receives transcribed credit from the college. The bill also stipulates that the CCP program is the "sole mechanism by which state funds are paid to colleges for students to earn college-level credit while enrolled in a high school."²⁹ However, the bill specifically exempts all of the following from these provisions:

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

²⁷ New R.C. 3365.07(C)(2).

²⁸ Current R.C. 3365.11, renumbered as R.C. 3365.09 under the bill.

²⁹ New R.C. 3365.02(A).



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

(3) Until July 1, 2016, a career-technical education program that is approved by the Department and grants articulated credit to students participating in that program. ("Articulated credit" is defined by the bill as "post-secondary credit that is reflected on the official record of a student at an institution of higher education only upon enrollment at that institution after graduation from a secondary school."³⁰)

Student eligibility for participation in CCP

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

As under the PSEO program, students enrolled in school districts, community schools, STEM schools, and nonpublic high schools, as well as home-instructed students that are the equivalent of ninth, tenth, eleventh, or twelfth grade students, are eligible to participate in the CCP program.

Additionally, the bill permits seventh and eighth grade students to participate in the program in the same manner as high school students (see "**Seventh- and eighth-grade students**," below).

Finally, the bill qualifies students that attend a college-preparatory boarding school for participation.³¹ Only one such school is currently planned for operation in Cincinnati. However, its date for beginning operation has not been determined.

Eligibility requirements for all students

(New R.C. 3365.03)

The bill eliminates a provision of current law specifying that student participation in PSEO be based "solely on a participating college's established placement standards for college-level courses for which credit is awarded."³² Instead, the bill requires any student wishing to enroll in a college under the CCP program to do both of the following prior to participation in the program:

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

³⁰ New R.C. 3365.01(A).

³¹ New R.C. 3365.01(P) and new R.C. 3365.03(A).

³² Current R.C. 3365.02(F), not in the bill.



(2) Meet that college's established standards for admission and for course placement, including any course-specific capacity limitations on class size.³³

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

Public school students

In addition to the requirements for all students, current law requires that a student enrolled in a public high school meet two additional criteria to participate in PSEO, which continue under the bill and the new CCP program. First, the student and the student's parent must sign a form stating that they have received the counseling that the high school is required to provide (see "**Counseling services for students and parents**").³⁴ Second, the student or the student's parent must inform the school principal of the student's intent to participate during the following school year; however, the bill changes the notification date from March 30 to April 1 of each school year. If the student fails to provide such notification by the deadline, the student may not participate that school year without the principal's written consent.³⁵

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

Nonpublic school and home-instructed students

In addition to the requirements for all students, continuing law requires that a student who is enrolled in a nonpublic high school or is home-instructed must provide notification of the student's intent to participate in the program during the following school year. A nonpublic student must send a copy of the student's acceptance from a college and an application to the Department of Education. The application must be

³³ New R.C. 3365.03(A)(1)(b).

³⁴ New R.C. 3365.03(A)(1)(d).

³⁵ New R.C. 3365.03(A)(1)(a).



made on forms provided by the State Board of Education and must include the following information:

- (1) The student's proposed participation, including the school year in which the student wishes to participate.
- (2) The semesters the student wishes to enroll during such year.
- (3) The student's expected full-time equivalency percentage for each semester.
- (4) The percentage of the school day that the student expects to participate under Option B.

Upon receiving an application, the Department must mark it with the date and time of receipt.³⁶

Meanwhile, a home-instructed student or the student's parent must provide notification to the Department by April 1 of the student's intent to participate in the program in the following school year.³⁷

Seventh- and eighth-grade students

(R.C. 3365.033)

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

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

³⁶ Current R.C. 3365.10(A), renumbered as R.C. 3365.03(A)(2)(b)(i) under the bill.

³⁷ Current R.C. 3365.022(B)(1), renumbered as R.C. 3365.03(A)(2)(b)(ii) under the bill.



Finally, notwithstanding state law that generally requires each school district and community school to transport specified students in grades K to 8 to and from school,³⁸ the bill requires the parent or guardian of any seventh- or eighth-grade participant to be responsible for any transportation related to participation in the CCP program.

Prohibiting participation in CCP

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

Unless a student is suspended, expelled, or enrolled in more than the allowable number of credit hours that the student may elect to receive toward high school graduation, the bill prohibits any public high school from prohibiting a student enrolled in that school from participation in CCP, so long as the student has met all of the applicable requirements. Additionally, the bill prohibits any participating nonpublic high school from not allowing a student to participate if that student (1) meets all of the applicable requirements, (2) is enrolled in CCP under "Option B," and (3) receives funding from the Department of Education for participation (see "**Funding for nonpublic and home-instructed students**," above).³⁹

Under current law and continuing under the bill, if a student is suspended or expelled from school, the student is automatically ineligible to apply to enroll in a college under CCP.⁴⁰ Also, if the student is suspended or expelled while participating in the program, the student may be denied continued participation in CCP.⁴¹ Finally, a student who elects to receive credit toward high school graduation is prohibited from enrolling in more than the equivalent of the following:

- (1) If the student first enrolls in ninth grade, four academic years;
- (2) If the student first enrolls in tenth grade, three academic years;
- (3) If the student first enrolls in eleventh grade, two academic years;
- (4) If the student first enrolls in twelfth grade, one academic year.⁴²

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

³⁸ R.C. 3314.091 and 3327.01, not in the bill.

³⁹ New R.C. 3365.03(B).

⁴⁰ Current R.C. 3365.03(A), new R.C. 3365.03(C) under the bill.

⁴¹ Current R.C. 3365.041, renumbered as R.C. 3365.032 under the bill.

⁴² Current R.C. 3365.06(A), renumbered as R.C. 3365.031(A) under the bill.



Student eligibility for college scholarships

(New R.C. 3365.03(D))

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

Requirements for public and participating nonpublic high schools

(New R.C. 3365.02 and 3365.04; R.C. 3365.13; repealed R.C. 3365.021)

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

Counseling services for students and parents

(New R.C. 3365.04(B))

Under current law, all schools are required to provide counseling services to students in grades 8 through 11 and their parents prior to participation in the program to ensure that students and parents are fully aware of the possible risks and consequences of participation. Currently, public high schools must also include specified information in these counseling services, many of which continue under the bill.⁴³ However, nonpublic high schools are not currently required to include any specified information in their counseling services, except an explanation that funding may be limited and that not all students who wish to participate may be able to do so, which continues under the bill.⁴⁴

The bill requires all schools to provide counseling services to students in grades 6 and 7, in addition to students in grades 8 through 11, as under current law. Furthermore, the bill requires *both* public and nonpublic high schools to provide the same specified counseling information, including (1) program eligibility, (2) the process for granting academic credits, (3) any necessary financial arrangements for tuition,

⁴³ Current R.C. 3365.02(C), not in the bill.

⁴⁴ Current R.C. 3365.021, not in the bill.



textbooks, and fees, (4) criteria for transportation aid, (5) available support services, (6) scheduling, (7) possible consequences and benefits of participation (including consequences of failing or not completing a course, the effect on the student's ability to graduate and on the student's GPA, and information on the cost reduction and time savings benefits for successfully completing a course), (8) the academic and social responsibilities of students and parents, (9) information about and encouragement to use the college's counseling services, and (10) the standard packet of information for CCP developed by the Chancellor.

The bill also eliminates a provision that requires counseling information to include a list of all colleges that currently participate in PSEO or in another dual enrollment program.⁴⁵

Information provided by high schools

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

Under current law, all schools are required to provide, by March 1 of each year, information about the program to all students enrolled in grades 8 through 11. This requirement continues under the bill, but information must be provided to students in grades 6 and 7 as well. Furthermore, the bill requires each high school to promote the program on its website and to include information about the school's current CCP agreements with partnering colleges.

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

Calculation of grades and class standing

(New R.C. 3365.04(E))

Under current law, schools are required to determine whether a grade achieved in a course completed under the program, for which the student chose to receive high

⁴⁵ Current R.C. 3365.02(G), not in the bill.



school credit, will be counted in the student's GPA. The school must also determine the manner in which such a grade will be counted, if applicable.⁴⁶

The bill eliminates this provision and instead requires each high school to implement a policy for the awarding of grades and the calculation of class standing for such courses. The bill specifies that the adopted policy must be equivalent to the school's current policy for courses taken under Advanced Standing programs (see "**Advanced standing programs**"). Therefore, if that school's policy for Advanced Standing courses includes awarding a weighted grade or enhancing a student's class standing, then the school's policy for CCP courses must do the same.

Other requirements for high schools

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

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

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

(New R.C. 3365.02 and 3365.05)

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

The bill defines an "eligible out-of-state college" as "any institution of higher education that is located outside of Ohio and is approved by the Chancellor of the Board of Regents to participate in the CCP program."⁴⁷

⁴⁶ Current R.C. 3365.05, not in the bill.

⁴⁷ New R.C. 3365.01(D).



