

# As Passed by the Senate

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 196**

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## A B I L L

To amend sections 149.43, 3301.0714, 3313.533,	1
3313.614, 3319.22, 3319.26, 3319.31, and 3319.51	2
and to enact sections 3319.227 and 3319.302 of the	3
Revised Code and to amend Sections 44.16 and 192 of	4
Am. Sub. H.B. 94 of the 124th General Assembly and	5
to amend Section 11 of Am. Sub. S.B. 1 of the 124th	6
General Assembly to permit school districts that	7
establish certain alternative schools to contract	8
with nonprofit or for profit entities to operate	9
those schools, to provide additional standards for	10
alternative schools operated by nonprofit or for	11
profit entities, to eliminate the requirement that	12
educator licensing rules are subject to the	13
approval of the General Assembly through a	14
concurrent resolution, to require the State Board	15
of Education to issue a one-year conditional	16
teaching permit for individuals intending to seek	17

an alternative educator license, to establish a 18  
three-year period for the issuance of one-year 19  
conditional teaching permits in the area of 20  
intervention specialist, to permit an individual 21  
holding an educator license or certificate to teach 22  
in an area or grade level different from the 23  
individual's licensed or certificated area or grade 24  
level for two years under certain conditions, to 25  
permit personally identifiable information about a 26  
student to be reported to a third party for 27  
purposes of assigning a data verification code, to 28  
allow the Department of Education to administer the 29  
High Schools That Work Program, to change the 30  
set-aside for tech prep consortia, to specify the 31  
curriculum requirement for a diploma, to change 32  
from December 31, 2001, to December 31, 2002, the 33  
date by which the Instructional Subsidy and 34  
Challenge Review Committee must submit its report 35  
to the General Assembly, to require the Governor's 36  
Commission on Successful Teachers to recommend 37  
alternative pathways for obtaining educator 38  
licenses, and to declare an emergency. 39

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 149.43, 3301.0714, 3313.533, 40  
3313.614, 3319.22, 3319.26, 3319.31, and 3319.51 be amended and 41  
sections 3319.227 and 3319.302 of the Revised Code be enacted to 42  
read as follows: 43

**Sec. 149.43.** (A) As used in this section: 44

(1) "Public record" means ~~any record that is~~ records kept by 45

any public office, including, but not limited to, state, county, 46  
city, village, township, and school district units, ~~except that~~ 47  
~~"public and records pertaining to the delivery of educational~~ 48  
~~services by an alternative school in Ohio kept by a nonprofit or~~ 49  
~~for profit entity operating such alternative school pursuant to~~ 50  
~~section 3313.533 of the Revised Code. "Public record" does not~~ 51  
mean any of the following: 52

(a) Medical records; 53

(b) Records pertaining to probation and parole proceedings; 54

(c) Records pertaining to actions under section 2151.85 and 55  
division (C) of section 2919.121 of the Revised Code and to 56  
appeals of actions arising under those sections; 57

(d) Records pertaining to adoption proceedings, including the 58  
contents of an adoption file maintained by the department of 59  
health under section 3705.12 of the Revised Code; 60

(e) Information in a record contained in the putative father 61  
registry established by section 3107.062 of the Revised Code, 62  
regardless of whether the information is held by the department of 63  
job and family services or, pursuant to section 3111.69 of the 64  
Revised Code, the office of child support in the department or a 65  
child support enforcement agency; 66

(f) Records listed in division (A) of section 3107.42 of the 67  
Revised Code or specified in division (A) of section 3107.52 of 68  
the Revised Code; 69

(g) Trial preparation records; 70

(h) Confidential law enforcement investigatory records; 71

(i) Records containing information that is confidential under 72  
section 2317.023 or 4112.05 of the Revised Code; 73

(j) DNA records stored in the DNA database pursuant to 74  
section 109.573 of the Revised Code; 75

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	76 77 78 79
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	80 81 82 83
(m) Intellectual property records;	84
(n) Donor profile records;	85
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	86 87
(p) Peace officer residential and familial information;	88
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	89 90 91
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	92 93
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	94 95 96 97 98
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	99 100 101 102
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers	103 104 105

under section 4751.04 of the Revised Code or contracts under that  
section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or  
federal law.

(2) "Confidential law enforcement investigatory record" means  
any record that pertains to a law enforcement matter of a  
criminal, quasi-criminal, civil, or administrative nature, but  
only to the extent that the release of the record would create a  
high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with  
the offense to which the record pertains, or of an information  
source or witness to whom confidentiality has been reasonably  
promised;

(b) Information provided by an information source or witness  
to whom confidentiality has been reasonably promised, which  
information would reasonably tend to disclose the source's or  
witness's identity;

(c) Specific confidential investigatory techniques or  
procedures or specific investigatory work product;

(d) Information that would endanger the life or physical  
safety of law enforcement personnel, a crime victim, a witness, or  
a confidential information source.

(3) "Medical record" means any document or combination of  
documents, except births, deaths, and the fact of admission to or  
discharge from a hospital, that pertains to the medical history,  
diagnosis, prognosis, or medical condition of a patient and that  
is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains  
information that is specifically compiled in reasonable  
anticipation of, or in defense of, a civil or criminal action or

proceeding, including the independent thought processes and  
personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than  
a financial or administrative record, that is produced or  
collected by or for faculty or staff of a state institution of  
higher learning in the conduct of or as a result of study or  
research on an educational, commercial, scientific, artistic,  
technical, or scholarly issue, regardless of whether the study or  
research was sponsored by the institution alone or in conjunction  
with a governmental body or private concern, and that has not been  
publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or  
potential donors to a public institution of higher education  
except the names and reported addresses of the actual donors and  
the date, amount, and conditions of the actual donation.

(7) "Peace officer residential and familial information"  
means either of the following:

(a) Any information maintained in a personnel record of a  
peace officer that discloses any of the following:

(i) The address of the actual personal residence of a peace  
officer, except for the state or political subdivision in which  
the peace officer resides;

(ii) Information compiled from referral to or participation  
in an employee assistance program;

(iii) The social security number, the residential telephone  
number, any bank account, debit card, charge card, or credit card  
number, or the emergency telephone number of, or any medical  
information pertaining to, a peace officer;

(iv) The name of any beneficiary of employment benefits,  
including, but not limited to, life insurance benefits, provided

to a peace officer by the peace officer's employer;

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(v) The identity and amount of any charitable or employment  
benefit deduction made by the peace officer's employer from the  
peace officer's compensation unless the amount of the deduction is  
required by state or federal law;

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(vi) The name, the residential address, the name of the  
employer, the address of the employer, the social security number,  
the residential telephone number, any bank account, debit card,  
charge card, or credit card number, or the emergency telephone  
number of the spouse, a former spouse, or any child of a peace  
officer.

