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3301-13-01 **Defining terms and establishing statewide tests proficiency testing.**

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

(1) "Achievement tests" means tests, aligned to academic content standards, designed to measure the skill in a specific content that is expected at the end of the designated grade.

~~(1)~~(2) "Alternate assessment" means use of assessment instruments other than The Ohio proficiency tests achievement, and diagnostic tests that meet the requirements of section 612(a)(17) of the federal Individuals with Disabilities Education Act (IDEA) as amended in 1997 and of rule 3301-13-03 of the Administrative Code.

~~(2)~~(3) "~~Alternative—demonstration~~"Oral administration" means an ~~oral~~ administration of the reading, mathematics, citizenship, and science tests required for graduation in accordance with provisions of rule 3301-13-08 of the Administrative Code.

~~(3)~~(4) "Appeal" means a verification or rescoring ~~or verification~~ of a student's responses to a proficiency or achievement test in accordance with provisions of rule 3301-13-06 of the Administrative Code.

(5) "Diagnostic assessments" means the tests designed to measure student comprehension of academic content standards and mastery of related skills for the relevant subject area at each grade, kindergarten through eighth, as defined in section 3301.079 of the Revised Code.

~~(4)~~(6) "English limited" means a subset of limited English proficient students as defined by paragraph (A)~~(10)~~(8) of this rule whose primary language is not English ~~and~~ who have been enrolled in schools in the United States for less than ~~two~~ three full school years; and lack adequate proficiency in English to produce valid results on the required statewide tests. Such students are eligible for a temporary exemption in accordance with rule 3301-13-11 of the Administrative Code.

~~(5)~~ "~~Fourth grade level of proficiency~~" means ~~the performance standards adopted by the state board of education for each of the fourth grade proficiency tests~~

~~indicating the student will not need intervention in the fifth grade.~~

- ~~(6) "Fourth grade proficiency tests" means the tests required by the state to measure the learner outcomes adopted by the state board of education as fourth grade outcomes for reading, writing, mathematics, citizenship, and science.~~
- ~~(7) "High school graduation qualifying exams" means the tests required by the state to measure the competencies adopted by the state board of education as high school graduation qualifying exam competencies for reading, writing, mathematics, citizenship, and science.~~
- ~~(8) "High school level of proficiency" means the performance standards adopted by the state board of education as needed to pass each of the high school graduation qualifying exams before receiving a diploma.~~
- ~~(9)~~(7) "Individualized education program" (IEP) means a document written for a student with a disability that is developed and implemented in accordance with rule 3301-51-02 of the Administrative Code.
- ~~(8)~~ "Intervention" means services, commensurate with both the student's test performance and classroom performance, provided to a student, who failed to attain the specified score on any proficiency or achievement test, including any intensive intervention required under section 3313.608 of the Revised Code. Intervention is based on individual student need and is likely different for each student.
- ~~(10)~~(9) "Limited English proficiency" means those students whose primary language is a language other than English and who have sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may limit such individual the opportunity to learn successfully in classrooms where the language of instruction is English.
- ~~(11)~~(10) "Make-up testing session" means the specified number of calendar days during which students who were absent may take a test not taken during the regular testing session.
- ~~(12) "Ninth grade level of proficiency" means the performance standards adopted by the state board of education as needed to pass each of the ninth grade proficiency tests before receiving a diploma.~~
- ~~(13) "Ninth grade proficiency tests" means the tests required by the state to measure the learner outcomes adopted by the state board of education as ninth grade level outcomes for reading, writing, mathematics, citizenship, and science.~~

(11) "Ohio graduation tests" means the achievement tests, aligned with academic content standards, designed to measure the level of skill expected at the end of the tenth grade in writing, reading, mathematics, social studies, and science.

~~(14)~~(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:

(a) Any student who has taken the test(s) at least once and who has participated in summer intervention; or

(b) Any individual who has met all high school curriculum requirements and has not yet passed one or more tests required for graduation.

~~(15)~~(13) "Participating school" means all school districts, public schools, community schools, and any chartered nonpublic school which participates pursuant to the provisions of paragraphs (E) and (F) of this rule, the state school for the blind, the state school for the deaf, and schools operated by the departments of youth services and rehabilitation and corrections.

~~(16)~~(14) "Performance standards" means scores adopted by the state board of education indicative of proficiency at the designated grade and any other score standards deemed appropriate for that grade (for example, scores indicative of below basic, basic or advanced or ~~honors~~ level).