Admission and course placement

(New R.C. 3365.05(A))

Currently, a student's participation in PSEO is based solely on the participating college's established "placement" standards for credit-bearing, college-level courses. Therefore, because certain college courses require prerequisites to be completed before enrolling in the class, this provision likely allows colleges to require PSEO students to complete particular high school courses as prerequisites before participating in the program and enrolling in certain courses at the college level.⁴⁸

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

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

(2) Give priority to the college's current students for enrollment in courses; however, once a CCP student is accepted into a course, that student cannot be displaced for another student (also under current law⁴⁹).

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

Notification by colleges

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

Under current law, each college must send written notice to a student, the student's school, and the Superintendent of Public Instruction of a student's admission to the college and to specified courses under the program. Furthermore, each college must provide both the courses and hours of enrollment of each CCP student and whether that student is participating under Option A or Option B for each course. This notification must be sent to the student, student's high school, and state Superintendent.⁵⁰

The bill maintains these notification requirements, but changes the required notification period for both. Notification regarding admission to the college and to

⁴⁸ Current R.C. 3365.02(F), not in the bill.

⁴⁹ Current R.C. 3365.06(B), renumbered as new R.C. 3365.05(A)(2) under the bill.

⁵⁰ Current R.C. 3365.03(B), not in the bill.



specific courses must be sent not later than 14 days before classes begin for that term, rather than "within 10 days after acceptance." Meanwhile, notification regarding hours of enrollment must be provided not later than 21 days after classes begin for that term, rather than "10 days after each enrollment for a term." Additionally, along with the notification regarding hours of enrollment, the college must provide each partnering high school with a roster of students from that school who are enrolled in the college under CCP, as well as a list of each student's course assignments.

Information provided by colleges

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

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

Out-of-state colleges participating in the CCP program are not subject to the requirements described in this section.⁵¹

Other requirements for colleges

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

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

Also, with regard to high school teachers who teach CCP courses for a college but deliver those courses at the high school rather than the college, a college must (1) provide at least one professional development session per school year for these

⁵¹ New R.C. 3365.05(I).

teachers, and (2) conduct at least one classroom observation per school year of each course authorized by the college to ensure college-level quality.

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

Miscellaneous administrative changes

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

Model pathways

(R.C. 3365.13)

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

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

Credential requirements for instructors

(R.C. 3365.11)

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

Duties of the Chancellor and state Superintendent

(New R.C. 3365.15)

Data reporting guidelines

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

(1) For each high school and college, (a) the number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability, (b) the number of completed courses and credit hours, disaggregated by the college in which participants were enrolled, and (c) the number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

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

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

Additional duties

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

(1) Annually compile the data required from high schools and colleges and, not later than December 31 of each year, post the data in a prominent location on both the Board of Regents' and the Department of Education's websites.

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

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



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

II. Advanced Standing Programs

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

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

Background

Under current law, a "dual enrollment program" is a program in which a student, who is currently enrolled in a high school, may choose to participate in order to earn credit toward a college degree while also completing the high school curriculum requirements. All public high schools in the state, as well as chartered nonpublic high schools, are required to offer at least one dual enrollment program.

Several programs or options currently qualify as dual enrollment, including the PSEO Program, Advanced Placement (AP) courses, Early College High Schools, and any program that is similar to PSEO and AP and is agreed upon by both the high school and the institution of higher education. Under the AP Program, students complete advanced coursework in specified subject areas (i.e. American History, English) with the possibility of earning college credit toward a degree. Students earn college credit based upon attainment of a specified score, prescribed by each institution of higher education, on the AP examination in the respective subject area. Early College High Schools allow students to simultaneously take high school- and college-level courses, with the goal of earning both a high school diploma and an associate degree at the time of graduation.

Advanced standing programs

(R.C. 3313.6013)

The bill renames "dual enrollment program" as "advanced standing program" and makes a few changes in what qualifies toward the requirement. Both PSEO (renamed as College Credit Plus) and AP still qualify as advanced standing programs, while the fourth option, Early College High Schools (ECHS), also remains but with a few modifications (see "**Early College High School programs**," below). Finally, the third option for students – a program similar to PSEO or Advanced Placement – is modified to include only International Baccalaureate (IB) diploma courses. An IB diploma is earned through an interdisciplinary education program and is recognized at various institutions of higher education both nationally and internationally. The



program includes examinations in specified traditional and nontraditional courses, community service requirements, and an extended essay.

The bill also adds college-preparatory boarding schools to the requirement to offer at least one advanced standing program.

Information on advanced standing programs

(R.C. 3313.6013(C))

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

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

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

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

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

Early College High School programs

(R.C. 3313.6013)

The bill changes a reference from "Early College High Schools" to "Early College High School Programs" and makes several additions with regard to this advanced standing option. First, it defines an ECHS program as "a program operated by a school district or public (high) school and an associated college that provides a personalized learning plan, which is based on accelerated curriculum and includes both high school and college-level coursework, and enables students to earn a high school diploma and an associate degree, or the equivalent number of transcribed credits, upon successful completion of the program." The bill further prescribes that ECHS programs serve specified students, including (1) students who are underrepresented in regard to

completing post-secondary education, (2) economically disadvantaged students, and (3) students whose parents did not earn a college degree.⁵²

The bill also makes any agreement between a school district or public school and an associated college, which governs an ECHS program, subject to the requirements of the College Credit Plus (CCP) program, with a few exceptions. First, any aspect of an ECHS agreement that does not relate to a college's conferral of transcribed credit is not subject to the requirements of CCP. Also, if an ECHS program began operating before July 1, 2014, the agreement is not subject to the requirements until the existing agreement expires on July 1, 2015, whichever date is later. Finally, if the district, school, or associated college was granted an award under the Straight A Program for the 2014-2015 school year for a project involving an Early College High School, the agreement is not subject to these requirements during the period of funding specified by the grant award.⁵³

III. Community Schools

Sponsor confirmations

(R.C. 3314.191)

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

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

(a) The contract between the sponsor and the governing authority of the community school has been filed with the Department.⁵⁴

(b) The community school has a fiscal officer who is licensed and, if required, bonded.⁵⁵

⁵² R.C. 3313.6013(F).

⁵³ R.C. 3313.6013(E).

⁵⁴ See R.C. 3314.19(A), not in the bill.

⁵⁵ See R.C. 3301.074, 3314.011, and 3314.19(H), none in the bill.



(c) All employees and members of the school governing authority have undergone a criminal records check.⁵⁶

(d) The school has sufficient liability insurance.⁵⁷

(2) The sponsor has approved the financial controls required by the comprehensive plan for the school under existing law.⁵⁸

(3) The school facilities will be ready and open for use by the date prescribed in the school's contract,⁵⁹ and the sponsor has reviewed any lease, purchase agreement, permits required by statute or contract, and construction plans.

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

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

Reopening of a permanently closed community school

(R.C. 3314.352)

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

(1) The new school has the same sponsor as the closed school.

(2) The new school has the same chief administrator as the closed school.

(3) The governing authority of the new school consists of any of the same members that served on the governing authority of the closed school during that school's last year of operation.

(4) 50% or more of the teaching staff of the new school consists of the same individuals who were employed as teachers at the closed school during that school's last year of operation.

⁵⁶ See R.C. 3314.19(I).

⁵⁷ See R.C. 3314.19(J)(3).

⁵⁸ See R.C. 3314.03(B)(5).

⁵⁹ See R.C. 3314.03.



(5) 50% or more of the administrative staff of the new school consists of the same individuals who were employed as administrators at the closed school during that school's last year of operation.

(6) The performance standards and accountability plan prescribed by the sponsor contract for the new school are the same as those for the closed school.

The bill specifies that these requirements do not apply to an Internet- or computer-based community school (e-school).

Under current law, a community school must close for persistently poor performance. The statutory closure requirements vary depending on the grades offered by the school and are based on a combination of the overall performance grade and other specific measures reported for a school on the annual state report card for two out of three consecutive years.⁶⁰

ESC sponsorship of community schools

(R.C. 3314.015 and 3314.02)

Current law permits educational service centers (ESC) to sponsor community schools. The bill specifies the conditions under which an ESC may sponsor a conversion or start-up community school. Under the bill, an ESC may sponsor a conversion community school located within its service territory or in a county contiguous 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.⁶¹ On the other hand, an ESC may sponsor a conversion community school outside of its service territory or contiguous county, and any start-up community school, regardless of location, so long as the ESC receives approval from the Department and enters into the required agreement with the Department regarding the manner in which it will conduct its sponsorship.

The bill expressly exempts entities that were already sponsoring community schools as of April 8, 2003,⁶² and the successor of the University of Toledo Board of Trustees, or its designee, that acts as a sponsor⁶³ from these requirements. These sponsors are "grandfathered" because they were sponsors in the original community

⁶⁰ R.C. 3314.35, not in the bill.

⁶¹ R.C. 3314.015.

⁶² R.C. 3314.021, not in the bill.

⁶³ R.C. 3314.027, not in the bill.



school pilot project area (Lucas County) and were not subject to initial Department approval to be sponsors.

