

The Maritime Academy of Toledo follows ODE Operating Standards manual for Children With Disabilities including referencing and using all of the ODE Special Education Forms

On this page are special education forms that schools and parents must use in the assessment of students with disabilities and in administering related programs and services.

Special Education Forms (updated Feb. 1, 2007)

Note: REQUIRED FORMS FOR THE 2008-2009 SCHOOL YEAR

The current required forms, PR-01 to PR-07, will NOT change for the 2008-2009 school year. These forms meet all requirements of current federal and state law, regulation and rule. The Evaluation Team Report (PR-06) and the IEP form (PR-07) will be modified during the 2008-2009 school year based on stakeholder input. The revised version of these two forms will be required in the 2009-2010 school year and will be available by November 2008 so that IEPs written for the following school year will be compliant. If you have any questions regarding the forms you may email Sandy Kaufman at Sandy.Kaufman@ode.state.oh.us or Rochelle Rensch at rochelle.rensch@ode.state.oh.us.

The due process form, formerly entitled PR-08, is a model form that is not required by IDEA for parents or local educational agencies to file a request for a due process hearing. It can be found on the ODE website in the section that addresses due process.

- [Form PR-01](#): Prior Written Notice to Parents
 - [Form PR-02](#): Parent Invitation
 - [Form PR-03](#): Manifestation Determination Review
 - [Form PR-04](#): Referral for Evaluation
 - [Form PR-05](#): Parent Consent for Evaluation
 - [Form PR-06](#): Evaluation Team Report
 - [Form PR-07](#): Individualized Education Program (IEP)
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- [Forma PR-01](#): Aviso Previo por Escrito para los Padres
 - [Forma PR-02](#): Invitacion a los Padres
 - [Forma PR-03](#): Revision de Determinacion de Manifestacion
 - [Forma PR-04](#): Referido para Evaluacion
 - [Forma PR-05](#): Consentimiento de los Padres para Evaluacion
 - [Forma PR-06](#): Reporte Equipo de Evaluacion (Parte A)
 - [Forma PR-07](#): Programa de Educacion Individualizada (IEP)

The Maritime Academy of Toledo follows the guidelines set forth in ORC 3301-13-02 for Administering required state tests at the designated grades.

Please refer to the School Calendar for Official Test Dates

(A) Each participating school shall administer, in accordance with the following schedule, required state assessments to all students pursuant to paragraph (D) of rule 3301-13-01 of the Administrative Code.

(1) Until September 15, 2008, administer the ninth-grade proficiency tests each year, in a special proficiency-only testing session, to any student who entered the ninth grade prior to July 1, 2003 who has not yet attained a score at the proficient level in all required test areas. Each participating high school shall administer the ninth grade proficiency tests as necessary four times annually as follows:

(a) The first test administration shall begin on the third Monday in October. The tests shall be administered in the prescribed order, one test per day; the make-up testing shall be completed within nine calendar days of the last regularly scheduled test administration date;

(b) The second test administration period each year shall begin on the first Monday of March; the tests shall be administered in the prescribed order, one test per day; the make-up testing shall be completed within nine calendar days of the last regularly scheduled test administration date;

(c) The third test administration period each year shall be from the first through the tenth of May each year; the tests shall be administered in the prescribed order, one test per day; and make-up testing shall be completed within nine calendar days of the last regularly scheduled test administration date; and

(d) The fourth test administration shall begin Monday of the week that contains July tenth and continuing for three weeks; the tests shall be administered in the prescribed order, one test per day.

(2) Administer the Ohio graduation tests for the first time to students enrolled in tenth grade; the test administration period shall begin on the Monday of the week containing March fifteenth; the tests shall be administered in the prescribed order, one test per day, and on consecutive days; the make-up testing shall be completed within nine calendar days of the last regularly scheduled test administration date.