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(b) Any record that identifies a person's occupation as a  
peace officer other than statements required to include the  
disclosure of that fact under the campaign finance law.

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As used in divisions (A)(7) and (B)(5) of this section,  
"peace officer" has the same meaning as in section 109.71 of the  
Revised Code and also includes the superintendent and troopers of  
the state highway patrol; it does not include the sheriff of a  
county or a supervisory employee who, in the absence of the  
sheriff, is authorized to stand in for, exercise the authority of,  
and perform the duties of the sheriff.

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(8) "Information pertaining to the recreational activities of  
a person under the age of eighteen" means information that is kept  
in the ordinary course of business by a public office, that  
pertains to the recreational activities of a person under the age  
of eighteen years, and that discloses any of the following:

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(a) The address or telephone number of a person under the age  
of eighteen or the address or telephone number of that person's  
parent, guardian, custodian, or emergency contact person;

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(b) The social security number, birth date, or photographic  
image of a person under the age of eighteen;

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(c) Any medical record, history, or information pertaining to 198  
a person under the age of eighteen; 199

(d) Any additional information sought or required about a 200  
person under the age of eighteen for the purpose of allowing that 201  
person to participate in any recreational activity conducted or 202  
sponsored by a public office or to use or obtain admission 203  
privileges to any recreational facility owned or operated by a 204  
public office. 205

(B)(1) Subject to division (B)(4) of this section, all public 206  
records shall be promptly prepared and made available for 207  
inspection to any person at all reasonable times during regular 208  
business hours. Subject to division (B)(4) of this section, upon 209  
request, a public office or person responsible for public records 210  
shall make copies available at cost, within a reasonable period of 211  
time. In order to facilitate broader access to public records, 212  
public offices shall maintain public records in a manner that they 213  
can be made available for inspection in accordance with this 214  
division. 215

(2) If any person chooses to obtain a copy of a public record 216  
in accordance with division (B)(1) of this section, the public 217  
office or person responsible for the public record shall permit 218  
that person to choose to have the public record duplicated upon 219  
paper, upon the same medium upon which the public office or person 220  
responsible for the public record keeps it, or upon any other 221  
medium upon which the public office or person responsible for the 222  
public record determines that it reasonably can be duplicated as 223  
an integral part of the normal operations of the public office or 224  
person responsible for the public record. When the person seeking 225  
the copy makes a choice under this division, the public office or 226  
person responsible for the public record shall provide a copy of 227  
it in accordance with the choice made by the person seeking the 228  
copy. 229



(3) Upon a request made in accordance with division (B)(1) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage and other supplies used in the mailing.

Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(4) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to

inspect or to obtain a copy of the record is for the purpose of  
acquiring information that is subject to release as a public  
record under this section and the judge who imposed the sentence  
or made the adjudication with respect to the person, or the  
judge's successor in office, finds that the information sought in  
the public record is necessary to support what appears to be a  
justiciable claim of the person.

(5) Upon written request made and signed by a journalist on  
or after December 16, 1999, a public office, or person responsible  
for public records, having custody of the records of the agency  
employing a specified peace officer shall disclose to the  
journalist the address of the actual personal residence of the  
peace officer and, if the peace officer's spouse, former spouse,  
or child is employed by a public office, the name and address of  
the employer of the peace officer's spouse, former spouse, or  
child. The request shall include the journalist's name and title  
and the name and address of the journalist's employer and shall  
state that disclosure of the information sought would be in the  
public interest.

As used in division (B)(5) of this section, "journalist"  
means a person engaged in, connected with, or employed by any news  
medium, including a newspaper, magazine, press association, news  
agency, or wire service, a radio or television station, or a  
similar medium, for the purpose of gathering, processing,  
transmitting, compiling, editing, or disseminating information for  
the general public.

(C) If a person allegedly is aggrieved by the failure of a  
public office to promptly prepare a public record and to make it  
available to the person for inspection in accordance with division  
(B) of this section, or if a person who has requested a copy of a  
public record allegedly is aggrieved by the failure of a public  
office or the person responsible for the public record to make a

copy available to the person allegedly aggrieved in accordance 294  
with division (B) of this section, the person allegedly aggrieved 295  
may commence a mandamus action to obtain a judgment that orders 296  
the public office or the person responsible for the public record 297  
to comply with division (B) of this section and that awards 298  
reasonable attorney's fees to the person that instituted the 299  
mandamus action. The mandamus action may be commenced in the court 300  
of common pleas of the county in which division (B) of this 301  
section allegedly was not complied with, in the supreme court 302  
pursuant to its original jurisdiction under Section 2 of Article 303  
IV, Ohio Constitution, or in the court of appeals for the 304  
appellate district in which division (B) of this section allegedly 305  
was not complied with pursuant to its original jurisdiction under 306  
Section 3 of Article IV, Ohio Constitution. 307

(D) Chapter 1347. of the Revised Code does not limit the 308  
provisions of this section. 309

(E)(1) The bureau of motor vehicles may adopt rules pursuant 310  
to Chapter 119. of the Revised Code to reasonably limit the number 311  
of bulk commercial special extraction requests made by a person 312  
for the same records or for updated records during a calendar 313  
year. The rules may include provisions for charges to be made for 314  
bulk commercial special extraction requests for the actual cost of 315  
the bureau, plus special extraction costs, plus ten per cent. The 316  
bureau may charge for expenses for redacting information, the 317  
release of which is prohibited by law. 318

(2) As used in divisions (B)(3) and (E)(1) of this section: 319

(a) "Actual cost" means the cost of depleted supplies, 320  
records storage media costs, actual mailing and alternative 321  
delivery costs, or other transmitting costs, and any direct 322  
equipment operating and maintenance costs, including actual costs 323  
paid to private contractors for copying services. 324

(b) "Bulk commercial special extraction request" means a 325  
request for copies of a record for information in a format other 326  
than the format already available, or information that cannot be 327  
extracted without examination of all items in a records series, 328  
class of records, or data base by a person who intends to use or 329  
forward the copies for surveys, marketing, solicitation, or resale 330  
for commercial purposes. "Bulk commercial special extraction 331  
request" does not include a request by a person who gives 332  
assurance to the bureau that the person making the request does 333  
not intend to use or forward the requested copies for surveys, 334  
marketing, solicitation, or resale for commercial purposes. 335

(c) "Commercial" means profit-seeking production, buying, or 336  
selling of any good, service, or other product. 337