Community school sponsor ratings

(R.C. 3314.016 future, amended in Sections 3, 4, and 5)

Background

Continuing law in effect until January 1, 2015, prohibits a community school sponsor from sponsoring additional schools if (1) it is ranked in the lowest 20% on an annual ranking of sponsors by their composite performance index scores, and (2) it is not in compliance with the requirements regarding the reporting of sponsor ranking data and information to the Department of Education.⁶⁴ Under current law, revised by the bill, beginning on January 1, 2015, each community school sponsor will receive an annual "rating" based on a combination of three components. They are: (1) the academic performance of students enrolled in community schools that are sponsored by the entity, (2) the sponsor's adherence to quality practices, which must be specified by the Department of Education, and (3) the sponsor's compliance with applicable laws and administrative rules as measured by standards adopted by rule of the State Board of Education.⁶⁵ Based on all three of those components, a sponsor will be rated as "exemplary," "effective," or "ineffective." A sponsor that is rated "ineffective" and it is not in compliance with the requirements regarding the reporting of sponsor ranking data and other information to the Department is prohibited from sponsoring additional community schools.

Consultation

The bill requires the Department to develop and implement this evaluation system "in conjunction with a statewide nonprofit organization whose membership is comprised solely of entities that sponsor community schools and whose members sponsor the majority of start-up community schools in the state."⁶⁶

Student academic performance component

The bill specifies that the academic performance component be measured using assessments selected or approved by the Department, which must be administered so as to measure student performance at a particular point in time in a school year and rates

⁶⁴ R.C. 3314.016(A) and (B), in effect prior to January 1, 2015, amended for other purposes in Section 1.

⁶⁵ R.C. 3313.016(B)(1)(a) to (c), effective January 1, 2015, amended in Sections 3, 4, and 5.

⁶⁶ R.C. 3314.016(B)(1).



of student improvement on those assessments while enrolled in the school. The bill also requires this measure to be calculated on an annual basis.⁶⁷

Adherence to quality practices component

The bill requires the Department to determine a schedule for completing a review of and calculating the adherence to quality practices component. It also adds that if a sponsor receives a rating of "exemplary," that rating remains valid for five years, and if a sponsor receives a rating of "effective," that rating remains valid for three years.⁶⁸

Compliance with rules and laws component

The bill requires the Department to determine a schedule for completing a review of and calculating the compliance with laws and rules component. However, the bill adds that this review must be conducted on an annual basis through electronic means, rather than by site visit, unless circumstances do not permit review by electronic means.⁶⁹

Peer review of sponsors

The bill requires, instead of permitting as under current law, the Department to use peer review of a sponsor's adherence to quality practices.⁷⁰ Additionally, the bill requires that any individuals participating in peer review must possess significant experience working for an entity that sponsors community schools in the state.⁷¹ Finally, the bill requires, rather than permitting as under current law, the Department to provide training to individuals conducting peer review of sponsors. To do so, the bill requires the Department to enter into an agreement for that training with a statewide nonprofit organization whose membership is comprised solely of entities that sponsor community schools and whose members sponsor the majority of start-up community schools in the state.⁷²

⁶⁷ R.C. 3314.016(B)(1)(a).

⁶⁸ R.C. 3314.016(B)(1)(b).

⁶⁹ R.C. 3314.016(B)(1)(c).

⁷⁰ R.C. 3314.016(B)(4)(a).

⁷¹ R.C. 3314.016(B)(4)(b), under the bill.

⁷² R.C. 3314.016(B)(4)(c), under the bill.



Evaluation of the Office of Ohio School Sponsorship

(R.C. 3314.016 and R.C. 3314.016 future, amended in Sections 3, 4, and 5)

The Office of Ohio School Sponsorship of the Department of Education, under current law and the bill, is subject to rankings and ratings in the manner of other community school sponsors but it is not subject to the restrictions on sponsoring additional schools. Current law does not state how the Department is to rank and rate its own Office. The bill requires the creation of a panel to evaluate the Office, using existing parameters for other sponsors, once every five years beginning on July 1, 2016.⁷³

The panel consists of one representative from the following:

(1) A statewide nonprofit organization whose membership is composed solely of entities that sponsor community schools and whose members sponsor the majority of start-up community schools in the state;

(2) An educational service center approved to sponsor community schools statewide;

(3) A school district that sponsors one or more community schools that is not a "municipal" school district (Cleveland).

(4) A qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code approved to sponsor community schools; and

(5) A municipal school district transformation alliance (see below).

The bill directs the statewide nonprofit community school organization and transformation alliance to solicit applications for initial appointment to the panel. This must be done not later than November 1, 2014, and those organizations are to appoint members to the panel not later than December 31, 2014. Vacancies are to be filled in the same manner as the original appointments.

Background on the Office of Ohio School Sponsorship

Continuing law provides for the "Ohio School Sponsorship Program," which authorizes the Department of Education to directly authorize the establishment and operation of a limited number of community schools, instead of those schools being under the oversight of other public or private sponsors. Any individual, group, or entity may apply directly to the Department for authorization to establish a new

⁷³ R.C. 3314.016(B) and (D).



community school. In addition, the governing authority of an existing community school may apply to the Department, upon the expiration or termination of the current contract with its sponsor, for direct authorization to continue operating the school.

Transformation alliance recommendations on community school sponsors

(R.C. 3311.86)

The bill modifies the method by which a municipal school district transformation alliance reviews community school sponsors. Under continuing law, a municipal school district is "a school district that is or has ever been under a federal court order requiring supervision and operational, fiscal, and personnel management of the district by the state Superintendent of Public Instruction."⁷⁴ Cleveland Metropolitan School District is currently the only municipal school district. Recently enacted legislation permits the mayor who appoints the municipal school district board to create a transformation alliance, made up of public and private partners, to assist the district in making operational and academic improvements.⁷⁵

Under current law, (1) a community school sponsor must request a recommendation from the transformation alliance, (2) the alliance must make recommendation to the Department regarding that sponsor based on the criteria for sponsors created by the alliance,⁷⁶ and (3) the Department must use those same criteria, in addition to any other requirements prescribed by law, to make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the municipal school district. A sponsor is not subject to approval under this procedure more than one time. This procedure applies only to a sponsoring entity that must be approved by the Department of Education. That is, it does not apply at all to "grandfathered" sponsors.

Under the bill, an alliance may make recommendations to the Department of the capacity and ability of any of the following entities to sponsor a school within the municipal school district:

(1) An entity that initially applies to sponsor community schools in the municipal school district. The Department must notify the alliance within ten days after receiving any such initial application.

⁷⁴ R.C. 3311.71(A), not in the bill.

⁷⁵ See H.B. 525 of the 129th General Assembly, effective October 1, 2012.

⁷⁶ R.C. 3311.87, not in the bill.



(2) An entity already approved by the Department to sponsor community schools outside of the municipal school district. The entity may not sponsor a school in the alliance school district until it receives approval from the Department. The entity must request approval from the Department not less than 12 months prior to entering into a contract for a community school. The Department must notify the alliance within ten days after receiving the application.

(3) An entity that sponsors community schools in the municipal school district on the bill's effective date. If an alliance so chooses to evaluate such entities for recommendation, the Department must establish a schedule by which the alliance recommends the capacity and ability of such sponsors. The schedule must prescribe that all recommendations be completed not later than December 31, 2017.

As under current law, this provision does not apply to grandfathered community school sponsors, and a sponsor is not subject to approval under this procedure more than one time.

IV. Scholarship Programs

EdChoice

(R.C. 3310.03, 3310.031, 3310.032, 3310.05, and 3313.975)

Eligibility for certain high school students

The bill creates an additional eligibility provision for a student to receive a scholarship under the Educational Choice (EdChoice) Scholarship Program. Beginning in the 2016-2017 school year, a student is qualified for a first-time EdChoice scholarship if the student is enrolled in, or will be enrolling in, a high school that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate on two of the three most recent state report cards.⁷⁷ For a discussion of the current law eligibility provisions, see "**Background**" below.

Eligibility for Cleveland students

The bill also qualifies for the EdChoice Scholarship Program, both based on building or district performance or based on family income, students entitled to attend school in a school district in which the Pilot Project Scholarship Program is operating.⁷⁸ (Currently, that program operates only in the Cleveland Municipal School District (CMSD); students whose residential district is CMSD currently are prohibited from

⁷⁷ R.C. 3310.03(A)(6).

⁷⁸ R.C. 3310.03, 3310.032, 3310.05, and 3313.975.

receiving an EdChoice scholarship.) Under the bill, students in Cleveland may qualify only if the number of applicants for the Pilot Project Scholarship Program exceeds the number of available scholarships under that program. The bill also adds that a student may not be awarded a scholarship for the same school year under both the EdChoice Scholarship Program and the Pilot Project Scholarship Program.⁷⁹

The Pilot Project Scholarship Program provides scholarships to attend alternative schools, including both private schools in Cleveland and public schools in adjacent districts. It also provides tutorial assistance grants. The program applies to any school district that is or has been under a federal court order requiring supervision and operational management of the district by the state Superintendent. As mentioned above, 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. The maximum scholarship amount under the program is \$4,250 for students in grades K-8 and \$5,700 for students in grades 9-12.⁸⁰

Background on EdChoice

The Educational Choice Scholarship Program operates statewide in every school district except Cleveland to provide scholarships for students who are (1) assigned or would be assigned to school districts or schools that have persistently low academic achievement or (2) whose family incomes are or below 200% of the federal poverty guidelines. Under the EdChoice, students may use their scholarships to enroll in participating chartered nonpublic schools. The maximum scholarship amount is \$4,250 for students in grades K-8 and \$5,000 for students in grades 9-12.⁸¹

School-based eligibility

Generally, to be eligible for a first-time EdChoice scholarship based on the academic achievement of a student's school district or school, a student must be attending, or otherwise would be 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;

⁷⁹ R.C. 3313.975(E).