(3) Administer the Ohio graduation tests two times during the school year to students enrolled in the eleventh and twelfth grades (and beyond) as follows:

(a) The first administration period shall begin on the fourth Monday in October; the tests shall be administered in the prescribed order, one test per day, and on consecutive days;

the make-up testing shall be completed within nine calendar days of the last regularly scheduled test administration date; and

(b) The second test administration period shall begin on the Monday of the week containing March fifteenth; the tests shall be administered in the prescribed order, one test per day, and on consecutive days; the make-up testing shall be completed within nine calendar days of the last regularly scheduled test administration date.

(4) An optional summer testing session shall begin on the Monday of the week containing June fifteenth and will continue for fourteen calendar days for those students who qualify under paragraph (A)(12) of rule 3301-13-01 of the Administrative Code. Participating schools may begin testing at any time during this session and shall administer the tests in the manner prescribed by the Ohio department of education. However, all testing must be completed within the designated testing session.

(5) Administer the third-grade achievement test in reading two times annually as follows:

(a) The first administration period each year shall begin the first Monday in October and shall last for a period not to exceed five days, including make-up testing; and

(b) The second administration period each year shall begin on Monday of the week containing May first and the make-up testing shall be completed by the Friday of the week following the regular administration.

(6) Administer the third-grade achievement test in mathematics once annually; the test administration period each year shall begin on the Monday of the week containing the first day of May and shall be administered on the day after the administration of the third grade reading achievement test; the make-up testing shall be completed by the Friday of the week following the regular administration.

(7) Administer the fourth-grade achievement tests in reading, mathematics, and writing once annually in that prescribed order and on consecutive days; the test administration period each year shall begin on the Monday of the week containing the first day of May; the make-up testing shall be completed by the Friday of the week following the regular administration.

(8) Administer the fifth-grade achievement tests in reading, mathematics, science, and social studies once annually in that prescribed order on consecutive days; the test administration period each year shall begin on the Monday of the week containing the first day of May; the make-up testing shall be completed by the Friday of the week following the regular administration.

(9) Administer the sixth-grade achievement tests in reading and mathematics once annually in that prescribed order on consecutive days; the test administration period each year shall begin on the Monday of the week containing the first of May; the make-up testing shall be completed by the Friday of the week following the regular administration.

(10) Administer the seventh-grade achievement tests in reading, mathematics, and writing once annually in that prescribed order on consecutive days; the test administration period each year shall begin on the Monday of the week containing the first day of May; the make-up testing shall be completed by the Friday of the week following the regular administration.

(11) Administer the eighth-grade achievement tests in reading, mathematics, science, and social studies once annually in that prescribed order on consecutive days; the test administration period each year shall begin on the Monday of the week containing the first day of May; the make-up testing shall be completed by the Friday of the week following the regular administration.

(12) Administer annually the alternate assessment at all grade levels and content areas contained in and to students with significant cognitive disability in accordance with the provisions of paragraphs (A)(5)(b), (A)(6) to (A)(11), and paragraph (D) of this rule between September first and March ninth.

(13) Administer annually the English language proficiency test to limited English proficient students in grades kindergarten through twelve in accordance with the provisions of rule 3301-13-11 of Administrative Code between January second and April fifteenth.

(B) Annually, all students shall be required to take all tests appropriate for their specified grade level during the designated testing or make-up testing periods unless a student is excused from taking a particular test either because the student has already scored at the proficient level on that test and, as a result, a participating school has determined that such the student is not required to take that test again, or because a student is properly authorized to take an alternate assessment pursuant to rule 3301-13-03 or 3301-13-09 of the Administrative Code.

(C) Annually, until September 15, 2008, in accordance with the provisions of paragraph (D)(12) of rule 3301-13-01 of the Administrative Code, all students who are required by division (B) of section [3313.614](#) of the Revised Code to attain, but who have not yet attained a score at least at the proficient level on all ninth-grade proficiency tests and who are not specifically excused from taking all of these tests in accordance with rule 3301-13-03 or 3301-13-09 of the Administrative Code, shall be required to take, during each designated test administration period, all ninth-grade proficiency tests for which the performance standards have not been met.