(d) "Special extraction costs" means the cost of the time 338  
spent by the lowest paid employee competent to perform the task, 339  
the actual amount paid to outside private contractors employed by 340  
the bureau, or the actual cost incurred to create computer 341  
programs to make the special extraction. "Special extraction 342  
costs" include any charges paid to a public agency for computer or 343  
records services. 344

(3) For purposes of divisions (E)(1) and (2) of this section, 345  
"commercial surveys, marketing, solicitation, or resale" shall be 346  
narrowly construed and does not include reporting or gathering 347  
news, reporting or gathering information to assist citizen 348  
oversight or understanding of the operation or activities of 349  
government, or nonprofit educational research. 350

**Sec. 3301.0714.** (A) The state board of education shall adopt 351  
rules for a statewide education management information system. The 352  
rules shall require the state board to establish guidelines for 353  
the establishment and maintenance of the system in accordance with 354  
this section and the rules adopted under this section. The 355

guidelines shall include: 356

(1) Standards identifying and defining the types of data in 357  
the system in accordance with divisions (B) and (C) of this 358  
section; 359

(2) Procedures for annually collecting and reporting the data 360  
to the state board in accordance with division (D) of this 361  
section; 362

(3) Procedures for annually compiling the data in accordance 363  
with division (G) of this section; 364

(4) Procedures for annually reporting the data to the public 365  
in accordance with division (H) of this section. 366

(B) The guidelines adopted under this section shall require 367  
the data maintained in the education management information system 368  
to include at least the following: 369

(1) Student participation and performance data, for each 370  
grade in each school district as a whole and for each grade in 371  
each school building in each school district, that includes: 372

(a) The numbers of students receiving each category of 373  
instructional service offered by the school district, such as 374  
regular education instruction, vocational education instruction, 375  
specialized instruction programs or enrichment instruction that is 376  
part of the educational curriculum, instruction for gifted 377  
students, instruction for handicapped students, and remedial 378  
instruction. The guidelines shall require instructional services 379  
under this division to be divided into discrete categories if an 380  
instructional service is limited to a specific subject, a specific 381  
type of student, or both, such as regular instructional services 382  
in mathematics, remedial reading instructional services, 383  
instructional services specifically for students gifted in 384  
mathematics or some other subject area, or instructional services 385  
for students with a specific type of handicap. The categories of 386

instructional services required by the guidelines under this 387  
division shall be the same as the categories of instructional 388  
services used in determining cost units pursuant to division 389  
(C)(3) of this section. 390

(b) The numbers of students receiving support or 391  
extracurricular services for each of the support services or 392  
extracurricular programs offered by the school district, such as 393  
counseling services, health services, and extracurricular sports 394  
and fine arts programs. The categories of services required by the 395  
guidelines under this division shall be the same as the categories 396  
of services used in determining cost units pursuant to division 397  
(C)(4)(a) of this section. 398

(c) Average student grades in each subject in grades nine 399  
through twelve; 400

(d) Academic achievement levels as assessed by the testing of 401  
student achievement under sections 3301.0710 and 3301.0711 of the 402  
Revised Code; 403

(e) The number of students designated as having a 404  
handicapping condition pursuant to division (C)(1) of section 405  
3301.0711 of the Revised Code; 406

(f) The numbers of students reported to the state board 407  
pursuant to division (C)(2) of section 3301.0711 of the Revised 408  
Code; 409

(g) Attendance rates and the average daily attendance for the 410  
year. For purposes of this division, a student shall be counted as 411  
present for any field trip that is approved by the school 412  
administration. 413

(h) Expulsion rates; 414

(i) Suspension rates; 415

(j) The percentage of students receiving corporal punishment; 416

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(k) Dropout rates;	418
(l) Rates of retention in grade;	419
(m) For pupils in grades nine through twelve, the average	420
number of carnegie units, as calculated in accordance with state	421
board of education rules;	422
(n) Graduation rates, to be calculated in a manner specified	423
by the department of education that reflects the rate at which	424
students who were in the ninth grade three years prior to the	425
current year complete school and that is consistent with	426
nationally accepted reporting requirements;	427
(o) Results of diagnostic assessments administered to	428
kindergarten students as required under section 3301.0715 of the	429
Revised Code to permit a comparison of the academic readiness of	430
kindergarten students. However, no district shall be required to	431
report to the department the results of any diagnostic assessment	432
administered to a kindergarten student if the parent of that	433
student requests the district not to report those results.	434
(2) Personnel and classroom enrollment data for each school	435
district, including:	436
(a) The total numbers of licensed employees and nonlicensed	437
employees and the numbers of full-time equivalent licensed	438
employees and nonlicensed employees providing each category of	439
instructional service, instructional support service, and	440
administrative support service used pursuant to division (C)(3) of	441
this section. The guidelines adopted under this section shall	442
require these categories of data to be maintained for the school	443
district as a whole and, wherever applicable, for each grade in	444
the school district as a whole, for each school building as a	445
whole, and for each grade in each school building.	446
(b) The total number of employees and the number of full-time	447

equivalent employees providing each category of service used  
pursuant to divisions (C)(4)(a) and (b) of this section, and the  
total numbers of licensed employees and nonlicensed employees and  
the numbers of full-time equivalent licensed employees and  
nonlicensed employees providing each category used pursuant to  
division (C)(4)(c) of this section. The guidelines adopted under  
this section shall require these categories of data to be  
maintained for the school district as a whole and, wherever  
applicable, for each grade in the school district as a whole, for  
each school building as a whole, and for each grade in each school  
building.

(c) The total number of regular classroom teachers teaching  
classes of regular education and the average number of pupils  
enrolled in each such class, in each of grades kindergarten  
through five in the district as a whole and in each school  
building in the school district.

(3)(a) Student demographic data for each school district,  
including information regarding the gender ratio of the school  
district's pupils, the racial make-up of the school district's  
pupils, and an appropriate measure of the number of the school  
district's pupils who reside in economically disadvantaged  
households. The demographic data shall be collected in a manner to  
allow correlation with data collected under division (B)(1) of  
this section. Categories for data collected pursuant to division  
(B)(3) of this section shall conform, where appropriate, to  
standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten,  
whether the student previously participated in a public preschool  
program, a private preschool program, or a head start program, and  
the number of years the student participated in each of these  
programs.