⁸⁰ R.C. 3313.978, not in the bill.

⁸¹ R.C. 3310.09, not in the bill.



(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.);⁸²

(2) Was ranked in the lowest 10% of all public school buildings according to performance index score;⁸³

(3) Received a grade of "D" or "F" in "making progress in improving K-3 literacy" in two of the three most recent state report cards issued prior to the first day of July of the school year for which the scholarship is sought.⁸⁴

However, 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) Received 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.);⁸⁵

⁸² R.C. 3310.03(A)(1).

⁸³ R.C. 3310.03(B).

⁸⁴ R.C. 3310.03(D).

⁸⁵ R.C. 3310.03(H)(1).

(4) Received a grade of "A" in "making progress in improving K-3 literacy." (Applies for report cards issued for the 2016-2017 school year and thereafter.)⁸⁶

District-based eligibility

Students who are about to enroll in any of grades K-12 for the first time and are at least 5 years of age by January 1 of the school year for which a scholarship is sought, or are currently enrolled in a community school, and whose resident district has an intradistrict open enrollment policy, are eligible for EdChoice if the district has any combination of the following ratings in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is first sought:

(1) Academic emergency under the former rating system.

(2) A "D" or "F" for the performance index score and the overall value-added progress dimension. (Applies only for report cards issued for the 2012-2013 and 2013-2014 school years.)

(3) 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.)⁸⁷

However, the school cannot have been rated any of the following on the most recent report card:

(1) Effective or excellent, under the former rating system;

(2) An "A" or "B" for the performance index score and the value-added progress dimension. (Applies only for report cards issued for the 2012-2013 and 2013-2014 school years.)

(3) An "A" or "B" for the overall grade and an "A" for the value-added progress dimension. (Applies for report cards issued for the 2014-2015 school year and thereafter.)⁸⁸

⁸⁶ R.C. 3310.03(D)(2).

⁸⁷ R.C. 3310.03(A)(5).

⁸⁸ R.C. 3310.03(H)(2).



Income-based eligibility

Beginning with the 2013-2014 school year, students whose family incomes are at or below 200% of the federal poverty guidelines, regardless of the academic rating of the district school they otherwise would attend, may qualify for EdChoice. However, that eligibility is phased in by qualifying only kindergartners for the 2013-2014 school year, with the next grade higher than the preceding year added in each subsequent year. A student receiving a first-time scholarship under the new income-based criteria may continue to receive a scholarship in subsequent school years through grade 12, even if the student's family income rises above 200%, but does not exceed 400%, of the federal poverty guidelines provided the student remains enrolled in a chartered nonpublic school. For a student whose family income rises above 200% of the federal poverty guidelines after initially qualifying under the expansion, the law prescribes a three-tiered system under which the student's scholarship will be reduced. However, if the student's family income rises above 400% of the federal poverty guidelines after initially qualifying, the student will no longer be eligible for a scholarship.

Scholarships awarded to students under the income-based provision are funded directly through an appropriation made by the General Assembly, rather than through deductions from their resident school districts' state education aid as in the case of all other EdChoice scholarships. For fiscal years 2014 and 2015, the new income-based scholarships are financed by an appropriation from the Lottery Profits Education Fund.

Third-grade reading guarantee for scholarship students

(R.C. 3301.163)

The bill requires that students who attend a chartered nonpublic school under either the Educational Choice (EdChoice) or Cleveland Pilot Project (Cleveland) scholarship programs be subject to the retention provisions of the third-grade reading guarantee beginning July 1, 2015. Thus, beginning in the 2015-2016 school year, a chartered nonpublic school must retain in third grade any student who attends that school with an EdChoice or Cleveland scholarship and who attains a score lower than the State Board-designated score on the third grade English language arts achievement assessment, unless that student would be exempt under current law if that student attended a public school. (See "**Third-grade reading guarantee – background**," below.)

The bill also requires chartered nonpublic schools that accept students under either of the scholarship programs to adopt a policy and procedures for the annual assessment of the reading skills of those scholarship students in kindergarten through third grade. In order to assess students, the bill permits chartered nonpublic schools to use diagnostic assessments for reading already used by school districts under current

law.⁸⁹ If a chartered nonpublic school chooses to use those diagnostic assessments, the bill requires the Department of Education to furnish them to the school. However, the bill does not require chartered nonpublic schools to use those assessments.

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

Third-grade reading guarantee – background

Achievement assessments

Current law requires each chartered nonpublic school to administer the Ohio Achievement Assessments to students in grades three through eight who attend the school with an EdChoice or Cleveland scholarship.⁹⁰

Exceptions

Current law also requires all public schools to retain students under the third grade reading guarantee for scoring below a level designated by the State Board, but makes exceptions. The exceptions are:

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

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

⁸⁹ R.C. 3301.079, not in the bill.

⁹⁰ All chartered nonpublic schools must administer the tenth-grade Ohio Graduation Test and its planned replacement, and attaining a passing score on that test (or tests) is required for graduation from all high schools in the state.

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

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

Cut-score

Finally, under current law, the State Board of Education is responsible for setting the level of achievement a student must attain on the third-grade English language arts assessment in order to be promoted to the fourth grade. That level must be adjusted upward until it reaches the proficient level. Once that level is reached, then students who receive a score below proficient must be retained.⁹¹

V. Other Education Provisions

Career-technical education

(R.C. 3313.90)

The bill specifies that each city, local, and exempted village school district must provide career-technical education to students enrolled in grades 7 through 12.⁹² However, the bill provides for a waiver from this provision. Under the bill, if a district board of education adopts a resolution that specifies its intent not to provide career-technical education to students enrolled in grades seven and eight for a particular school year and submits that resolution to the Department of Education by September 30 of that school year, the Department must waive the requirement for that district to provide career-technical education to students enrolled in grades seven and eight for that particular school year.⁹³

The bill also increases the minimum enrollment for comprehensive career-technical course offerings in school districts to 2,500 students in grades 7 through 12,

⁹¹ R.C. 3301.0710(A)(3), not in the bill.

⁹² R.C. 3313.90(A).

⁹³ R.C. 3313.90(B).



beginning in the 2015-2016 school year. Under current law, the minimum enrollment for comprehensive career-technical course offerings in school districts is 1,500 students in grades 9 through 12.⁹⁴

Finally, the bill repeals an obsolete requirement that the approval of state funds for the construction and operation of vocational facilities in any city, local, or exempted village school district be contingent upon a comprehensive vocational program plan approved by the State Board not later than July 1, 1970.⁹⁵

Student career advising

(R.C. 3313.6020)

Policies on career advising

Beginning in the 2016-2017 school year, the bill requires each city, local, exempted village, and joint vocational school district, each community school,⁹⁶ and each STEM school⁹⁷ to adopt a policy on career advising. This policy must be updated at least once every two years.⁹⁸

This provision is in addition to a current requirement that each city, local, and exempted village school district, community school, and STEM school adopt a resolution describing how the district or school will address "college and career readiness and financial literacy" in its curriculum for seventh and eighth grades and for any other grades as determined necessary.⁹⁹

Content of policies

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

(1) Provide students with grade-level examples that link their schoolwork to one or more career fields. A district or school may use the model curricula developed under current law by the State Board (in consultation with any office housed in the Governor's

⁹⁴ R.C. 3313.90(A).

⁹⁵ R.C. 3313.90(B).

⁹⁶ R.C. 3314.03(A)(11)(d).

⁹⁷ R.C. 3326.11.

⁹⁸ R.C. 3313.6020(A)(1).

⁹⁹ R.C. 3313.6015, not in the bill.



office that deals with workforce transformation) that embeds career connection learning strategies into regular classroom instruction for this purpose.¹⁰⁰

(2) Create a plan to provide career advising to students in grades 6 through 12;

(3) Beginning in the 2016-2017 school year, provide additional interventions and career advising for students who are identified as at risk of dropping out of school (see "**Student success plans for at-risk students**," below);

(4) Train its employees on how to advise students on career pathways, including training on advising students using online tools;

(5) Develop multiple, clear academic pathways through high school that students may choose in order to earn a high school diploma;

(6) Identify and publicize courses that can award students both traditional academic and career-technical credit;

(7) Document the career advising provided to each student for review by the student, the student's parent, guardian, or custodian, and future schools that the student may attend. The bill prohibits a district or school from otherwise releasing this information without the written consent of the student's parent, guardian, or custodian (if the student is less than 18 years old) or the student (if the student is at least 18 years old).¹⁰¹

(8) Prepare students for their transition from high school to their post-secondary destinations, including any special interventions that are necessary for students in need of remediation in mathematics or English language arts.¹⁰²

Availability of policies

The bill provides that a school district board must make its policy on career advising publicly available to students, parents, guardians, or custodians, local post-secondary institutions, and residents of the district. Presumably, a community school's governing authority and a STEM school's governing body must make its policy publicly available to students, parents, guardians, or custodians, and local post-secondary

¹⁰⁰ See R.C. 3301.079(B)(2), not in the bill.