(D) Annually, all tenth-grade students who are not specifically excused from taking all the Ohio graduation tests in accordance with rule 3301-13-03 or 3301-13-09 of the Administrative Code, shall be required to take, during the designated test administration period in March, all Ohio graduation tests.

(E) Annually, all eleventh-grade students who have not yet attained a score at least at the proficient level on all Ohio graduation tests and who are not specifically exempted from all of these tests in accordance with rule 3301-13-03 or 3301-13-09 of the Administrative Code, shall be required to take, during each designated test administration period, all Ohio graduation tests for which the performance standards have not been met.

(F) Annually, all twelfth-grade students who have not yet attained a score at least at the proficient level on all Ohio graduation tests and who are not specifically exempted from all of these tests in accordance with rule 3301-13-03 or 3301-13-09 of the Administrative Code, shall be required to take, during each designated test administration period, all Ohio graduation tests for which the performance standards have not been met.

(G) Annually, until September 15, 2008, each participating school shall administer ninth-grade proficiency tests to any individual who entered ninth grade prior to July 1, 2003, and has not yet passed one or more ninth-grade proficiency tests required for graduation.

Each participating high school shall administer the tests as necessary during the test administration periods identified in paragraph (A)(1) of this rule.

(H) Breach forms provided by the department may be administered at the sole discretion of the department of education but in conjunction with the district superintendent in a limited number of situations. The following is a list of situations of test security violations or administration irregularities that warrant the use of the breach form. There may be other situations where the use of the breach form is appropriate and those shall be determined on a case by case basis by the department of education and the district superintendent.

(1) When a participating school receives test materials which are clearly flawed, damaged, missing key information or content; or otherwise contain errors that prevent a valid administration of said tests in that participating school.

(2) When a disruptive or extraordinary event interrupts and prevents a valid administration of a test at a participating school.

(3) If a student or student(s) at a participating school compromise the security of a test prior to or during the administration of a test; and subsequently prevent a valid administration of a test at the participating school as a result of that security compromise.

(4) If any district employee or other individual compromises the security of a test prior to or during the administration of a test; and subsequently prevent a valid administration of a test at the participating school as a result of that security compromise.

(I) Breach test forms of the achievement tests for grades three through eight shall be administered only to all students within a participating school within a grade level or to large subgroups of students within a grade level at a participating school.

(J) Breach test forms of the Ohio graduation tests shall be administered to all students within a participating school within a grade level and to subgroups of students within a grade level at a participating school at the sole discretion of the department of education.

(K) Test questions used on breach forms shall not be part of public record.

(L) Test score results from the administration of a breach test form will be reported to the district and participating school at the individual, group and school level as deemed appropriate by the department of education.

(M) The procedure for using the breach form of a test shall follow all the steps given paragraph (M) of this rule, as follows:

(1) The school district or participating school shall report orally, followed up by a written report, the security violation or incident to the department of education within twenty-four hours or as soon as the district becomes aware of the occurrence of the irregularity at the participating school. The report must be filed with the department of education within two business days of the incident for the breach form to be a viable option;

(2) The school district or participating school must submit to the department of education in writing a list of students who will have their scores invalidated for the content area for which the breach form is being used; the content area being invalidated, and the reason

for the invalidation. The list must include all the relevant student information including their names or unique state identification code, and the school and district IRNs. Charter nonpublic schools may substitute the student identification code for the state identification code for those student who are not required to have a state identification code;

(3) The department of education will notify the testing contractor of the need for the breach form and direct the testing contractor to send the required number of breach test forms and materials to the district test coordinator or district designee;

(4) The school district and/or participating school must administer the breach form in accordance with all established test administration procedures established by the department of education;

(5) The breach test form administration shall occur within two weeks of the end of all scheduled test administration windows for the Ohio graduation tests and within one week of the end of the scheduled spring test administration window for the achievement tests for grades three through eight; and

(6) All assessments and assessment materials must be returned to the site designated by the department of education.

(N) There shall be no breach form administered for the fall administration of the third grade reading achievement test or the Ohio test of English language acquisition.

