

3301-13-01

Defining terms and establishing statewide assessments.

(A) Except as otherwise specified, the definitions contained in rule 3301-7-01 of the Administrative Code and the following definitions are used in Chapter 3301-13 of the Administrative Code:

(1) "Achievement test" means a test, aligned with the Ohio academic content standards and model curriculum, designed to measure a student's level of skill in a specific subject area that is expected at the end of a designated grade and/or is required as part of the Ohio graduation requirement;

[Ohio academic content standards and model curriculum, referenced throughout this rule, can be accessed at www.ode.state.oh.us by entering "academic content standards" in the search box at the top of the page.]

(2) "Alternate assessment" means the use of an assessment instrument other than the Ohio proficiency or achievement tests or diagnostic assessments that meet the requirements of all applicable federal and state laws and rule 3301-13-03 of the Administrative Code;

(3) "Appeal" means a request for a verification or rescoring of a student's responses to a proficiency, achievement, or graduation test in accordance with rule 3301-13-06 of the Administrative Code;

(4) "Breach form" means an equivalent or parallel form of an assessment provided by the state department of education that may be used in lieu of the assessment in limited situations and within a limited time frame;

(5) "Diagnostic assessment" means an assessment aligned with Ohio academic content standards and model curriculum, designed to measure student comprehension of academic content and mastery of related skills for a relevant subject area at each grade level, kindergarten through three, as defined in section 3301.079 of the Revised Code;

(6) "English language proficiency test" means an assessment aligned with Ohio standards for English language proficiency designed to measure the acquisition of English by limited English proficient (LEP) students in kindergarten through grade twelve;

[Ohio standards for English language proficiency can be accessed at www.ode.state.oh.us by entering "Ohio English language proficiency standards" in the search box at the top of the page.]

(7) "Individualized education program" (IEP) means a document written for a student with a disability that is developed and implemented in accordance with rule 3301-51-07 of the Administrative Code;

(8) "Intervention" means alternative or supplemental instruction or services

commensurate with both a student's assessment performance and classroom performance, provided to a student, who failed to attain a proficient score on any achievement test or graduation test, or failed to demonstrate academic performance at grade level based on the results of a diagnostic assessment, including any intensive prevention, intervention, or remediation required under sections 3301.0711, 3301.0715, 3313.608, or 3313.6012 of the Revised Code that is designed to help a student meet performance standards. Intervention shall be based on individual student needs;

(9) "Limited English proficient" means an individual:

(a) Who is aged three through twenty-one;

(b) Who is enrolled or preparing to enroll in an elementary or secondary school;

(c) Who was not born in the United States or whose native language is a language other than English; or who is a native American or Alaskan native, or a native resident of outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or who is migratory, whose native language is a language other than English and who comes from an environment where a language other than English is dominant; and

(d) Whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny an individual the ability to meet the proficient level of achievement on proficiency or achievement tests, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society.

(10) "Make-up testing session" means a specified number of calendar days that may be scheduled by a participating school on any one or combination of calendar days following the last day of each regular test administration during which time a student who was absent may take a test not taken during the regular testing session;

(11) "Ohio graduation tests" means the achievement tests [aligned with academic content standards and model curriculum] designed to measure a student's level of academic achievement expected at the end of the tenth grade in writing, reading, mathematics, social studies, and science;

(12) "Optional summer testing session" means dates designated by the department of education, during which the test(s) required for graduation, and not yet passed, may be administered to the following:

- (a) Any student who was classified as a tenth grader or above by his/her school or district at the end of the preceding school year and who has participated in summer intervention; or
- (b) Any student who will be classified as an eleventh grader or above by his/her school or district as of the beginning of the next school year and has participated in summer intervention; or
- (c) Any individual who has met all high school curriculum requirements and has not yet passed one or more tests required for graduation.
- (13) "Oral administration" means an administration of an Ohio ninth grade proficiency test in reading, mathematics, citizenship, or science in accordance with the provisions of rule 3301-13-08 of the Administrative Code;
- (14) "Participating school" shall mean any city, exempted village, local, cooperative education, and/or career and technology center, community or chartered nonpublic school, the state school for the blind, the state school for the deaf, any school operated by the departments of youth services or rehabilitation and corrections, or any entity that participates in the statewide assessments;
- (15) "Performance standard" means a score adopted by the state board of education indicative of a particular level of academic achievement at a designated grade for each proficiency test, achievement test, or alternative assessment;
- [Scores can be accessed at www.ode.state.oh.us by first entering "testing statistical summary" in the search box and then clicking on "statistical summaries and item analysis reports."]
- (16) "Proficiency tests" means all grade competency-based tests designed to measure the level of academic achievement of a student that is expected at the end of the ninth grade;
- (17) "Regular testing session" means the days during the first week of each test administration period specified by rule;
- (18) "School district" means the board of any city, exempted village, local, cooperative education, or joint vocational school district in the state;
- (19) "Section 504 plan" means a written statement for a student who has been identified as having a disability based on an evaluation conducted in accordance with section 504 of the Rehabilitation Act of 1973;
- (20) "Special ninth-grade testing session" means the first ten days of May each year until and including 2008 during which ninth-grade proficiency tests shall be

administered to any proficiency-only student who has not yet demonstrated at least a proficient level on any ninth-grade proficiency test as required to receive a diploma in accordance with sections 3313.61, 3313.612, and 3313.614 of the Revised Code;

- (21) "Statewide test" means any assessment that is provided by the department of education for use in all participating schools in the state;
- (22) "Summer intervention" means the ten or more hours of instruction in each test area that a student shall complete before taking any test required for graduation during a scheduled summer test administration;
- (23) "Summer remediation" means the instruction developed and offered by a participating school or provider with whom it contracts during the summer for any student who failed to score at least at the proficient level on a third-grade reading achievement test or a diagnostic assessment pursuant to sections 3301.0711, 3301.0715, 3313.608, or 3313.6012 of the Revised Code;
- (24) "Test administration period" means the dates specified by the department of education for the administration of any proficiency or achievement test in accordance with rule 3301-13-02 of the Administrative Code;
- (25) "Tests required for graduation" means ninth-grade proficiency tests given until September 15, 2008, for any student who entered ninth grade prior to July 1, 2003, and the Ohio graduation tests for any student entering ninth grade after July 1, 2003, as required by section 3313.614 of the Revised Code with the exception that a student who entered ninth grade prior to July 1, 2003, may substitute a pass on a particular content area of the Ohio graduation tests for a pass on the same content area of the ninth grade proficiency test; and
- (26) "Waiver" means a decision by the superintendent of public instruction pursuant to sections 3317.03 or 3314.08 of the Revised Code not to enforce a funding reduction thereby allowing a school district or community school requesting a waiver by June thirtieth to include a student for funding purposes who, for good cause, did not take a required proficiency or achievement test during that school year.
- (B) Except as provided in paragraph (K) of this rule, students who earn a high school diploma from any participating school shall pass all tests required for graduation and meet all other curriculum requirements of the high school. A person who fulfilled the curriculum requirement for a diploma prior to September 15, 2000, is not required to pass a proficiency test or Ohio graduation test in science as a condition to receiving a diploma. A student who entered ninth grade prior to July 1, 2003, is not required to pass an Ohio graduation test in any subject as a condition to receiving a diploma once the person has passed a ninth-grade proficiency test in the same subject, so long as the person passed the ninth-grade proficiency test prior to

September 15, 2008. For this purpose, the ninth-grade proficiency test in citizenship substitutes for the Ohio graduation test in social studies. If a person entered ninth grade prior to July 1, 2003, but does not pass a ninth-grade proficiency test in a particular subject prior to September 15, 2008, and passage of a test in that subject is a condition for the person to receive a diploma, the person shall pass the Ohio graduation test in that subject to receive a diploma. A student who entered ninth grade after July 1, 2003, is not eligible to receive a diploma based on passage of ninth-grade proficiency tests, and each such student shall pass Ohio graduation tests to meet the testing requirements applicable to that person as a condition to receiving a diploma.