~~(17)~~(15) "Proficiency tests" means all fourth-, sixth-, and ninth-, and twelfth-grade proficiency tests, and high school graduation qualifying exams designed to measure the skill expected at the end of the designated grade.

~~(18)~~(16) "Regular testing session" means the days during the first week of each test administration period specified by rule.

~~(19)~~(17) "School district" means all city, exempted village, and local school districts and community schools in the state.

~~(20)~~(18) "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.

~~(21)~~ "Sixth grade level of proficiency" means the performance standards adopted by the state board of education for each of the sixth grade proficiency tests

~~indicating the student will not need intervention in the subject area.~~

~~(22) "Sixth-grade proficiency tests" means the tests required by the state to measure the learner outcomes adopted by the state board of education as sixth-grade outcomes for reading, writing, mathematics, citizenship, and science.~~

~~(23)~~(19) "Special ninth-grade testing session" means the first ten days of May each year during which ninth-grade proficiency tests shall be administered to any twelfth-grade student who has not yet demonstrated at least a ninth-grade level of proficiency in all test areas required to receive a diploma in accordance with section 3313.61 and 3313.612 of the Revised Code.

~~(24)~~(20) "Summer intervention" means the ten or more hours of instruction in each test area that a student must complete before taking a test or tests required for graduation during a scheduled summer test administration.

~~(25)~~(21) "Summer remediation" means the instruction developed and offered by ~~school districts~~ the participating school for students who failed to meet the proficient standard on the fourth- and sixth-grade proficiency tests or the third-grade reading achievement test ~~enrolled in the fourth and sixth grade~~ pursuant to section 3313.608 of the Revised Code.

~~(26)~~(22) "Test administration period" means the dates specified by the department of education for any proficiency or achievement test administration in accordance with rule 3301-13-02 of the Administrative Code.

~~(27)~~(23) "Tests required for graduation" means ninth-grade proficiency tests for students enrolled in ninth grade prior to September 15, 2004 July 1, 2003 ~~the ninth-grade proficiency tests and for students enrolled in ninth grade after September 15, 2004 July 1, 2003~~ the Ohio graduation tests ~~high school graduation qualifying exams, with science being required after September 15, 2000.~~

~~(28) "Twelfth-grade level of proficiency" means the performance standards adopted by the state board of education for each of the twelfth-grade proficiency tests.~~

~~(29) "Twelfth-grade proficiency tests" means the tests required by the state to measure the learner outcomes/competencies adopted by the state board of education as twelfth-grade outcomes/competencies for reading, writing, mathematics, citizenship, and science.~~

~~(30)~~(24) "Waiver" means permission granted by the superintendent of public instruction pursuant to section 3317.03 of the Revised Code for a participating school ~~school district~~ to include in its average daily membership

(ADM) a student who, for good cause, did not take all required proficiency tests the previous 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. Students enrolled in ninth grade prior to July 1, ~~2004~~2003 who graduate from high school after September 15, ~~2004~~2008 must only pass Ohio graduation tests ~~high school graduation qualifying exams~~ in areas for which they have not previously passed a ninth-grade proficiency test.

(C) The state board of education shall:

(1) Develop achievement tests aligned with academic standards and model curriculum for each of the subject areas and grade levels required by section 3301.0710 of the Revised Code~~Adopt the learner outcomes/competencies that will be measured by the proficiency tests;~~

(2) Adopt a diagnostic assessment aligned with the academic content standards and model curriculum for each grade, kindergarten through eighth, as required by section 3301.079 of the Revised Code.

~~(2)~~(3) Require the department of education to furnish ~~the proficiency tests required~~ statewide tests required to be administered during each designated test administration period established pursuant to rule 3301-13-02 of the Administrative Code;

~~(3)~~(4) Determine and designate at least four ranges of scores on each of the achievement tests and a score deemed to demonstrate at least a proficient level on the Ohio graduation tests described in section 3301.710 of the Revised Code~~Establish performance standards as appropriate for each test, including the scores that are indicative of fourth grade, sixth grade, ninth grade, twelfth grade, and high school levels of proficiency;~~

~~(4)~~(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

~~(5)~~(6) Review periodically and revise as necessary ~~the list of learner outcomes/competencies measured by each proficiency test~~ specifications and the performance standards for each test area at each designated grade and adopt amended test specifications ~~lists~~ or different performance standards as necessary.