(O) The cost of administering the breach tests shall be shared by the department of education and the participating school or school district when test security violations occur in accordance with paragraphs (H)(3) and (H)(4) of rule 3301-13-02 of Administrative Code.

(P) To facilitate test administration at each grade, each school district and participating school shall annually appoint one named person in a school district and one person in each building, as the case may be, whose duties shall be to ensure that all of the test administration and test security provisions included in Chapters 3301-13 and 3301-7 of the Administrative Code and all testing procedures adopted by the department of education and by a participating school are followed explicitly by all appropriate staff. In addition, each participating school shall appoint a sufficient number of named examiners and monitors to satisfy the provisions of paragraphs (Q)(7) and (Q)(8) of this rule.

[Testing procedures can be accessed at www.ode.state.oh.us by entering "rules book" in the search box and clicking on either "rules book link" or "documents and forms for testing and assessment."]

(Q) During each test administration period, all assessments shall be administered by each participating school in accordance with the following provisions:

(1) All tests and answer documents shall be considered secure and subject to the provisions of rule 3301-13-05 of the Administrative Code and section [3319.151](#) of the Revised Code;

(2) All test administration rooms shall be selected such that test security provisions can be ensured while student comfort is maximized;

(3) During each test administration period, tests shall be administered in the order prescribed by this rule;

(4) No student shall take more than one of the tests required for graduation on any single day;

(5) No student shall take any test more than once during any test administration period unless authorized by the department of education;

(6) Except for accommodations made in accordance with paragraph (Q)(12) of this rule or paragraph (H) of rule 3301-13-03 of the Administrative Code, only materials specifically designated by the department of education shall be provided to students and/or permitted in the test administration room during testing;

(7) Each test administration session in each testing room shall be conducted by a licensed staff member or a staff member certificated under section [3301.071](#) of the Revised Code who is employed by the participating school, is assigned to that testing room as the examiner, and is responsible for following explicitly the printed test administration directions provided by the department of education and all security provisions included in Chapter 3301-13 and rule 3301-7-01 of the Administrative Code and all testing procedures adopted by the department of education and established by the participating school;

(8) When the number of students taking any test in an assigned testing room exceeds thirty, additional licensed staff and/or adult volunteers shall be assigned as test monitors to that room in sufficient numbers to ensure that the ratio of examinees to examiners or adult monitors does not exceed thirty to one at any time in any test administration room;

(9) The examiner and all adult monitors assigned to a testing room shall be informed of, and agree to follow, all prescribed test administration and test security provisions; examiners and monitors shall remain in the assigned testing room during the entire administration of any test to assure compliance with paragraphs (Q)(7) and (Q)(8) of this rule;

(10) Each student shall be allowed as much time as needed to complete each assessment, but no more than two and one-half hours shall be allowed for any assessment, except as required by accommodations made in accordance with paragraph (Q)(12) of this rule or paragraph (H) of rule 3301-13-03 of the Administrative Code;

(11) Notwithstanding the provisions of paragraph (Q)(10) of this rule, a participating school may establish a test administration schedule that contains less than the maximum total allotted time for each test area, provided that additional time, up to the maximum total amount of two-and-a-half hours designated by this rule, is provided on that same day to any student who was not able to complete the test in the amount of time initially scheduled;

(12) Any student who has been identified by a participating school as having limited English proficient may be permitted the following accommodations during administration of the tests:

(a) Use of dictionaries, including, but not limited to English to primary language and primary language to English; and

(b) Extended time to take each test, up to a maximum of one school day, and each test must be completed within the same school day.

(R) Notwithstanding other provisions of this rule, any high school student, who moves into a school district or a community school in Ohio from another state and whose previously attended school provides an official transcript of the student having passed that state's graduation examination in a test area corresponding to one of Ohio's tests required for graduation, shall be credited with having passed Ohio's test in that area, provided the department of education has a reciprocal agreement in effect with said state, and the school district or participating school follows the procedures established in paragraph (S) of this rule.