¹⁰¹ R.C. 3313.6020(B)(7).

¹⁰² R.C. 3313.6020(B).



institutions. A district or school must post the policy in a prominent location on its website, if it has one.¹⁰³

Student success plans for at-risk students

Identification of at-risk students

Beginning in the 2016-2017 school year, the bill requires each city, local, exempted village, and joint vocational school district to identify students who are at risk of dropping out of school using a method that is both research-based and locally based.¹⁰⁴ Like the career advising policy, described above, this requirement also applies to community schools and STEM schools.

Development of student success plans

If a student is identified as at risk of dropping out of school, the district or school must develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.¹⁰⁵

Prior to developing a student's plan, the district or school must invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district or school must provide to the parent, guardian, or custodian a copy of the student's success plan and a statement of the importance of a high school diploma and the academic pathways available to the student in order to successfully graduate.¹⁰⁶

Career advising based on student success plans

Following the development of a student success plan for a student, the bill requires the district or school to provide career advising to the student that is aligned with the student success plan and, beginning in the 2016-2017 school year, with the district's plan to provide career advising that is specified in its policy on career advising.¹⁰⁷

¹⁰³ R.C. 3313.6020(A)(2).

¹⁰⁴ R.C. 3313.6020(C)(1).

¹⁰⁵ R.C. 3313.6020(C)(1).

¹⁰⁶ R.C. 3313.6020(C)(2).

¹⁰⁷ R.C. 3313.6020(C)(3).

Model policies and plans

The bill requires the Department to develop and post on its website model policies on career advising and model student success plan by December 1, 2014.¹⁰⁸

Exemptions from the Ohio Core Curriculum

(R.C. 3313.603)

Waiver for dropout prevention and recovery programs

The bill changes the conditions that a dropout prevention and recovery program must satisfy in order to receive a waiver from the Ohio Core Curriculum. Under current law, if a program receives a waiver, students who complete the program may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the Ohio Core Curriculum.¹⁰⁹

First, in order to receive a waiver, the bill requires a dropout prevention and recovery program to develop a student success plan (rather than an individual career plan as under current law) that satisfies the bill's requirements (see "**Student success plans for at-risk students**," above) for each student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.¹¹⁰

Additionally, the bill creates two new conditions that a dropout prevention and recovery program must satisfy in order to receive a waiver on or after July 1, 2016. The bill requires that programs, prior to receiving a waiver on or after July 1, 2016, submit to the Department a policy on career advising that satisfies the bill's requirements (see "**Policies on career advising**," above), with an emphasis on how every student will receive career advising.¹¹¹ Also, the bill requires that programs, prior to receiving a waiver on or after July 1, 2016, submit to the Department a written agreement outlining the future cooperation between the program and any combination of local job training, post-secondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.¹¹²

¹⁰⁸ R.C. 3313.6020(D).

¹⁰⁹ R.C. 3313.603(F).

¹¹⁰ R.C. 3313.603(F)(4).

¹¹¹ R.C. 3313.603(F)(8).

¹¹² R.C. 3313.603(F)(9).



Temporary exemption

Regarding the existing exemption from the Ohio Core Curriculum for a student who enters ninth grade before July 1, 2014, and meets certain other conditions (including the completion of an alternative curriculum of 20 units),¹¹³ the bill specifies that the student must have a student success plan (rather than an individual career plan as under current law) that satisfies the bill's requirements (see "**Student success plans for at-risk students**," above) in order to qualify for the exemption.¹¹⁴

Age and schooling certificates

(R.C. 3331.04)

The bill permits a school district superintendent, if certain requirements are satisfied, to issue an age and schooling certificate to a child over age 16 who is participating in a program that, upon successful completion of instruction, will result in the child receiving an industry-recognized credential, a journeyman certification as recognized by the United States Department of Labor, or full-time employment.¹¹⁵ The requirements for an age and schooling certificate, under current law, include (1) proof that the child is not addicted to a habit which could detract from the child's reliability or effectiveness as a worker, proper use of earnings or leisure, or carrying out the agreed-upon conditions for the certificate, (2) proof regarding the child's residency and attendance at school or the child's need to provide the child's own support or support for other family members, as applicable, and (3) proof that the child will diligently attend evening classes in the district in addition to part-time classes until age 18.¹¹⁶

The bill's provision replaces a provision of existing law which permits a superintendent, if certain requirements are satisfied, to issue a certificate to a child over age 16 who is unable to pass a test for the completion of seventh grade and who is not so below the normal in mental development that the child cannot profit from further schooling. The requirements for this certificate are substantially similar to the requirements for the issuance of a certificate under the bill's provision, except they also include requirements related to English proficiency.¹¹⁷

¹¹³ R.C. 3313.603(D)(1) to (5).

¹¹⁴ R.C. 3313.603(D)(3).

¹¹⁵ R.C. 3331.04.

¹¹⁶ R.C. 3331.04(A) and (B).

¹¹⁷ R.C. 3331.04.



Background

Current law prohibits a minor of compulsory school age from being employed by any employer in the state unless the minor presents to the employer a proper age and schooling certificate as a condition of employment,¹¹⁸ unless certain exceptions apply.¹¹⁹ A child that receives an age and schooling certificate is lawfully excused from the requirement to attend a school or special education program for the full time the school or program is in session.¹²⁰

State report cards

(R.C. 3302.03)

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, using "A," "B," "C," "D," or "F" letter grades and numerous reported and graded performance measures. 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.

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

Value-added progress dimension measure

The bill changes the calculation of the value-added progress dimension measure (which is in the progress component). Under current law, the Department of Education must use up to three years of value-added data, as available, to determine this measure. The bill, instead, requires the Department to use data from only the most recent school year. However, the bill also requires the Department to use assessment scores for only those students to whom the district or building has administered assessments for each of the two most recent consecutive school years. Generally, then, a student must have been enrolled in a school for at least two years in order for that student's scores to be factored into the value-added report card measure.¹²¹

¹¹⁸ R.C. 4109.02(A), not in the bill.

¹¹⁹ See R.C. 4109.02(B) and 4109.06, not in the bill.

¹²⁰ R.C. 3321.03(B) and 3321.04, not in the bill.

¹²¹ R.C. 3302.03(B)(1)(e) and (C)(1)(e).



The value-added progress dimension is a measure of academic gain for a student or group of students over a specific period of time that is calculated using data from student achievement assessments. It tracks the amount of a student's academic growth attributable to a particular district or building.¹²² To show growth from one year to the next, the dimension tracks student scores on state assessments in subjects and grade levels for which there are assessments for the prior year. Those tests are the reading and math assessments for grades four through eight.

K-3 literacy measure

The bill inserts the word "total" to describe the percentage of students scoring below grade level, or below proficient, in determining the measure for making progress in improving literacy in grades kindergarten through three.¹²³

College credit through advanced standing (dual enrollment) measure

The bill changes the college credit measure (under the Prepared for Success component) from "number" of students to "percentage" of students in a school district or building who have earned at least three college credits. The bill also changes language to specify that the credits must appear on a college transcript in order to be considered credits earned under the provision, as opposed to "on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit."¹²⁴

Diagnostic assessments

(R.C. 3301.0714 and 3301.0715)

Kindergarten diagnostic assessment data

The bill permits the data collected for diagnostic assessments administered to kindergarten students to be used for purposes of the annual school district and school report cards issued by the Department of Education. Current law prohibits kindergarten diagnostic assessment data from being included on the report cards. However, one of the measures on the report card is whether a district or building is making progress in K-3 literacy.¹²⁵ Thus, the Department needs that information in

¹²² R.C. 3302.021, not in the bill.

¹²³ R.C. 3302.03(B)(1)(g).

¹²⁴ R.C. 3302.03(C)(2)(c).

¹²⁵ R.C. 3302.03(B)(1)(g), (C)(1)(g), and (C)(3)(e), not in the bill.



order to assign grades for the K-3 literacy measure. The bill resolves that conflict.¹²⁶ Related to that, the bill specifies that the results of the language and reading diagnostic assessment must be reported to the Department and are not subject to a parental opt-out. Under current law, if a parent so requests it, a district is not required to report to the Department the results of any diagnostic assessment administered to a kindergarten student.¹²⁷

Timing of administration

Current law requires each school district to administer applicable diagnostic assessments to each student who transfers into a district or into a different school within a district, if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year. The district or school must administer that assessment within 30 days after the date of the student's transfer. The bill specifies that a transfer student who transfers prior to the administration of diagnostic assessments take those assessments at the scheduled administration dates.¹²⁸

Exemptions and alternatives

The bill exempts students with significant cognitive disabilities, as defined by the Department of Education, from taking the diagnostic assessments.¹²⁹ Current law already exempts such students from taking the reading diagnostic assessments.¹³⁰

Finally, the bill clarifies that a district or school that received a grade of "A" or "B" for performance index score or for overall value-added progress dimension on the report card for the prior school year may administer different diagnostic assessments than those prescribed by the Department. Under current law, a school that received an excellent or effective rating on the report cards, or the equivalent of such ratings as determined by the Department, could administer different diagnostic assessments. The bill updates the language to reflect the new report card rating system enacted in 2012.¹³¹

¹²⁶ R.C. 3301.0714(P) and 3301.0715(D).