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

(1) Beginning July 1, 2002 administer the reading and writing diagnostic tests and in addition, beginning July 1, 2003 the mathematics diagnostic test, at least once annually to any student classified by the participating school as enrolled at the kindergarten through second-grade level;

(2) Beginning July 1, 2003 administer the third-grade reading achievement test twice each school year to any student classified by the participating school as enrolled at the third-grade level and once each summer for students who were offered summer remediation services under section 3313.608 of the Revised Code;

(3) Beginning July 1, 2003 administer the third-grade writing and mathematics diagnostic tests at least once annually to any student classified by the participating school as enrolled at the third-grade level;

(4) Until September 1, 2004, administer the fourth-grade proficiency test in reading once each year in October to any student classified by the participating school as enrolled at the fourth-grade level;

(5) Until July 1, 2004, administer all fourth -grade proficiency tests once each year in March to any student classified by the participating school as enrolled at the fourth-grade level; effective July 1, 2001, a participating school may elect, with agreement by the parents, not to administer the reading test again to any student who has previously demonstrated at least a fourth-grade level of proficiency in reading;

(6) Until September 1, 2004, administer the fourth-grade proficiency test in reading once each year in July to any student classified by the school district as enrolled at the fourth-grade level who has not yet attained the performance standard in reading that is required to be promoted to fifth grade and who has been offered summer remediation by the school district;

(7) Until July 1, 2005 administer the fourth-grade proficiency tests in citizenship and science once each school year to any student classified by the participating school as enrolled at the fourth-grade level.

(8) Beginning July 1, 2004 administer the fourth-grade writing and mathematics achievement tests once each school year to any student classified by the participating school as enrolled at the fourth-grade level;

(9) Beginning July 1, 2004 administer the fourth-grade reading diagnostic test at

least once annually to any student classified by the participating school as enrolled at the fourth-grade level;

(10) Beginning July 1, 2005 administer the fourth-grade social studies and science diagnostic tests at least once annually to any student classified by the participating school as enrolled at the fourth-grade level;

(11) Beginning July 1, 2005 administer the fifth-grade social studies and science achievement tests once each school year to any student classified by the participating school as enrolled at the fifth-grade level;

(12) Beginning July 1, 2005 administer the fifth-grade writing, reading and mathematics diagnostic tests at least once annually to any student classified by the participating school as enrolled at the fifth-grade level;

(13) Until July 1, 2006 administer all sixth-grade proficiency tests once annually to any student classified by the participating school as enrolled at the sixth-grade level; and

(14) Beginning July 1, 2006 administer all the sixth-grade diagnostic tests at least once annually to any student classified by the participating school as enrolled at the sixth-grade level;

(15) Beginning July 1, 2006 administer the seventh-grade reading, writing and mathematics achievement tests once each school year to any student classified by the participating school as enrolled at the seventh-grade level;

(16) Beginning July 1, 2006 administer the seventh-grade social studies and science diagnostic tests at least once annually to any student classified by the participating school as enrolled at the seventh-grade level;

(17) Beginning July 1, 2007 administer the eighth-grade social studies and science achievement tests once each school year to any student classified by the participating school as enrolled at the eighth-grade level;

(18) Beginning July 1, 2007 administer the eighth-grade reading, writing and mathematics diagnostic tests at least once annually to any student classified by the participating school as enrolled at the eighth-grade level; and

~~(19)~~ Administer the ninth-grade proficiency tests,

- (a) Prior to July 1, ~~2004~~, 2003 to any student classified by the ~~school district~~ ~~or~~ participating school as enrolled at the ninth-, tenth-, eleventh-, or twelfth-grade level who has not yet attained the performance standards indicative of the ninth-grade level of proficiency;