(C) The state board of education shall:

- (1) Develop achievement tests aligned with the academic standards and model curriculum for each of the subject areas and grade levels required by section 3301.0710 of the Revised Code;
- (2) Adopt a diagnostic assessment aligned with the academic content standards and model curriculum for each of grades kindergarten through three as required by section 3301.079 of the Revised Code;
- (3) Require the department of education to furnish required statewide tests to be administered during each designated test administration period established pursuant to rule 3301-13-02 of the Administrative Code;
- (4) Determine and designate at least five ranges of scores on each of the achievement tests and a score in at least the proficient range on each Ohio graduation test that shall be deemed to be a passing score on the Ohio graduation test as a condition toward granting high school diplomas as described in section 3301.0710 of the Revised Code;
[Ranges of scores can be accessed at www.ode.state.oh.us by entering "testing statistical summary" in the search box, clicking on "statistical summaries and item analysis reports," and then clicking on "OGT statistical summary."]
- (5) Require the department of education to report results following each test administration period within the timeline required by section 3301.0711 of the Revised Code; and
- (6) Review periodically and revise as necessary the performance standards for each test subject area at each designated grade.

(D) Each participating school shall administer, at no cost to students, the following statewide tests in accordance with the provisions of rule 3301-13-02 of the Administrative Code:

- (1) Administer the kindergarten readiness assessment in literacy in accordance with section 3301.0715 of the Revised Code;
- (2) Administer the reading and mathematics diagnostic assessments at least once annually to any transfer student classified by a participating school as enrolled at the kindergarten level according to the following conditions:

 - (a) If each applicable diagnostic assessment was not administered in the previous district or school; and
 - (b) If it cannot be determined that the student was administered a diagnostic assessment in the previous district or school.
- (3) Administer a writing diagnostic assessment at least annually to any student classified by a participating school as enrolled at the third grade level if the school is in school improvement status as defined in section 3301.0715 of the Revised Code;
- (4) Administer the third-grade reading achievement test twice each school year including once in the fall and a second time in the spring. Each participating school shall administer the third-grade reading achievement test in the fall to any student classified by a participating school as enrolled at the third-grade level. Each participating school shall administer the third-grade reading achievement test in the spring to any student who has not attained a score at the proficient level on the fall administration;
- (5) Administer the third-grade mathematics achievement test at least once annually to any student classified by a participating school as enrolled at the third-grade level;
- (6) Administer the fourth-grade reading, mathematics, and writing achievement tests once each school year to any student classified by a participating school at the fourth-grade level;
- (7) Administer the fifth-grade reading, mathematics, social studies, and science achievement tests once each school year to any student classified by a participating school as enrolled at the fifth-grade level;
- (8) Administer the sixth-grade reading and mathematics achievement tests once each school year to any student classified by a participating school as enrolled at the sixth-grade level;
- (9) Administer the seventh-grade reading, mathematics, and writing achievement tests once each school year to any student classified by a participating school as enrolled at the seventh-grade level;