(C) The education management information system shall include



cost accounting data for each district as a whole and for each  
school building in each school district. The guidelines adopted  
under this section shall require the cost data for each school  
district to be maintained in a system of mutually exclusive cost  
units and shall require all of the costs of each school district  
to be divided among the cost units. The guidelines shall require  
the system of mutually exclusive cost units to include at least  
the following:

(1) Administrative costs for the school district as a whole.  
The guidelines shall require the cost units under this division  
(C)(1) to be designed so that each of them may be compiled and  
reported in terms of average expenditure per pupil in formula ADM  
in the school district, as determined pursuant to section 3317.03  
of the Revised Code.

(2) Administrative costs for each school building in the  
school district. The guidelines shall require the cost units under  
this division (C)(2) to be designed so that each of them may be  
compiled and reported in terms of average expenditure per  
full-time equivalent pupil receiving instructional or support  
services in each building.

(3) Instructional services costs for each category of  
instructional service provided directly to students and required  
by guidelines adopted pursuant to division (B)(1)(a) of this  
section. The guidelines shall require the cost units under  
division (C)(3) of this section to be designed so that each of  
them may be compiled and reported in terms of average expenditure  
per pupil receiving the service in the school district as a whole  
and average expenditure per pupil receiving the service in each  
building in the school district and in terms of a total cost for  
each category of service and, as a breakdown of the total cost, a  
cost for each of the following components:

(a) The cost of each instructional services category required

by guidelines adopted under division (B)(1)(a) of this section  
that is provided directly to students by a classroom teacher;

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(b) The cost of the instructional support services, such as  
services provided by a speech-language pathologist, classroom  
aide, multimedia aide, or librarian, provided directly to students  
in conjunction with each instructional services category;

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(c) The cost of the administrative support services related  
to each instructional services category, such as the cost of  
personnel that develop the curriculum for the instructional  
services category and the cost of personnel supervising or  
coordinating the delivery of the instructional services category.

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(4) Support or extracurricular services costs for each  
category of service directly provided to students and required by  
guidelines adopted pursuant to division (B)(1)(b) of this section.  
The guidelines shall require the cost units under division (C)(4)  
of this section to be designed so that each of them may be  
compiled and reported in terms of average expenditure per pupil  
receiving the service in the school district as a whole and  
average expenditure per pupil receiving the service in each  
building in the school district and in terms of a total cost for  
each category of service and, as a breakdown of the total cost, a  
cost for each of the following components:

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(a) The cost of each support or extracurricular services  
category required by guidelines adopted under division (B)(1)(b)  
of this section that is provided directly to students by a  
licensed employee, such as services provided by a guidance  
counselor or any services provided by a licensed employee under a  
supplemental contract;

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(b) The cost of each such services category provided directly  
to students by a nonlicensed employee, such as janitorial  
services, cafeteria services, or services of a sports trainer;

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(c) The cost of the administrative services related to each 544  
services category in division (C)(4)(a) or (b) of this section, 545  
such as the cost of any licensed or nonlicensed employees that 546  
develop, supervise, coordinate, or otherwise are involved in 547  
administering or aiding the delivery of each services category. 548

(D)(1) The guidelines adopted under this section shall 549  
require school districts to collect information about individual 550  
students, staff members, or both in connection with any data 551  
required by division (B) or (C) of this section or other reporting 552  
requirements established in the Revised Code. The guidelines may 553  
also require school districts to report information about 554  
individual staff members in connection with any data required by 555  
division (B) or (C) of this section or other reporting 556  
requirements established in the Revised Code. The guidelines shall 557  
not authorize school districts to request social security numbers 558  
of individual students. The guidelines shall prohibit the 559  
reporting under this section of any personally identifiable 560  
information about any student, including a student's name or 561  
address, to the state board of education or the department of 562  
education ~~or~~. The guidelines shall also prohibit the reporting 563  
under this section of any personally identifiable information 564  
about any student, except for the purpose of assigning the data 565  
verification code required by division (D)(2) of this section, to 566  
any other person unless such person is employed by the school 567  
district or the data acquisition site operated under section 568  
3301.075 of the Revised Code and is authorized by the district or 569  
acquisition site to have access to such information. The 570  
guidelines may require school districts to provide the social 571  
security numbers of individual staff members. 572

(2) The guidelines shall provide for each school district or 573  
community school to assign a data verification code that is unique 574  
on a statewide basis over time to each student whose initial Ohio 575

enrollment is in that district or school and to report all 576  
required individual student data for that student utilizing such 577  
code. The guidelines shall also provide for assigning data 578  
verification codes to all students enrolled in districts or 579  
community schools on the effective date of the guidelines 580  
established under this section. 581

Individual student data shall be reported to the department 582  
through the data acquisition sites utilizing the code but at no 583  
time shall ~~anyone other than an employee of the school district or~~ 584  
~~community school in which the student is enrolled~~ the state board 585  
or the department have access to information that would enable any 586  
data verification code to be matched to personally identifiable 587  
student data. 588

Each school district shall ensure that the data verification 589  
code is included in the student's records reported to any 590  
subsequent school district or community school in which the 591  
student enrolls and shall remove all references to the code in any 592  
records retained in the district or school that pertain to any 593  
student no longer enrolled. Any such subsequent district or school 594  
shall utilize the same identifier in its reporting of data under 595  
this section. 596

(E) The guidelines adopted under this section may require 597  
school districts to collect and report data, information, or 598  
reports other than that described in divisions (A), (B), and (C) 599  
of this section for the purpose of complying with other reporting 600  
requirements established in the Revised Code. The other data, 601  
information, or reports may be maintained in the education 602  
management information system but are not required to be compiled 603  
as part of the profile formats required under division (G) of this 604  
section or the annual statewide report required under division (H) 605  
of this section. 606

(F) Beginning with the school year that begins July 1, 1991, 607

the board of education of each school district shall annually  
collect and report to the state board, in accordance with the  
guidelines established by the board, the data required pursuant to  
this section. A school district may collect and report these data  
notwithstanding section 2151.358 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures  
it adopts, annually compile the data reported by each school  
district pursuant to division (D) of this section. The state board  
shall design formats for profiling each school district as a whole  
and each school building within each district and shall compile  
the data in accordance with these formats. These profile formats  
shall:

(1) Include all of the data gathered under this section in a  
manner that facilitates comparison among school districts and  
among school buildings within each school district;

(2) Present the data on academic achievement levels as  
assessed by the testing of student achievement maintained pursuant  
to division (B)(1)(e) of this section so that the academic  
achievement levels of students who are excused from taking any  
such test pursuant to division (C)(1) of section 3301.0711 of the  
Revised Code are distinguished from the academic achievement  
levels of students who are not so excused.

(H)(1) The state board shall, in accordance with the  
procedures it adopts, annually prepare a statewide report for all  
school districts and the general public that includes the profile  
of each of the school districts developed pursuant to division (G)  
of this section. Copies of the report shall be sent to each school  
district.