(S) At least once annually, the department of education shall post on its website (www.ode.state.oh.us) for use by each school district and participating school a list of states with which Ohio has a reciprocal agreement in effect pursuant to the provisions of paragraph (N) of rule 3301-13-01 of the Administrative Code. The list shall also identify, by state, the names of approved test areas. Upon receipt of an official transcript from a school in another state indicating that a student has already passed one or more of the approved tests administered by that state, the school district or participating school shall credit said student with having passed the corresponding test required for graduation. Such credit shall be recorded in accordance with the provisions of paragraph (H) of rule 3301-13-01 of the Administrative Code.

(T) A make-up testing session may be scheduled on any one or combination of the nine calendar days following the last day of each regular test administration period provided that all provisions of any applicable section of the Revised Code and all provisions of this chapter are met.

(U) A participating school shall administer the Ohio graduation tests during the regular school day for any tenth-grade student.

(V) A participating school may administer any ninth-grade proficiency or Ohio graduation test outside of the regular school day for any student not identified in paragraph (U) of this rule under all of the following conditions:

(1) A district board of education or governing authority of a community school or of a chartered nonpublic school shall develop a schedule of any alternative administration times with input from diverse members of the school community, including staff, parents and students affected by the action;

(2) A district board of education or a governing authority of a community school or of a chartered nonpublic school shall provide its proposed schedule of alternative administration times to diverse members of the school community, including staff, parents and students affected by the action and conduct a public forum on the matter prior to the adoption of any such a schedule;

(3) Annual notice of any schedule of alternative administration times approved by a school board or governing authority shall be provided to all affected persons, including staff, parents and students, prior to the start of each school year;

(4) Any affected student who enrolls in a participating school after an annual notice of a testing schedule is provided shall be provided with a copy of the schedule of alternative administration times at the time of enrollment;

(5) No alternative administration schedule shall discriminate against students participating in religious observations or in any extracurricular activity approved by a school board or governing authority; and

(6) All test administration provisions contained in this rule and all test security provisions contained in rule 3301-13-05 of the Administrative Code shall be followed.

(W) Any student adversely affected by an adopted alternative administration schedule may file a written complaint with the school district superintendent, head administrator or designee at least fifteen school days prior to the test administration. The written complaint shall set forth the basis of a potential adverse impact. Within five school days the school district superintendent, head administrator or designee shall provide a response or offer alternative testing arrangements.

(X) Within three school days, a student may appeal an adverse decision of a school district superintendent, head administrator or designee to the state superintendent of public instruction. Upon receiving a complaint, the state superintendent of public instruction shall investigate the complaint, review the school's policy and compliance with the requirements of paragraphs (U) and (V) of this rule. Prior to the test administration, the state superintendent of public instruction shall issue a report and final decision either upholding the decision of the school district superintendent, head administrator or designee or requiring alternative testing arrangements for the student. This report shall be provided to the school district superintendent, head administrator or designee and the person or persons filing the complaint.

(Y) Upon receipt of a written request by a school district superintendent, head administrator or designee with evidence that a participating school has experienced an emergency interruption of the school schedule by events beyond the control of the school, or that the school calendar adopted by a school board or governing authority for that year will not permit at least two consecutive weeks in which to complete the regular and make-up testing sessions, the state superintendent of public instruction may approve a modified testing schedule that permits testing to be completed in accordance with the provisions of this chapter.

(Z) Each participating school shall administer any additional tests and provide any such additional information as may be required by the department of education as part of any research authorized and/or conducted by the department to study the factors that improve education effectiveness in Ohio. This provision includes, but is not limited to, participation in national or international assessment programs for the purpose of establishing national and/or international benchmarks for student achievement.

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3301-7-01 Standards for the ethical use of tests.