¹²⁷ R.C. 3301.0714(B)(1)(n).

¹²⁸ R.C. 3301.0715(A)(1).

¹²⁹ R.C. 3301.0715(A).

¹³⁰ R.C. 3313.608(B)(1), not in the bill.

¹³¹ R.C. 3301.0715(C).



Academic distress commissions

(R.C. 133.06 and 3302.10)

The bill revises the conditions requiring the Superintendent of Public Instruction to establish an academic distress commission for a school district. Under the bill, a school district that meets any one of the following conditions is subject to the establishment of an academic distress commission:

(1) The district has been declared, for three or more consecutive school years, to be in a state of academic emergency (under the former rating system) and has failed to make adequate yearly progress;

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

(3) The district has received, for three or more consecutive school years, an overall grade of "F";

(4) The district has received, for three or more consecutive school years, a grade of "F" for the value-added progress dimension and has received, for the most recent school year, a grade of "F" for the number of performance indicators met; or

(5) At least 50% of the schools operated by the district have received, for three or more consecutive school years, an overall grade of "D" or "F."¹³²

Background

Current law provides that the Superintendent of Public Instruction must establish an academic distress commission for each school district that meets any of the following conditions for three or more consecutive years:

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

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

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

¹³² R.C. 3302.10(A).



(4) At least 50% of the schools operated by the district have received an overall grade of "D" or "F."¹³³

A commission is directed to "assist the district for which it was established in improving the district's academic performance." In doing so, the commission may appoint, reassign, and terminate the contracts of district administrative personnel; contract with a private entity to perform school or district management functions; and establish a budget for the district and approve school district expenditures.¹³⁴

Under current law, not changed by the bill, the commission ceases to exist when the district, for two of the three prior school years, either (1) is rated in need of continuous improvement or better (under the former report card and rating system), or (2) receives a grade of "C" or better for both the performance index score and overall value-added progress dimension, unless the Superintendent sooner determines that the district can perform adequately without the commission.¹³⁵

College and work-ready assessment system

Background

Under current law, to be eligible for a diploma from a public or chartered nonpublic high school, a student must complete the school's curriculum and generally pass all five subject areas of the Ohio Graduation Tests (OGT).¹³⁶ The OGT is a battery of five tests, one each in reading, writing, math, science, and social studies, that measures 10th-grade proficiency based on the state academic content standards.¹³⁷ It is given to every 10th-grade student and to 11th- and 12th-grade students who have not yet passed all five tests.

Current law also provides for the eventual discontinuation of the OGT in favor of the college and work-ready assessment system, which consists of (1) a nationally standardized assessment that measures college and career readiness and (2) a series of end-of-course examinations in the areas of science, math, English language arts, American history, and American government.¹³⁸ Those assessments and examinations

¹³³ R.C. 3302.10(A).

¹³⁴ R.C. 3302.10(J).

¹³⁵ R.C. 3302.10(L).

¹³⁶ R.C. 3313.61, 3313.612, 3314.03(A)(11)(f), 3325.08, 3326.11, and 3328.25. All sections except 3313.612 are not in the bill.

¹³⁷ R.C. 3301.0710(B)(1), not in the bill.

¹³⁸ R.C. 3301.0712.



must be selected jointly by the Superintendent of Public Instruction and the Chancellor of the Board of Regents. Interim examinations in American history and American government must be administered for the 2013-2014 school year and, presumably, until the end-of-course examinations in those areas are selected by the state Superintendent and Chancellor.

End-of-course examination exemption for chartered nonpublic schools

(R.C. 3313.612)

The bill provides an exemption for students attending a chartered nonpublic school from passing the end-of-course examinations and interim end-of-course examinations as a prerequisite to receive a high school diploma, only if the school publishes for each graduating class the results of the required nationally standardized assessment that measures college and career readiness. To exercise this exemption, the bill requires the chartered nonpublic school in reporting those results to include overall composite scores, mean scores, 25th percentile scores, and 75th percentile scores for each subject area of the assessment.¹³⁹ The bill requires the Department of Education to furnish the college and career readiness assessment to each chartered nonpublic school, and it explicitly prohibits the State Board of Education from imposing additional requirements or assessments for the granting of a high school diploma.¹⁴⁰

The bill does not specify a date by which the college and work-ready assessment system will replace the OGT, nor does it direct the State Board to make any decisions regarding that matter other than what is already required under current law.

Existing exemption eliminated

The bill eliminates a current law exemption for students who attend a chartered nonpublic school accredited through the Independent School Association of the Central States from passing the end-of-course examinations as a prerequisite from graduating from high school.¹⁴¹ Students in those, instead, could qualify for the conditional exemption prescribed by the bill.

¹³⁹ R.C. 3313.612(D).

¹⁴⁰ R.C. 3313.612(E) and (F).

¹⁴¹ R.C. 3313.612(B)(2).



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

(R.C. 3301.0712(F))

Students who are enrolled in *nonchartered*, nonpublic schools or who are home-instructed currently are not required to pass the OGT or to complete the college and work-ready assessment system in order to graduate. The bill specifically permits students who are enrolled in nonchartered, nonpublic schools or who are home-instructed to participate in the system of assessments, if they so choose. However, the bill expressly prohibits any such student to be required to participate. The Department of Education must adopt rules for the administration and scoring of such assessments.

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

(R.C. 3313.537)

The bill revises the law on participation in school district extracurricular activities by community school and STEM school students. Currently, a school district superintendent must afford any of the district's resident students enrolled in a community school *sponsored* by the district the opportunity to participate in extracurricular activities offered by the "traditional public school" to which the student otherwise would be assigned. Also, a student who is enrolled in a science, technology, engineering, and mathematics (STEM) school must "not be prohibited from" participating in any extracurricular activities offered at the "traditional public school" that is *operated* by the student's resident school district.¹⁴² The bill eliminates these provisions in favor of broader participation provisions similar to those afforded to nonpublic school and home-instructed students.¹⁴³

Resident students

The bill requires a school district superintendent to afford any of the school district's resident students enrolled in a community school or STEM school the opportunity to participate in extracurricular activities offered by the *district school to which the student would otherwise be assigned during the current school year*.¹⁴⁴

¹⁴² R.C. 3313.537(B)(1) and (B)(2), revised by the bill.

¹⁴³ See R.C. 3313.5311 and 3313.5312, as enacted by H.B. 59 of the 130th General Assembly, not in the bill.

¹⁴⁴ R.C. 3313.537(B)(1).



Nonresident students

The bill also permits, but does not require, a school district superintendent to afford any student who (1) is enrolled in a community school or STEM school and (2) is *not* entitled to attend school in that district, the opportunity to participate in an extracurricular activity offered by a school of the district, if (1) the student's community school or STEM school does not offer the activity, and (2) the activity is not interscholastic athletics, interscholastic contests, or competition in music, drama, or forensics.¹⁴⁵

Appropriate age and grade level

Continuing law requires that a community or STEM school student must fulfill the same academic, nonacademic, and financial requirements as any other participant. The bill adds that the student must be of the appropriate age and grade level, as determined by the superintendent, for the school that offers the extracurricular activity.¹⁴⁶

Authority to require enrollment in a district course removed

Current law permits a school district board to require a community school student to enroll and participate in no more than one academic course at the school offering the extracurricular activity as a condition to participating in the activity.¹⁴⁷ The bill eliminates this provision.

Prohibition against imposing more restrictive rules

Finally, the bill prohibits any school or school district from imposing additional rules on a community or STEM school student to participate under this section that do not apply to other students participating in the same extracurricular activity.¹⁴⁸

Volunteer patrol of school premises

(R.C. 3313.94, 5747.08, 5747.64, and 5747.98; Section 9)

The bill permits a school district, community school, or STEM school or a chartered nonpublic school to enter into an agreement with current or retired law enforcement officers, on a volunteer basis, to patrol school premises for the sole purpose

¹⁴⁵ R.C. 3313.537(B)(2).

¹⁴⁶ R.C. 3313.537(C).

¹⁴⁷ R.C. 3313.537(C).