(2) The state board shall, in accordance with the procedures  
it adopts, annually prepare an individual report for each school  
district and the general public that includes the profiles of each

of the school buildings in that school district developed pursuant  
to division (G) of this section. Copies of the report shall be  
sent to the superintendent of the district and to each member of  
the district board of education.

(3) Copies of the reports received from the state board under  
divisions (H)(1) and (2) of this section shall be made available  
to the general public at each school district's offices. Each  
district board of education shall make copies of each report  
available to any person upon request and payment of a reasonable  
fee for the cost of reproducing the report. The board shall  
annually publish in a newspaper of general circulation in the  
school district, at least twice during the two weeks prior to the  
week in which the reports will first be available, a notice  
containing the address where the reports are available and the  
date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this  
section and that identifies an individual pupil is not a public  
record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted  
village, or joint vocational school district.

(2) "Cost" means any expenditure for operating expenses made  
by a school district excluding any expenditures for debt  
retirement except for payments made to any commercial lending  
institution for any loan approved pursuant to section 3313.483 of  
the Revised Code.

(K) Any person who removes data from the information system  
established under this section for the purpose of releasing it to  
any person not entitled under law to have access to such  
information is subject to section 2913.42 of the Revised Code

prohibiting tampering with data.

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(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:

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(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;

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(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;

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(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.

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Any report made under this division shall include recommendations for corrective action by the school district.

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Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within ninety days of the date upon which the report was made by the department.

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(M) The department of education, after consultation with the Ohio education computer network, may provide at no cost to school districts uniform computer software for use in reporting data to the education management information system, provided that no school district shall be required to utilize such software to report data to the education management information system if such district is so reporting data in an accurate, complete, and timely manner in a format compatible with that required by the education management information system.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (D)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

**Sec. 3313.533.** (A) The board of education of a city, exempted village, or local school district may adopt a resolution to establish and maintain an alternative school in accordance with



this section. The resolution shall specify, but not necessarily be 732  
limited to, all of the following: 733

(1) The purpose of the school, which purpose shall be to 734  
serve students who are on suspension, who are having truancy 735  
problems, who are experiencing academic failure, who have a 736  
history of class disruption, or who are exhibiting other academic 737  
or behavioral problems specified in the resolution; 738

(2) The grades served by the school, which may include any of 739  
grades kindergarten through twelve; 740

(3) A requirement that the school be operated in accordance 741  
with this section. The board of education adopting the resolution 742  
under division (A) of this section shall be the governing board of 743  
the alternative school. The board shall develop and implement a 744  
plan for the school in accordance with the resolution establishing 745  
the school and in accordance with this section. Each plan shall 746  
include, but not necessarily be limited to, all of the following: 747

(a) Specification of the reasons for which students will be 748  
accepted for assignment to the school and any criteria for 749  
admission that are to be used by the board to approve or 750  
disapprove the assignment of students to the school; 751

(b) Specification of the criteria and procedures that will be 752  
used for returning students who have been assigned to the school 753  
back to the regular education program of the district; 754

(c) An evaluation plan for assessing the effectiveness of the 755  
school and its educational program and reporting the results of 756  
the evaluation to the public. 757

(B) Notwithstanding any provision of Title XXXIII of the 758  
Revised Code to the contrary, the alternative school plan may 759  
include any of the following: 760

(1) A requirement that on each school day students must 761  
attend school or participate in other programs specified in the 762

plan or by the chief administrative officer of the school for a  
period equal to the minimum school day set by the state board of  
education under section 3313.48 of the Revised Code plus any  
additional time required in the plan or by the chief  
administrative officer;

(2) Restrictions on student participation in extracurricular  
or interscholastic activities;

(3) A requirement that students wear uniforms prescribed by  
the district board of education.

(C) In accordance with the alternative school plan, the  
district board of education may employ teachers and nonteaching  
employees necessary to carry out its duties and fulfill its  
responsibilities or may contract with a nonprofit or for profit  
entity to operate the alternative school, including the provision  
of personnel, supplies, equipment, or facilities.

(D) An alternative school may be established in all or part  
of a school building.

(E) If a district board of education elects under this  
section, or is required by section 3313.534 of the Revised Code,  
to establish an alternative school, the district board may join  
with the board of education of one or more other districts to form  
a joint alternative school by forming a cooperative education  
school district under section 3311.52 or 3311.521 of the Revised  
Code, or a joint educational program under section 3313.842 of the  
Revised Code. The authority to employ personnel or to contract  
with a nonprofit or for profit entity under division (C) of this  
section applies to any alternative school program established  
under this division.

(F) Any individual employed as a teacher at an alternative  
school operated by a nonprofit or for profit entity under this  
section shall be licensed and shall be subject to background

checks, as described in section 3319.39 of the Revised Code, in  
the same manner as an individual employed by a school district.

(G) Division (G) of this section applies only to any  
alternative school that is operated by a nonprofit or for profit  
entity under contract with the school district.

(1) In addition to the specifications authorized under  
division (B) of this section, any plan adopted under that division  
for an alternative school to which division (G) of this section  
also applies shall include the following:

(a) A description of the educational program provided at the  
alternative school, which shall include:

(i) Provisions for the school to be configured in clusters or  
small learning communities;

(ii) Provisions for the incorporation of education technology  
into the curriculum;

(iii) Provisions for accelerated learning programs in reading  
and mathematics.

(b) A method to determine the reading and mathematics level  
of each student assigned to the alternative school and a method to  
continuously monitor each student's progress in those areas. The  
methods employed under this division shall be aligned with the  
curriculum adopted by the school district board of education under  
section 3313.60 of the Revised Code.