- (b) ~~Beginning July 1, 2001, to any student classified by the school district or participating school as enrolled at the tenth-, eleventh-, or twelfth-grade level who has not yet attained the performance standards indicative of the ninth-grade level of proficiency;~~
- (c) ~~Beginning July 1, 2002, to any student classified by the school district or participating school as enrolled at the eleventh- or twelfth-grade level who has not yet attained the performance standards indicative of the ninth-grade level of proficiency;~~
- (d)(b) ~~Beginning July 1, 2003 and ending September 15, 2004, to any student classified by the school district or participating school as enrolled at the tenth-, eleventh-, or twelfth-grade level who has not yet attained the performance standards indicative of the ninth-grade level of proficiency; and~~
- (c) Beginning July 1, 2004, to any student classified by the participating school as enrolled at the eleventh- or twelfth-grade level who has not yet attained the performance standards indicative of the ninth-grade level of proficiency;
- (d) Beginning July 1, 2005, to any student classified by the participating school as enrolled at the twelfth-grade level who has not yet attained the performance standards indicative of the ninth-grade level of proficiency;
- (e) Until September 15, 2004, 2008 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 and 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.
- (2) ~~Administer all twelfth-grade proficiency tests once annually to any student who is classified by the school district or participating school as enrolled at the twelfth-grade level and who by the first of January of that school year has demonstrated the proficiency level required for graduation in all test areas;~~
- (3) ~~Effective September 1, 2001, administer the fourth-grade proficiency test in reading once each year in October in accordance with the provisions of rule 3301-13-02 of the Administrative Code to any student classified by the school district or participating school as enrolled at the fourth-grade level;~~
- (4) ~~Administer all fourth-grade proficiency tests once each year in March in~~

~~accordance with the provisions of rule 3301-13-02 of the Administrative Code to any student classified by the school district or participating school as enrolled at the fourth grade level; effective July 1, 2001, a school district may elect, with agreement by the parents, not to administer the reading test again to any student who has previously demonstrated at least a fourth-grade level of proficiency in reading;~~

~~(5) Effective September 1, 2001, administer the fourth grade proficiency test in reading once each year in July in accordance with the provisions of rule 3301-13-02 of the Administrative Code to any student classified by the school district or participating school as enrolled at the fourth grade level who has not yet attained the performance standard in reading that is required to be promoted to fifth grade and who completes summer remediation offered by the school district;~~

~~(6) Administer all sixth grade proficiency tests once annually to any student classified by the school district or participating school as enrolled at the sixth grade level; and~~

~~(7)(20) Administer the Ohio Graduation Tests, high school graduation qualifying exams;~~

~~(a) Until July 1, 2004, reading and mathematics once annually to any student classified by the participating school as enrolled at the tenth-grade level;~~

~~(a)(b) Effective July 1, 2002, 2004, all five tests once annually to any student classified by the school district or participating school as enrolled at the tenth-grade level;~~

~~(b)(c) Effective July 1, 2005, 2003, twice each school year to any student classified by the school district or participating school as enrolled at the eleventh-grade level and who has not attained the level of skill expected at the end of the tenth- grade the performance standards indicative of the high school level of proficiency; and~~

~~(e)(d) Effective July 1, 2006 2004, twice each school year to any student classified by the school district or participating school as enrolled at the twelfth-grade level who has not attained the level of skill expected at the end of the tenth-grade. performance standards indicative of the high school level of proficiency.~~

(E) Any chartered nonpublic school may participate in a proficiency or 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, 3301.27, 3313.61, 3319.151, and any other applicable section of the Revised Code.

- (F) All chartered nonpublic schools with students enrolled in one or more grades designated in this rule as grades at which tests required for graduation are administered shall administer said tests in accordance with the provisions of this chapter.
- (G) Each ~~school district and~~ participating school shall keep records for each student including the following:
- (1) A student data verification code (school districts and community schools only) in accordance with division (D)(2) of section 3301.0714 of the Revised Code.
 - (2) Which tests are required and which are not required;
 - (3) Which tests, required or not required, are taken and which are not taken at each test administration period;
 - (4) Score for each test taken, required or not required;
 - (5) Whether or not the student attained the designated performance standard level of proficiency expected for each required test;
 - (6) What if any tests must still be taken;
 - (7) ~~At the fourth grade level, whether or not the student has attained the performance standard required for promotion to fifth grade and whether~~ Whether or not intervention must be provided in fifth grade; and
 - (8) For each test required for graduation, the date passed will be recorded on the student's transcript. No information will be on the student's transcript for a test not passed; and
 - (9) ~~For each twelfth grade proficiency test taken, the performance standard achieved will be recorded on the student's transcript.~~

When a student has taken tests administered pursuant to this rule in one participating school leaves that school to enroll in another participating school ~~in~~

~~the same or different school district~~, the school last attended shall provide, immediately upon request by a school official, all applicable records specified in this paragraph.

(H) Any school district with territory in a joint vocational school district may enter into an agreement with the joint vocational school district for administering any proficiency test prescribed in this rule provided that any such test administration is completed 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 last school attended shall provide up-to-date records, as specified in paragraph (G) of this rule, to the joint vocational school. For any student who takes tests required for graduation ~~the ninth-grade proficiency tests, high school graduation qualifying exams, or twelfth-grade proficiency tests~~ at a joint vocational school, that school shall provide such records, as specified in paragraph (G) of this rule, to the high school from which the student will receive a diploma.