(A) These standards of ethical assessment practice shall be used in determining whether or not a practice related to assessment is consistent with the principles of performing one's duties with honesty, integrity, due care, and fairness to all and ensuring the integrity of the assessment process and the reliability and validity of any inference made from any result of an assessment. Except as otherwise specified, the following definitions shall be used in this rule:

(1) "Assessment" shall include secure and non-secure standardized achievement tests, the Ohio graduation tests, state proficiency tests, the English language proficiency test, diagnostic tests as required by section [3301.0715](#) of the Revised Code, and secure alternate measurement instruments provided by the department of education. Assessment shall also include district and school-wide standardized assessment including norm referenced tests. Assessment shall include the test instrument itself and any part of the process of assessing or testing a student;

(2) "Participating school" shall mean any city, exempted village, local, cooperative education, or joint vocational school districts any community or any chartered nonpublic school which participates in assessment; the state school for the blind; the state school for the deaf; or any school operated by the departments of youth services or rehabilitation and corrections; or any entity that tests its students with the statewide assessments;

(3) "Appropriate staff" shall include any designated certificated or non-certificated employee of a participating school who has direct access to an assessment or participates in any activity related to preparing a student for an assessment, administering or scoring an assessment, and/or interpreting or using any result of an assessment;

(4) "Secure assessment" shall include any assessment, whether state or national, that is administered to the entire or a portion of the entire state student population and/or that is provided by the state, the results of which are included in Ohio's accountability system, are included as part of a student's course, are part of the pre-college admission process, or are required by state and/or federal law. Secure assessments shall be treated as secure materials until released by the test developer and/or the department of education. They do not include any diagnostic assessment required to be administered pursuant to section [3301.0715](#) of the Revised Code, any practice Ohio graduation test required to be prescribed by the state board of education pursuant to section [3301.0710](#) of the Revised Code, any practice achievement test, or any assessment that already has been released to the public by the test developer or by the department of education as a public record following the school year that the assessment actually was administered; and

(5) "Statewide tests" means any assessment that is provided by the department of education for use in all participating schools in the state.

(B) Each participating school and district shall ensure that all appropriate staff have knowledge of these standards of ethical assessment practice and shall monitor the practices of all appropriate staff to ensure compliance with these standards. Each participating school's and district's duties shall include, but not be limited to, the following:

(1) Communicate in writing to all appropriate staff at least once annually the standards defining what is an unethical and/or inappropriate practice that are contained in paragraphs (C) to (E) of this rule as well as any additional standards of ethical assessment practice adopted by a participating school and district;

(2) Clearly define and communicate in writing at least once annually to all appropriate staff how the standards shall be monitored and what sanctions shall apply for any violations of the standards and under what circumstances such sanctions will apply;

(3) Clearly define and communicate to all appropriate staff prior to each assessment the purpose(s) for each assessment;

(4) Clearly define and communicate in writing to all appropriate staff at least once annually all security procedures established by a participating school for each type of secure assessment identified in paragraph (A) of this rule, which shall include, but not be limited to, the test security provisions required by rule 3301-13-05 of the Administrative Code;

(5) Provide any other information and training as may be necessary to ensure that all appropriate staff have the knowledge and skills necessary to make ethical decisions related to preparing students for an assessment, administering and/or scoring an assessment, and/or interpreting and/or using any result of an assessment;

(6) Establish written procedures for reviewing what materials and practices shall be used in a participating school to prepare students for an assessment, and clearly communicate in writing these procedures, materials, and practices at least once annually to all appropriate staff;

(7) Periodically review materials and practices related to preparing students for an assessment, administering and/or scoring an assessment, and/or interpreting and/or using any result of an assessment in order to ensure that the materials and practices are up-to-date, and clearly communicate in writing any additions or changes at least once annually to all appropriate staff;

(8) Provide channels of communication that allow teachers, other educators, students, parents, and/or other members of the community to voice any concern about any practice they consider unethical and/or inappropriate; and

(9) Establish written procedures for investigating any complaint, allegation, and/or concern about an unethical and/or inappropriate practice, ensuring protection of the rights of an individual, the integrity of an assessment, and any result of an assessment.