(c) A plan for social services to be provided at the  
alternative school, such as, but not limited to, counseling  
services, psychological support services, and enrichment programs;

(d) A plan for a student's transition from the alternative  
school back to a school operated by the school district;

(e) A requirement that the alternative school maintain  
financial records in a manner that is compatible with the form

prescribed for school districts by the auditor of state to enable 824  
the district to comply with any rules adopted by the auditor of 825  
state. 826

(2) Notwithstanding division (A)(2) of this section, any 827  
alternative school to which division (G) of this section applies 828  
shall include only grades six through twelve. 829

(3) Notwithstanding anything in division (A)(3)(a) of this 830  
section to the contrary, the characteristics of students who may 831  
be assigned to an alternative school to which division (G) of this 832  
section applies shall include only disruptive and low-performing 833  
students. 834

(H) When any district board of education determines to 835  
contract with a nonprofit or for profit entity to operate an 836  
alternative school under this section, the board shall use the 837  
procedure set forth in this division. 838

(1) The board shall publish notice of a request for proposals 839  
in a newspaper of general circulation in the district once each 840  
week for a period of at least two consecutive weeks prior to the 841  
date specified by the board for receiving proposals. Notices of 842  
requests for proposals shall contain a general description of the 843  
subject of the proposed contract and the location where the 844  
request for proposals may be obtained. The request for proposals 845  
shall include all of the following information: 846

(a) Instructions and information to respondents concerning 847  
the submission of proposals, including the name and address of the 848  
office where proposals are to be submitted; 849

(b) Instructions regarding communications, including at least 850  
the names, titles, and telephone numbers of persons to whom 851  
questions concerning a proposal may be directed; 852

(c) A description of the performance criteria that will be 853  
used to evaluate whether a respondent to which a contract is 854

awarded is meeting the district's educational standards or the  
method by which such performance criteria will be determined;

(d) Factors and criteria to be considered in evaluating  
proposals, the relative importance of each factor or criterion,  
and a description of the evaluation procedures to be followed;

(e) Any terms or conditions of the proposed contract,  
including any requirement for a bond and the amount of such bond;

(f) Documents that may be incorporated by reference into the  
request for proposals, provided that the request for proposals  
specifies where such documents may be obtained and that such  
documents are readily available to all interested parties.

(2) After the date specified for receiving proposals, the  
board shall evaluate the submitted proposals and may hold  
discussions with any respondent to ensure a complete understanding  
of the proposal and the qualifications of such respondent to  
execute the proposed contract. Such qualifications shall include,  
but are not limited to, all of the following:

(a) Demonstrated competence in performance of the required  
services as indicated by effective implementation of educational  
programs in reading and mathematics and at least three years of  
experience successfully serving a student population similar to  
the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost  
containment, the provision of educational services of a high  
quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the  
operation of the alternative school and to provide qualified  
personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three

proposals from respondents the board considers qualified to  
operate the alternative school in the best interests of the  
students and the district. If fewer than three proposals are  
submitted, the board shall select each proposal submitted. The  
board may cancel a request for proposals or reject all proposals  
at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected  
respondents to clarify or revise the provisions of a proposal or  
the proposed contract to ensure complete understanding between the  
board and the respondent of the terms under which a contract will  
be entered. Respondents shall be accorded fair and equal treatment  
with respect to any opportunity for discussion regarding  
clarifications or revisions. The board may terminate or  
discontinue any further discussion with a respondent upon written  
notice.

(4) Upon further review of the three proposals selected by  
the board, the board shall award a contract to the respondent the  
board considers to have the most merit, taking into consideration  
the scope, complexity, and nature of the services to be performed  
by the respondent under the contract.

(5) Except as provided in division (H)(6) of this section,  
the request for proposals, submitted proposals, and related  
documents shall become public records under section 149.43 of the  
Revised Code after the award of the contract.

(6) Any respondent may request in writing that the board not  
disclose confidential or proprietary information or trade secrets  
contained in the proposal submitted by the respondent to the  
board. Any such request shall be accompanied by an offer of  
indemnification from the respondent to the board. The board shall  
determine whether to agree to the request and shall inform the  
respondent in writing of its decision. If the board agrees to  
nondisclosure of specified information in a proposal, such

information shall not become a public record under section 149.43  
of the Revised Code. If the respondent withdraws its proposal at  
any time prior to the execution of a contract, the proposal shall  
not be a public record under section 149.43 of the Revised Code.

(I) Upon a recommendation from the department and in  
accordance with section 3301.16 of the Revised Code, the state  
board of education may revoke the charter of any alternative  
school operated by a school district that violates this section.

**Sec. 3313.614.** (A) As used in this section, a person  
"fulfills the curriculum requirement for a diploma" at the time  
one of the following conditions is satisfied:

(1) The person successfully completes the high school  
curriculum of a school district, a community school, a chartered  
nonpublic school, or a correctional institution.

(2) The person successfully completes the individualized  
education program developed for the person under section 3323.08  
of the Revised Code.

(3) A board of education issues its determination under  
section 3313.611 of the Revised Code that the person qualifies as  
having successfully completed the curriculum required by the  
district.

(B) This division specifies the testing requirements that  
must be fulfilled as a condition toward granting high school  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08  
of the Revised Code.

(1) A person who fulfills the curriculum requirement for a  
diploma before September 15, 2000, is not required to pass any  
proficiency test or achievement test in science as a condition to  
receiving a diploma.

(2) Except as provided in division (B)(3) of this section, a

person who fulfills the curriculum requirement for a diploma prior  
to September 15, 2006, is not required to pass the Ohio graduation  
test in any subject as a condition to receiving a diploma once the  
person has passed the 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 fulfills the  
curriculum requirement for a diploma prior to September 15, 2006,  
but does not pass a ninth grade proficiency test in a particular  
subject before September 15, 2008, and passage of a test in that  
subject is a condition for the person to receive a diploma, the  
person must pass the Ohio graduation test in that subject to  
receive a diploma.

(3) A person who begins tenth grade after July 1, 2004, in a  
school district, community school, or chartered nonpublic school  
is not eligible to receive a diploma based on passage of ninth  
grade proficiency tests. Each such person must pass Ohio  
graduation tests to meet the testing requirements applicable to  
that person as a condition to receiving a diploma.

(C) This division specifies the curriculum requirement that  
shall be completed as a condition toward granting high school  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08  
of the Revised Code.

(1) A person who is under twenty-two years of age when the  
person fulfills the curriculum requirement for a diploma shall  
complete the curriculum required by the school district or school  
issuing the diploma for the first year that the person originally  
enrolled in high school.