¹⁴⁸ R.C. 3313.537(E).



of preventing or responding to a mass casualty event connected with illegal activity. Only off-duty and retired law enforcement officers whose names appear on a list of qualified volunteers kept by the sheriff of the county in which the school is located may volunteer to provide such patrol services.¹⁴⁹

Qualifications

To qualify for inclusion on the sheriff's list, a person must either be (1) a current law enforcement officer "in good standing" or (2) a retired law enforcement officer with a current firearms certification and a current concealed carry license. The bill applies to a current sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper, and to someone who retired from such service in good standing. To be "in good standing," a law enforcement officer must be currently employed, not on probation, and not the subject of a pending criminal disciplinary action or of a criminal or disciplinary action within the past five years that resulted in an adverse judgment or determination.¹⁵⁰

Retired law enforcement officers must submit to a criminal records check of the type required for a school district employee before being included on the list. Accordingly, a law enforcement officer must be excluded from the list for any offenses for which a person may not be employed by a public or nonpublic school.¹⁵¹ Any volunteer who is not a current law enforcement officer in good standing (i.e. is retired) must undergo a criminal records check every five years to remain on the list.¹⁵² While the bill requires a volunteer to pay the cost of the criminal records check, it also expressly permits a school district board or school governing authority to reimburse the volunteer for that cost.¹⁵³

Agreement for services

A district board of education or school governing authority that wishes to use the services of volunteers may request a copy of the list of qualified volunteers from the sheriff. Upon request of a board of education or governing authority whose premises are located wholly or partially within the county, the sheriff must provide a paper or

¹⁴⁹ R.C. 3313.94(B). For definitions of "school," "public school," and "nonpublic school" for purposes of the bill's provisions, see R.C. 5747.64(A).

¹⁵⁰ R.C. 3313.94(A).

¹⁵¹ See R.C. 3319.39 and 3319.391, neither in the bill.

¹⁵² R.C. 3313.94(B).

¹⁵³ R.C. 3313.94(B) and (C).



electronic copy of the list to the board or governing authority. If a volunteer is currently employed elsewhere as a law enforcement officer, the volunteer must obtain the permission of the volunteer's employer before entering into a patrol agreement with a district board or school governing authority. The agreement may include provisions relating to additional training, uniforms, or other matters that the board considers appropriate. As noted above, the bill expressly permits the board or governing authority to reimburse the volunteer for the cost of a criminal records check.¹⁵⁴

Under the bill, a volunteer is prohibited from spending more than nine hours of any week engaged in volunteer activities under the agreement.¹⁵⁵

Immunity from civil liability for volunteer patrol services

The bill provides a qualified immunity from civil liability related to a volunteer law enforcement officer's patrol services. Under the bill, a school district, member of a school district board of education, governing authority of a public or nonpublic school, member of a governing authority of a public or nonpublic school, and any volunteer are not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the volunteer's performance of patrol services, unless the injury, death, or loss resulted from the volunteer's reckless or wanton conduct.¹⁵⁶

Income tax credit for volunteer patrol services

The bill creates a nonrefundable personal state income tax credit for a current or retired law enforcement officer who provides unpaid volunteer "safety and security services" to a public or chartered nonpublic school under the bill. The amount of the credit is equal to \$2 for each hour or part of an hour that the volunteer provides such services not to exceed \$500 for any taxable year, not including any amount of credit carried forward from a prior year. Any credit amount in excess of the tax due, after allowing for any other preceding credits, may be carried forward for three taxable years.¹⁵⁷

¹⁵⁴ R.C. 3313.94(B) and (C).

¹⁵⁵ R.C. 3313.94(C).

¹⁵⁶ R.C. 3313.94(D).

¹⁵⁷ R.C. 5747.08(D)(2)(n), 5747.64, and 5747.98(A)(27).



Debt forgiveness for certain consolidating schools

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

Voluntary transfer of entire territory of school district

The bill provides that the net indebtedness owed to the state Solvency Assistance Fund by a school district that voluntarily transfers its entire territory (according to the parameters described in "**Qualifying transfers**" below) must be cancelled, if the following conditions are satisfied:

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

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

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

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

(5) The acquiring district has submitted to the State Board of Education a written five-year projection of solvency which takes into account the fiscal effects of acquiring the transferring district.¹⁵⁸

Qualifying transfers

Two types of transfers under continuing law are eligible for Solvency Assistance Fund debt forgiveness under the bill. First, the bill's provisions apply where the State Board of Education adopts a resolution to transfer the territory after one of the following circumstances occur: (1) the State Board conducts a study when there is evidence of a need to transfer territories to another district, or (2) a majority vote of a district board of education requests transfer of the entire district. This type of transfer requires both a majority vote of the electors in the transferring district and the approval of the board of education of the acquiring district.¹⁵⁹

Second, the bill's provisions apply where the transferring district's board files a proposal for transfer with the State Board after obtaining written consent, or a signed petition, evidencing that 75% of the qualified voters of the district request the transfer.

¹⁵⁸ R.C. 3311.241(A).

¹⁵⁹ R.C. 3311.38.



Such transfer also may be initiated by evidence of 75% of property owners requesting it, if no voters live in "that portion" of the district. (But the bill does not apply to a partial transfer.) In either case, the State Board must approve or disapprove the transfer after conducting a hearing. If the State Board approves the transfer, the transferring district must, within 30 days, adopt a resolution transferring the territory and submit a copy of the resolution to the acquiring district. The transfer takes place when the acquiring district passes a resolution accepting the transfer.¹⁶⁰

Solvency Assistance Fund debt forgiveness; dissolution of transferring district

If the conditions set forth above are satisfied, the acquiring district acquires the transferring district's territory free and clear of any amount owed by the transferring district to the state Solvency Assistance Fund. However, the bill clarifies that the acquiring district, under continuing law, must assume the obligations of all other liens, encumbrances, and debts of the transferring district.¹⁶¹ Once the transfer is complete, the board of education of the transferring district is abolished and the district is dissolved.¹⁶²

Replacement of funds lost by Solvency Assistance Fund

To replace the debt amount owed by a transferring school district to the state Solvency Assistance Fund, the bill specifically permits the Director of Budget and Management to transfer any available moneys from the General Revenue Fund that were appropriated for operating payments to schools, into the state Solvency Assistance Fund.¹⁶³

Background on the Solvency Assistance Fund

To assist a district in "fiscal emergency," the state offers interest-free advances on its state operating funding through the School District Solvency Assistance Fund. That fund consists of two separate accounts, the shared resource account and the catastrophic expenditures account. A district in fiscal emergency may receive payments from either account to help it "remain solvent." Generally, a fiscal emergency district also must pay back its advances within two years or the Director of Budget and Management is required to deduct that amount from its state operating funds.¹⁶⁴

¹⁶⁰ R.C. 3311.24.

¹⁶¹ R.C. 3311.241(B).

¹⁶² R.C. 3311.241(C).

¹⁶³ R.C. 3311.241(D).

¹⁶⁴ R.C. 3316.20, not in the bill.



However, a district may take up to ten years for repayment if approved by the Director and the state superintendent. The statute does not set a limit on the amount that may be advanced to a district from the fund, but a rule of the Director of Budget and Management states that the advance is limited to the amount necessary for the district to remain solvent.¹⁶⁵

Renewal of resident educator licenses

(R.C. 3319.22 and 3319.26)

The bill makes both resident educator and alternative resident educator licenses renewable for reasons specified in rules adopted by the State Board of Education. Additionally, the bill requires the State Board to adopt rules specifying the reasons under which such licenses may be renewed. Under current law, a resident educator and alternative resident educator license is valid for four years and is not renewable, except that it may be extended by the State Board, on a case-by-case basis, to enable completion of the Ohio Teacher Residency Program. The bill continues to permit extension of the term of an individual's license.

Background on the Ohio Teacher Residency Program

Educator licensing in Ohio is a tiered structure, starting with the resident educator license for entry-level teachers. Applicants for this license must be graduates of an approved teacher preparation program, have passed state licensure exams, and, for teachers who wish to teach grades K-6, have completed 12 semester hours in the teaching of reading.¹⁶⁶ Holders of this license must participate in the four-year Ohio Teacher Residency Program as well.

An individual also might qualify for an alternative resident educator license. That license is granted to the holder of a bachelor's degree who has not completed a traditional teacher preparation program but who has completed certain pedagogical training and passed a test prescribed by the State Board. Then, while teaching under that license the individual must complete further coursework and pass further written tests and observational evaluations.¹⁶⁷ Holders of the alternative license also must complete the Teacher Residency Program.

The Ohio Teacher Residency Program is a four-year program for entry-level classroom teachers. Individuals who hold the new entry-level resident educator license,

¹⁶⁵ Ohio Administrative Code 126-5-01.

¹⁶⁶ R.C. 3319.22 and 3319.24, latter not in the bill; Ohio Administrative Code (O.A.C.) 3301-24-18.

¹⁶⁷ R.C. 3319.26; O.A.C. 3301-24-19.



or an alternative resident educator license, must participate in the program. Successful completion of the program is a requirement for individuals holding those licenses to qualify for a professional educator license. The residency program must include (1) mentoring by teachers who hold a lead professional educator license, (2) counseling to ensure that participants receive needed professional development, and (3) measures of appropriate progression through the program.¹⁶⁸

Remediation-free standards

(Section 8)

Under current law, the presidents of Ohio's public institutions of higher education were required by December 31, 2012, to adopt uniform standards that each student must meet on each of the nationally standardized assessments in English, mathematics, and reading to be considered in "remediation-free status." The presidents were also required to establish assessments, if they deemed necessary, to determine if a student meets the adopted standards. Each state institution was then required to also adopt the standards, and any related assessments, into the institution's policies.¹⁶⁹

The bill adds a new requirement for Chancellor of the Board of Regents, not later than March 31, 2015, to do both of the following with regard to remediation-free standards for students enrolled in state institutions:

(1) Identify one or more national normed assessments that may be used to demonstrate remediation-free status.