- (10) Administer the eighth-grade reading, mathematics, science, and social studies achievement tests once each school year to any student classified by a participating school as enrolled at the eighth-grade level; and
- (11) Administer the ninth-grade proficiency tests until September 15, 2008, to any individual who either entered ninth grade prior to July 1, 2003, and is enrolled in an adult high school continuation program or in a course or program leading to the diploma of adult education or to any individual who entered ninth grade prior to July 1, 2003, and presents photo identification and an official record of having completed the high school curriculum of a participating school but who has not yet been awarded a diploma pursuant to the provisions of sections 3313.61, 3313.611, or 3313.612 of the Revised Code.
- (12) Administer the Ohio graduation tests:
- (a) In reading, mathematics, writing, science, and social studies once annually to any student classified by a participating school as enrolled at the tenth-grade level;
- (b) In all five content areas twice each school year to any student classified by a participating school as enrolled at the eleventh-grade level and who has not attained the proficient level of academic achievement expected on any of the Ohio graduation tests;
- (c) In all five content areas twice each school year to any student classified by a participating school as enrolled at the twelfth-grade level who has not attained the proficient level of academic achievement expected on the Ohio graduation tests; and
- (d) In all five content areas to any individual who is enrolled in an adult high school continuation program or in a course or program leading to the diploma of adult education or to any individual who presents photo identification and an official record of having completed the high school curriculum of a participating school but who has not yet been awarded a diploma pursuant to the provisions of section 3313.61, 3313.611, or 3313.612 of the Revised Code.
- (E) Any chartered nonpublic school may participate in an achievement testing program if the chief administrator of the school indicates in writing to the superintendent of public instruction prior to the first day of August of any school year in which the tests will be administered that the nonpublic school will comply with all rules adopted by the state board of education in accordance with sections 3301.0710, 3301.0711, 3301.0712, 3301.27, 3313.61, 3313.612, 3313.614, 3319.151, and any other applicable section of the Revised Code.

- (F) Any chartered nonpublic school with any student enrolled in any grade designated in this rule as a grade at which tests required for graduation are administered shall administer said tests in accordance with the provisions of this chapter.
- (G) Any chartered nonpublic school with any student participating in the edchoice program in any grade designated in this rule as a grade at which the achievement assessments are administered shall administer said tests in accordance with the provisions of this chapter, paragraph (C)(2) of rule 3301-11-04 of the Administrative Code, and section 3310.14 of the Revised Code.
- (H) Each participating school shall keep records for each student including the following:
- (1) A unique state student identification code or a student data verification code in accordance with division (D)(2) of section 3301.0714 of the Revised Code;
 - (2) A list or designation of which tests are required and which tests are not required;
 - (3) A list or designation of which tests, required or not required, are taken and which tests are not taken at each test administration period;
 - (4) Score for each test taken, required or not required;
 - (5) Whether or not each student attained the requisite performance standard designated for each required test;
 - (6) What if any tests must still be taken;
 - (7) Whether or not intervention must be provided;
 - (8) For each test required for graduation, the date passed shall be recorded on a student's transcript. No information shall be on the student's transcript for a test not passed.

When a student who has taken tests administered pursuant to this rule in a participating school leaves that school to enroll in another participating school the school previously attended shall provide, immediately upon request by a school official from the enrolling school, all applicable records specified in this paragraph.

- (I) Any school district or community school and/or chartered nonpublic participating school with territory in a joint vocational school district may enter into an agreement with the joint vocational school district for the joint vocational school district to administer any test prescribed in this rule provided that any such test administration is conducted in accordance with the provisions of this chapter and under the direction of the school district and building testing coordinators identified in accordance with paragraph (H) of rule 3301-13-02 of the Administrative Code.

For any student who enrolls at a joint vocational school, the school previously attended shall provide up-to-date records, as specified in paragraph (H) of this rule, to the joint vocational school. For any student who takes tests required for graduation at a joint vocational school, that joint vocational school shall provide such records, as specified in paragraph (H) of this rule, to the high school from which the student will receive a diploma.

(J) Each joint vocational school district shall administer the Ohio graduation tests as prescribed in paragraphs (D)(11) and (D)(12) of this rule under the direction of the school district and building test coordinators identified in accordance with paragraph (P) of rule 3301-13-02 of the Administrative Code.

(K) Until September 15, 2008, any individual who has previously completed the curriculum requirements of a participating high school, but did not earn a diploma pursuant to section 3313.61, 3313.611, or 3313.612 of the Revised Code and who subsequently attains the ninth-grade levels of proficiency in all ninth-grade proficiency test areas prescribed by this rule shall be awarded a high school diploma. Any individual who entered ninth grade prior to July 1, 2003, who has met all curriculum requirements of a participating high school, but did not earn a diploma pursuant to section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code and who subsequently attains the proficient level of academic achievement expected at the end of the tenth-grade on an Ohio graduation test in any subject of any ninth-grade proficiency test not yet passed as prescribed by this rule shall be awarded a high school diploma.