(2) Once a person fulfills the curriculum requirement for a  
diploma, the person is never required, as a condition of receiving  
a diploma, to meet any different curriculum requirements that take



effect pending the person's passage of proficiency or achievement 979  
tests, including changes mandated by section 3313.603 of the 980  
Revised Code, the state board, a school district board of 981  
education, or a governing authority of a community school or 982  
chartered nonpublic school. 983

**Sec. 3319.22.** (A) The state board of education shall adopt 984  
rules establishing the standards and requirements for obtaining 985  
temporary, associate, provisional, and professional educator 986  
licenses of any categories, types, and levels the board elects to 987  
provide. However, no educator license shall be required for 988  
teaching children two years old or younger. 989

(B) Any rules the state board of education adopts, amends, or 990  
rescinds for educator licenses under this section, division (D) of 991  
section 3301.07 of the Revised Code, or any other law shall be 992  
adopted, amended, or rescinded under Chapter 119. of the Revised 993  
Code except as follows: 994

(1) Notwithstanding division (D) of section 119.03 and 995  
division (A)(1) of section 119.04 of the Revised Code, the 996  
effective date of any rules, or amendment or rescission of any 997  
rules, shall not be as prescribed in division (D) of section 998  
119.03 and division (A)(1) of section 119.04 of the Revised Code. 999  
~~Instead, the rules or amendment or rescission of the rules shall~~ 1000  
~~take effect only after the rules or amendment or rescission of the~~ 1001  
~~rules are filed with the chairpersons of the committees of the~~ 1002  
~~house of representatives and of the senate that are primarily~~ 1003  
~~responsible for consideration of education legislation and only~~ 1004  
~~after approval by the general assembly through adoption of a~~ 1005  
~~concurrent resolution by a majority of the members of both the~~ 1006  
~~house of representatives and the senate. The effective date of the~~ 1007  
~~rules shall be the later of the date on which the concurrent~~ 1008  
~~resolution is adopted by the second house or the date prescribed~~ 1009  
by section 3319.23 of the Revised Code. 1010

(2) Notwithstanding the authority to adopt, amend, or rescind  
emergency rules in division (F) of section 119.03 of the Revised  
Code, this authority shall not apply to the state board of  
education with regard to rules for educator licenses.

(C)(1) The rules adopted under this section establishing  
standards requiring additional coursework for the renewal of any  
educator license shall require a school district and a chartered  
nonpublic school to establish local professional development  
committees. In a nonpublic school, the chief administrative  
officer shall establish the committees in any manner acceptable to  
such officer. The committees established under this division shall  
determine whether coursework that a district or chartered  
nonpublic school teacher proposes to complete meets the  
requirement of the rules. The rules shall establish a procedure by  
which a teacher may appeal the decision of a local professional  
development committee.

(2) In any school district in which there is no exclusive  
representative established under Chapter 4117. of the Revised  
Code, the professional development committees shall be established  
as described in division (C)(2) of this section.

Not later than the effective date of the rules adopted under  
this section, the board of education of each school district shall  
establish the structure for one or more local professional  
development committees to be operated by such school district. The  
committee structure so established by a district board shall  
remain in effect unless within thirty days prior to an anniversary  
of the date upon which the current committee structure was  
established, the board provides notice to all affected district  
employees that the committee structure is to be modified.  
Professional development committees may have a district-level or  
building-level scope of operations, and may be established with  
regard to particular grade or age levels for which an educator

license is designated. 1043

Each professional development committee shall consist of at 1044  
least three classroom teachers employed by the district, one 1045  
principal employed by the district, and one other employee of the 1046  
district appointed by the district superintendent. For committees 1047  
with a building-level scope, the teacher and principal members 1048  
shall be assigned to that building, and the teacher members shall 1049  
be elected by majority vote of the classroom teachers assigned to 1050  
that building. For committees with a district-level scope, the 1051  
teacher members shall be elected by majority vote of the classroom 1052  
teachers of the district, and the principal member shall be 1053  
elected by a majority vote of the principals of the district, 1054  
unless there are two or fewer principals employed by the district, 1055  
in which case the one or two principals employed shall serve on 1056  
the committee. If a committee has a particular grade or age level 1057  
scope, the teacher members shall be licensed to teach such grade 1058  
or age levels, and shall be elected by majority vote of the 1059  
classroom teachers holding such a license and the principal shall 1060  
be elected by all principals serving in buildings where any such 1061  
teachers serve. The district superintendent shall appoint a 1062  
replacement to fill any vacancy that occurs on a professional 1063  
development committee, except in the case of vacancies among the 1064  
elected classroom teacher members, which shall be filled by vote 1065  
of the remaining members of the committee so selected. 1066

Terms of office on professional development committees shall 1067  
be prescribed by the district board establishing the committees. 1068  
The conduct of elections for members of professional development 1069  
committees shall be prescribed by the district board establishing 1070  
the committees. A professional development committee may include 1071  
additional members, except that the majority of members on each 1072  
such committee shall be classroom teachers employed by the 1073  
district. Any member appointed to fill a vacancy occurring prior 1074

to the expiration date of the term for which a predecessor was  
appointed shall hold office as a member for the remainder of that  
term.

The initial meeting of any professional development  
committee, upon election and appointment of all committee members,  
shall be called by a member designated by the district  
superintendent. At this initial meeting, the committee shall  
select a chairperson and such other officers the committee deems  
necessary, and shall adopt rules for the conduct of its meetings.  
Thereafter, the committee shall meet at the call of the  
chairperson or upon the filing of a petition with the district  
superintendent signed by a majority of the committee members  
calling for the committee to meet.

(3) In the case of a school district in which an exclusive  
representative has been established pursuant to Chapter 4117. of  
the Revised Code, professional development committees shall be  
established in accordance with any collective bargaining agreement  
in effect in the district that includes provisions for such  
committees.

If the collective bargaining agreement does not specify a  
different method for the selection of teacher members of the  
committees, the exclusive representative of the district's  
teachers shall select the teacher members.

If the collective bargaining agreement does not specify a  
different structure for the committees, the board of education of  
the school district shall establish the structure, including the  
number of committees and the number of teacher and administrative  
members on each committee; the specific administrative members to  
be part of each committee; whether the scope of the committees  
will be district levels, building levels, or by type of grade or  
age levels for which educator licenses are designated; the lengths  
of terms for members; the manner of filling vacancies on the

committees; and the frequency and time and place of meetings. 1107  
However, in all cases, except as provided in division (C)(4) of 1108  
this section, there shall be a majority of teacher members of any 1109  
professional development committee, there shall be at least five 1110  
total members of any professional development committee, and the 1111  
exclusive representative shall designate replacement members in 1112  
the case of vacancies among teacher members, unless the collective 1113  
bargaining agreement specifies a different method of selecting 1114  
such replacements. 1115

(4) Whenever an administrator's coursework plan is being 1116  
discussed or voted upon, the local professional development 1117  
committee shall, at the request of one of its administrative 1118  
members, cause a majority of the committee to consist of 1119  
administrative members by reducing the number of teacher members 1120  
voting on the plan. 1121

(D)(1) The department of education, educational service 1122  
centers, county boards of mental retardation and developmental 1123  
disabilities, regional professional development centers, special 1124  
education regional resource centers, college and university 1125  
departments of education, head start programs, the Ohio SchoolNet 1126  
commission, and the Ohio education computer network may establish 1127  
local professional development committees to determine whether the 1128  
coursework proposed by their employees who are licensed or 1129  
certificated under this section or section 3319.222 of the Revised 1130  
Code meet the requirements of the rules adopted under this 1131  
section. They may establish local professional development 1132  
committees on their own or in collaboration with a school district 1133  
or other agency having authority to establish them. 1134

Local professional development committees established by 1135  
county boards of mental retardation and developmental disabilities 1136  
shall be structured in a manner comparable to the structures 1137  
prescribed for school districts in divisions (C)(2) and (3) of 1138

this section, as shall the committees established by any other  
entity specified in division (D)(1) of this section that provides  
educational services by employing or contracting for services of  
classroom teachers licensed or certificated under this section or  
section 3319.222 of the Revised Code. All other entities specified  
in division (D)(1) of this section shall structure their  
committees in accordance with guidelines which shall be issued by  
the state board.