(C) In monitoring practices related to preparing students for a state-wide assessment, each participating school shall use, but not be limited to, the following standards that define the types of practices that are unethical and/or inappropriate:

(1) Any preparation activity that undermines the reliability and/or validity of an inference made from any result of an assessment;

(2) Any preparation practice that results solely in raising scores or performance levels on a specific assessment without simultaneously increasing a student's achievement level as measured by other tasks and/or assessments designed to assess the same content domain;

(3) Any practice involving the reproduction of any secure assessment materials, through any medium, for use in preparing a student for an assessment;

(4) Any preparation activity that includes a question, task, graph, chart, passage, or other material included in an assessment, and/or material that is a paraphrase or highly similar in content to what is in an assessment;

(5) Preparation for an assessment that focuses primarily on the assessment, including its format, rather than on the objectives being assessed;

(6) Any preparation practice that does not comply with, or has the appearance of not complying with any statutory and/or regulatory provision related to security of an assessment; and

(7) Any practice that supports or assists others in conducting unethical or inappropriate preparation activities.

(D) Except as specifically permitted by written instructions provided by the developer of an assessment, by the department of education, or by Chapter 3301-13 of the Administrative Code pertaining to accommodations and/or alternate assessment, each participating school shall use, but not be limited to, the following standards that define the types of practices related to administering and/or scoring assessments that are unethical and/or inappropriate:

(1) Any assessment used for purposes other than that for which it was intended;

(2) Any practice that results in a potential conflict of interest or one that exerts undue influence on a person administering and/or scoring an assessment, either making or appearing to make an assessment process unfair to some examinees;

(3) Except for accommodations and/or alternate assessments expressly permitted under Chapter 3301-13 of the Administrative Code, any change in procedures for administering and/or scoring an assessment that results in a nonstandard condition for one or more students;

(4) Any practice that allows a person without sufficient and appropriate knowledge, skills, and/or training to administer and/or score an assessment;

(5) Any administration and/or scoring practice that may produce a result contaminated by a factor not relevant to the purpose(s) of an assessment;

(6) Any practice of excluding one or more students from an assessment solely because a student has not performed well, or may not perform well, on the assessment and/or because the aggregate performance of a group may be affected;

(7) Any practice immediately preceding and/or during an assessment including, but not limited to, the use a gesture, facial expression, body language, language, or any other action and/or sound that may guide a students' response;

(8) Except for the directions for administration as prescribed by the test developer and/or by the department of education, any practice such as providing to a student, immediately preceding and/or during administration of an assessment, any definition and/or clarification of the meaning of a word or term contained in an assessment;

(9) Any practice that corrects or alters any student's response to an assessment either during and/or following the administration and/or scoring of an assessment; and

(10) Any practice that supports or assists any person in unethical and/or inappropriate practices during administration and/or scoring of an assessment.

(E) In monitoring practices related to interpreting and/or using any result of an assessment, each participating school shall use, but not be limited to, the following standards that define the types of practices that are unethical and/or inappropriate:

(1) Providing interpretations of and/or using any result of an assessment in a manner and/or for a purpose that was not intended;

(2) Making false, misleading, or inappropriate statements and/or unsubstantiated claims that may lead to false and/or misleading conclusions about any result of an assessment;

(3) Any practice that permits appropriate staff without the necessary knowledge and skills to interpret and/or use any result of an assessment;

(4) Any practice that violates, or places at risk, the confidentiality of personally identifiable information pursuant to section [3319.321](#) of the Revised Code;

(5) Any practice that provides an interpretation or suggests a use of any result of an assessment without due consideration of the purpose(s) for the assessment, the limitations of the assessment, an examinee's characteristics, any irregularities in administering and/or scoring the assessment, and/or other factors that may affect any result; and

(6) Any practice that supports or leads any person to interpret and/or use any result of an assessment in unethical and/or inappropriate ways.

(F) Each participating school shall cooperate with the state board of education in conducting an investigation of any alleged unethical and/or inappropriate assessment practice as defined in this rule.

Replaces: 3301-7-01

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R.C. 119.032 review dates: 12/21/2012

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Statutory Authority: 3301.07, 3301.0710, 3301.0711

Rule Amplifies: 3301.0711

Prior Effective Dates: 2/1/95

3301-13-01 Defining terms and establishing statewide tests.

(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 section [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 section 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 section 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 section 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 section 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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