(2) Establish score levels that represent remediation-free status in mathematics, reading, and writing. Score levels must be comparable to, or higher than, the current standards and score levels adopted by the presidents of the state institutions (see above).

Additionally, the bill permits any state institution to use the assessments and to adopt the remediation-free score levels established by the Chancellor to determine if a student meets the standards for remediation-free status. However, the bill does not *require* that such assessments or score levels be used in place of the current assessments and score levels adopted by the presidents of state institutions.

¹⁶⁸ R.C. 3319.223, not in the bill.

¹⁶⁹ R.C. 3345.061(F), not in the bill.



Proof of completion of high school curriculum

(R.C. 3345.06(D))

For the purposes of admission to a state institution of higher education, the bill requires that each state institution accept a sworn affidavit verifying the completion of a student's high school curriculum if the student either (1) was enrolled in a chartered nonpublic school, or (2) was home-instructed. The affidavit must come from the chief administrator of the school or the student's parent or guardian, respectively. The bill also specifies that such an affidavit must fulfill any admission criteria requiring proof of the student's successful completion of high school curriculum.

Finally, for the purposes of admission, the bill prohibits any state institution from discriminating against a student who was enrolled in a chartered nonpublic school or was home-instructed solely on the manner in which that student received instruction in order to complete the high school curriculum.

Reports of services provided to gifted students

(R.C. 3324.09 and 3324.11)

The bill requires each school district, by July 31 of each year, to submit a report to the Department of Education detailing its spending of the gifted identification funds and gifted unit funding it received for the previous fiscal year for the identification of and services provided to the district's gifted students.¹⁷⁰ The bill also specifies that no rule adopted by the State Board of Education may permit a school district to report that it has provided services to a student identified as gifted unless those services are paid for by the district.¹⁷¹

Under the current school funding formula, a school district receives gifted identification funds for fiscal year 2015 in an amount of \$5.05 for each student in the district's formula ADM.¹⁷² A district also receives gifted unit funding based on a formula that allocates gifted coordinator and gifted intervention specialist units to each district.¹⁷³ As used in the school funding formula, beginning in fiscal year 2015, a district's formula ADM ("average daily membership") is calculated by the Department

¹⁷⁰ R.C. 3324.09.

¹⁷¹ R.C. 3324.11.

¹⁷² R.C. 3317.022(A)(7), not in the bill.

¹⁷³ R.C. 3317.022 and 3317.051, neither in the bill.



using the three enrollment reports that the district must submit to the Department during a school year.¹⁷⁴

Educational service center "state operating subsidy"

(R.C. 3313.843(G))

The bill specifies that any state subsidy paid to an educational service center is a "state operating subsidy" to be used for the operation of that service center and for any other services provided to a school district that are required by the Education Code (R.C. Title XXXIII). Under current law, not changed by the bill, a service center's "student count" used to compute the operating subsidy is the total student counts of all the school districts with which the service center has entered into service agreements. A district's total student count is its enrollment as reported on the annual state report card.

School energy conservation projects

(R.C. 133.06(G) and 3313.372(B))

Approval process: report of estimated cost savings

A school district may issue bonds, subject to approval by the School Facilities Commission (SFC) but not voter approval, to purchase energy conservation improvements in an amount up to $\frac{1}{10}$ of 1% of the district's tax valuation. In applying for approval, a district must submit to SFC a report that includes estimates of all costs of design, engineering, installation, maintenance, repairs, debt service, and amounts by which energy consumption and resultant operational and maintenance costs may be reduced. Under the bill, the report must also include the estimate of costs of measurement and verification of energy savings.¹⁷⁵

Under law unchanged by the bill, the report must also include estimates of both (1) forgone residual value of materials or equipment replaced by the new energy conservation measures, and (2) a baseline analysis of actual energy consumption data for the preceding three years, based only on the actual energy consumption data for the preceding 12 months.

¹⁷⁴ R.C. 3317.02 and 3317.03, neither in the bill.

¹⁷⁵ R.C. 133.06(G)(1).



Competitive selection process

Continuing law provides specific instruction requiring competitive bidding by school district boards of education when contracting for public improvements valued over \$25,000.¹⁷⁶ However, a school board may, by resolution adopted by two-thirds of all of its members, declare that the general building requirements under continuing law do not apply to the installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment contract.¹⁷⁷ The bill specifies that, if a district board adopts such a resolution, the contract must be awarded through a competitive selection process in accordance with rules adopted by SFC.¹⁷⁸ Current law contains no required method for awarding a contract under these circumstances.

Installment payment contract provisions

The bill requires that the provisions of any installment contract entered into for purposes of energy conservation measures must provide that all payments *shall not exceed the* (rather than "shall be stated as a percentage of" as under current law) calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a period of time.

Under the bill, an installment contract may include services for measurement and verification of savings associated with the contractor's guarantee. However, the annual costs of these services must not exceed 10% of the guaranteed savings in any year of the contract. Current law contains no provision regarding services for measurement and verification of energy savings.

Annual report of cost savings

The bill makes several changes to the district's annual reporting requirements related to the reduction of energy consumption and cost savings attributable to energy conservation measures. Those changes are as follows:

- (1) Requires that the annual report be in a form and manner prescribed by SFC.¹⁷⁹

¹⁷⁶ R.C. 3313.46(A), not in the bill.

¹⁷⁷ R.C. 3313.46(B)(3).

¹⁷⁸ R.C. 3313.372(B)(2).

¹⁷⁹ R.C. 133.06(G)(3).



(2) Removes a requirement that the report be certified by an architect or engineer independent of any person that provided goods or services to the board in connection with the energy conservation measures that are the subject of the report;¹⁸⁰ and

(3) Permits a district to forgo further annual reporting if SFC verifies that the district's reports have fulfilled the savings guaranteed by the contractor for three consecutive years.¹⁸¹

School Based Health Care Advisory Workgroup

(Section 6)

The bill creates the School Based Health Care Advisory Workgroup consisting of the following members:

- (1) The Superintendent of Public Instruction or the Superintendent's designee;
- (2) The Director of Developmental Disabilities or the Director's designee;
- (3) The Director of Health or the Director's designee;
- (4) The Director of Job and Family Services or the Director's designee;
- (5) The Director of Medicaid or the Director's designee;
- (6) The Director of Mental Health and Addiction Services or the Director's designee;
- (7) The Director of the Office of Health Transformation or the Director's designee, who shall serve as chairperson;
- (8) Two members of the House of Representatives, one from the majority party and the other from the minority party, appointed by the Speaker of the House;
- (9) Two members of the Senate, one from the majority party and the other from the minority party, appointed by the Senate President;
- (10) One representative from each of the following organizations, appointed by the organization's chief executive officer or the individual serving in an equivalent capacity for the organization: (a) the Association of Ohio Health Commissioners, (b) the Buckeye Association of School Administrators, (c) the County Commissioners

¹⁸⁰ R.C. 133.06(G)(3).

¹⁸¹ R.C. 133.06(G)(4).



Association of Ohio, (d) the Greater Cincinnati Community Learning Institute, (e) the Ohio Association of Community Health Centers, (f) the Ohio Association of Health Plans, (g) the Ohio Association of School Nurses, (h) the Ohio Business Roundtable, (i) the Ohio Chamber of Commerce, (j) the Ohio Chapter of the American Academy of Pediatrics, (k) the Ohio Children's Hospital Association, (l) the Ohio Commission on Minority Health, (m) the Ohio Council of Behavioral Health and Family Services Providers, (n) the Ohio Dental Association, (o) the Ohio Optometric Association, (p) the Ohio Parent Teacher Association, (q) the Ohio State Medical Association, (r) the Public Children Services Association of Ohio, (s) Voices for Ohio's Children, (t) the Ohio Federation of Teachers, and (u) the Ohio Association of County Behavioral Health Authorities.

The Workgroup is charged with the following duties:

--Reviewing evidence of the correlation between student health and academic achievement;

--Identifying existing best practices to improve academic achievement through better student health;

--Based on existing best practices, recommending one or more models for communities that want to improve academic achievement through better student health;

--Recommending financial strategies to sustain the models over time, with an emphasis on health coverage through commercial insurance and Medicaid, not other governmental subsidies;

--Recommending health care service delivery strategies that are known to improve health outcomes, such as patient-centered medical homes;

--Exploring the community learning center model delivery of student health care services;

--Ensuring that all recommendations adhere to state and federal law.

Appointments to the Workgroup must be made not later than 15 days after the bill's effective date, and vacancies are to be filled in the same manner as the original appointments. The bill specifies that Workgroup members are to serve without compensation or reimbursement for expenses incurred while serving on the Workgroup, except to the extent that serving on the Workgroup is considered to be among the member's employment duties.

The Workgroup must prepare a report of its findings and recommendations and, not later than December 31, 2014, submit the report to the General Assembly. Upon submission of the report, the Workgroup will cease to exist.

HISTORY

ACTION	DATE
Introduced	03-18-14
Reported, H. Education	04-03-14
Passed House (62-30)	04-09-14

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