(I) Beginning July 1, 2002 each joint vocational school district shall administer the Ohio graduation tests as prescribed in paragraph (D)(20) of this rule under the direction of the school district and building test coordinators identified in accordance with paragraph (H) of Rule 3301-13-02 of the Administrative Code.

~~(J)~~ (J) Until September 15, ~~2008~~ 2004, 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 the high school diploma by the participating school ~~district~~ which administered the ninth-grade proficiency tests in accordance with paragraph (D)(1) of this rule. Effective September 15, ~~2008~~ 2004, any individual who has met all curriculum requirements of the 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 level of skill expected at the end of the tenth-grade on the Ohio graduation tests in areas of the ninth-grade tests not yet passed ~~at least the high school level of proficiency in all high school graduation qualifying exams~~ as prescribed by this rule shall earn the high school diploma by the participating high school district which administered the appropriate Ohio graduation tests ~~high school graduation qualifying exams~~.

~~(K)~~ (K) Any individual who is eligible under state board of education minimum standards 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.

~~(K)~~(L) Any student who has met the individualized education program (IEP) developed for the student by a participating high school, who has been exempted from taking one or more of the tests required for graduation in accordance with rule 3301-13-03 of the Administrative Code, and who has attained at least the score level needed to qualify for graduation in any test or tests not specifically exempted by the IEP shall be awarded a high school diploma.

~~(L)~~(M) The department of education may enter into reciprocal agreements with other states that require students to pass ~~proficiency~~ tests in order to earn a diploma. Such agreements may be executed by the state 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 students moving out-of-state and to students moving to Ohio from the other state;
- (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 one of the five areas tested, which are required for graduation in Ohio;
- (4) Each out-of-state test included in the agreement shall measure competencies that are judged by the state superintendent of public instruction, or designee, to be at least as rigorous as the competencies 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 state superintendent of public instruction, or designee, to be at least as rigorous as the performance standard established for the corresponding test required for graduation.

~~(M)~~(N) For any student who failed to demonstrate at least a score at the proficient level on a proficiency test or a score in the basic range on an achievement test ~~attain a fourth-grade level of proficiency on one or more proficiency tests~~ during the preceding school year, each school district shall provide appropriate intervention services in each such test areas, including any intensive intervention required under section 3313.608 of the Revised Code. The provisions of this paragraph do not

apply to any student receiving services pursuant to an individualized education program written in accordance with the provisions of rule 3301-51-02 of the Administrative Code.

~~(N)~~(O) Effective Until July 1, 2003~~2001~~, each school district must retain in fourth grade for any student who has failed to attain the a score in at least the basic range on the fourth-grade proficiency test in reading or effective July 1, 2003 for any student who attains a score in the below basic range on the third-grade reading achievement test, the school district shall consider the following: established as the score necessary for promotion to fifth grade, except as specified in section 3313.608 of the Revised Code.

(1) Promote the student 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;

(2) Promote the student but provide intensive intervention services; and

(3) Retain the student.

~~(O)~~(P) Every school district must offer summer remediation to any student who fails to attain either a fourth-grade or sixth-grade level of proficiency on three or more tests, and ~~effective July 1, 2001~~, to any student who fails to attain the performance standard on the fourth-grade proficiency test in reading necessary for promotion to the fifth grade.

~~(P)~~(Q) Results from ~~proficiency~~ required statewide tests administered pursuant to this rule shall be used in accordance with the following provisions:

(1) No ~~proficiency test~~ required statewide tests administered pursuant to the provisions of 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 ~~school district or~~ 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 at least the required level of performance proficiency~~expected~~ in the test areas designated as graduation requirements; and.

(3) ~~Notwithstanding the provisions of paragraph (P)(2) of this rule, a school district may use any proficiency test prescribed by this rule and administered at the designated grade to meet the competency-based education assessment requirement for that grade provided the district has determined that the~~

~~proficiency test is an appropriate measure of progress toward achieving any of the performance objectives adopted by the district in accordance with the provisions of section 3301.0715 of the Revised Code.~~

~~(Q)~~(R) The rules contained in this chapter shall not be exempted for "excellent", "effective" or in need of "continuous improvement" districts pursuant to paragraph (E) of rule 3301-101-01 of the Administrative Code.

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