(L) Any individual who is eligible under Chapter 3301-35 of the Administrative Code to receive a high school diploma based in whole or in part on credits earned while an inmate of a correctional or penal institution operated by the state of Ohio or any political subdivision thereof, shall meet the provisions of this rule. Any correctional or penal institution that maintains a chartered high school serving residents or nonresidents shall administer tests required for graduation in accordance with paragraph (D) of this rule and shall comply with rules 3301-13-02 to 3301-13-06 and rule 3301-13-09 of the Administrative Code.

(M) Any student who has met the individualized education program (IEP) developed for the student by an IEP team at a participating high school, who either has taken all the tests or the IEP has excused the student from taking any particular test required for graduation in accordance with rule 3301-13-03 of the Administrative Code, and who has attained at least the score designated to qualify for graduation on any such test not specifically exempted by the IEP shall be awarded a high school diploma.

(N) The department of education may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement testing requirements for receiving high school diplomas, under which any student who has met an achievement testing requirement of one state is recognized as having met the similar achievement testing requirement of the other

state for purposes of receiving a high school diploma. Such an agreement may be executed by the superintendent of public instruction provided the following criteria are met:

- (1) The agreement shall be reciprocal; that is, the agreement shall apply both to Ohio's students moving to the other state and to the other state's students moving to Ohio;
- (2) The duration of the agreement shall be specified;
- (3) Each out-of-state test included in the agreement shall measure a subject area that is the same as or similar to one of the five areas required to be tested in Ohio;
- (4) Each out-of-state test included in the agreement shall measure a student's achievement of academic content judged by the superintendent of public instruction, or his/her designee, to be at least as rigorous as Ohio's academic content standards measured by the corresponding tests required for graduation in Ohio; and
- (5) The passing standard established for any out-of-state test included in the agreement shall be judged by the superintendent of public instruction, or his/her designee, to be at least as rigorous as the performance standard established for the corresponding test required for graduation in Ohio.

(O) For any student who failed to demonstrate at least a score at the proficient level on an achievement test during the preceding school year, each school district in which the student is enrolled in that school year shall provide appropriate intervention services commensurate with the student's test performance in each such test area including any intensive prevention, intervention, or remediation required under sections 3301.0711, 3301.0715, 3313.608, or 3313.6012 of the Revised Code. Following any administration of a practice version of any Ohio graduation test to grade nine students, each participating school or school district that has a three-year average graduation rate of not more than seventy-five percent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the tests.

- (1) The district in determining which high schools shall provide intervention services based on resources available shall consider:
 - (a) Each school's graduation rate and scores on the practice tests; and
 - (b) Scores received by ninth-grade students on the reading and mathematics achievement tests in the eighth-grade.
- (2) Each high school selected to provide intervention services shall:

- (a) Provide intervention services to any student whose test results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests; and
 - (b) Provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.
- (P) For any student who attains a score in the limited level of skill range on the third-grade reading achievement test, a school district or community school shall do one of the following:
 - (1) Promote the student to fourth-grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth-grade;
 - (2) Promote the student to fourth grade but provide the student with intensive intervention services in the fourth grade; or
 - (3) Retain the student in third grade.
- (Q) Every school district and community school must offer intensive remediation services during the summer following third grade to any student who fails to attain by the end of third grade a score in at least the proficient range on the third-grade reading achievement test.
- (R) Results from required statewide tests administered pursuant to this chapter shall be used in accordance with the following provisions:
 - (1) No results from required statewide tests administered pursuant to this chapter shall be used as the sole basis for determining whether or not to promote a student from grade to grade except as specified in sections 3301.0711 and 3313.608 of the Revised Code; and
 - (2) A participating school shall use the results of the tests required for graduation only for the purpose of ensuring that any student who receives a diploma attains scores at least at the proficient level of academic achievement required in the test areas designated as graduation requirements.
- (S) The rules contained in this chapter shall not be exempted for "excellent" or "effective" districts pursuant to rule 3301-15-02 of the Administrative Code.

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