(2) Any public agency that is not specified in division  
(D)(1) of this section but provides educational services and  
employs or contracts for services of classroom teachers licensed  
or certificated under this section or section 3319.222 of the  
Revised Code may establish a local professional development  
committee, subject to the approval of the department of education.  
The committee shall be structured in accordance with guidelines  
issued by the state board.

Sec. 3319.227. Notwithstanding any provision to the contrary  
in this chapter or in any educator licensing rule adopted by the  
state board of education under authority granted under this  
chapter, any individual who holds an educator license issued under  
section 3319.22 of the Revised Code or a teacher's certificate  
issued under former section 3319.22 of the Revised Code that has  
continuing effect under section 3319.222 of the Revised Code may  
be employed to teach for up to two school years in a grade level  
or in a subject or teaching area for which the individual's  
license or certificate is not valid, as long as the individual  
agrees that during that time the individual will enroll in,  
attend, and complete coursework required by rule of the state  
board for licensure to teach in that grade level or in that  
subject or teaching area. The necessary coursework may be  
completed through classes developed and offered by regional  
professional development providers, such as special education

regional resource centers, regional professional development 1171  
centers, educational service centers, local education agencies, 1172  
professional organizations, and institutions of higher education, 1173  
provided the coursework is taken for credit in collaboration with 1174  
a college or university that has a teacher education program 1175  
approved by the state board. No person shall teach in a grade 1176  
level or subject or teaching area under this section beyond two 1177  
years until the person has completed all coursework and tests 1178  
prescribed by the state board for licensure in that grade level or 1179  
subject or teaching area. 1180

**Sec. 3319.26.** The state board of education shall adopt rules 1182  
establishing the standards and requirements for obtaining an 1183  
alternative educator license for teaching in grades seven to 1184  
twelve, or the equivalent, in a designated subject area. However, 1185  
an alternative educator license in the area of intervention 1186  
specialist, as defined by rule of the state board, shall be valid 1187  
for teaching in grades kindergarten to twelve. The rules shall 1188  
require applicants for the license to hold a minimum of a 1189  
baccalaureate degree, to have successfully completed three 1190  
semester hours or the equivalent of college coursework in the 1191  
developmental characteristics of adolescent youths and three 1192  
semester hours or the equivalent in teaching methods, and to have 1193  
passed an examination in the subject area for which application is 1194  
being made. An alternative educator license shall be valid for two 1195  
years and shall not be renewable. 1196

The rules shall require the holder of an alternative educator 1197  
license, as a condition of continuing to hold the license, to show 1198  
satisfactory progress in taking and successfully completing within 1199  
two years at least twelve additional semester hours, or the 1200  
equivalent, of college coursework in the principles and practices 1201  
of teaching in such topics as student development and learning, 1202

pupil assessment procedures, curriculum development, classroom  
management, and teaching methodology. 1203  
1204

The rules shall provide for the granting of a provisional  
educator license to a holder of an alternative educator license  
upon successfully completing all of the following: 1205  
1206  
1207

(A) Two years of teaching under the alternative license; 1208

(B) The twelve semester hours, or the equivalent, of the  
additional college coursework described in this section; 1209  
1210

(C) The assessment of subject matter content and professional  
knowledge that is required of other applicants for a provisional  
educator license. The standards for successfully completing this  
assessment and the manner of conducting the assessment shall be  
the same as for any other applicant for a provisional educator  
license. 1211  
1212  
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Sec. 3319.302. It is the intent of the general assembly that  
the state board of education shall administer this section without  
adopting any rules for its implementation. 1217  
1218  
1219

Unless the provisions of division (B) or (C) of section  
3319.31 of the Revised Code apply to an applicant, the state board  
of education shall issue a one-year conditional teaching permit  
for teaching in grades seven to twelve to any applicant who meets  
the following conditions: 1220  
1221  
1222  
1223  
1224

(A) Holds a bachelor's degree; 1225

(B) Has successfully completed a basic skills test as  
prescribed by the state board; 1226  
1227

(C) Has completed either as part of the applicant's degree  
program or separate from it the equivalent of at least fifteen  
semester hours of coursework in the teaching area or subject area  
in which licensure under this section is sought; 1228  
1229  
1230  
1231



(D) Has completed the equivalent of a total of six semester 1232  
hours of additional coursework within the past five years with a 1233  
grade point average of at least 2.5 out of 4.0, or its equivalent, 1234  
in the areas of the teaching or subject area described in division 1235  
(C) of this section, characteristics of student learning, 1236  
diversity of learners, planning for instruction, instruction 1237  
strategies, learning environments, communication, assessment, or 1238  
student support and that coursework has been approved by the 1239  
school district, community school, chartered nonpublic school, or 1240  
nonprofit or for-profit entity operating an alternative school 1241  
under section 3313.533 of the Revised Code that will employ the 1242  
applicant. The coursework may have been completed through classes 1243  
developed and offered by regional professional development 1244  
providers, such as special education regional resource centers, 1245  
regional professional development centers, educational service 1246  
centers, local educational agencies, professional organizations, 1247  
and institutions of higher education, provided the coursework is 1248  
taken for credit in collaboration with a college or university 1249  
that has a teacher education program approved by the state board. 1250

(E) The applicant has entered into a written agreement with 1251  
the school district; community school; chartered nonpublic school; 1252  
or nonprofit or for profit entity operating an alternative school 1253  
under section 3313.533 of the Revised Code that will employ the 1254  
applicant and the department of education under which the 1255  
district, school, or entity will provide for the applicant a 1256  
structured mentoring program in the areas listed in division (D) 1257  
of this section that is aligned with the performance expectations 1258  
prescribed by state board rule for entry-year teachers. 1259

(F) The applicant agrees to complete while employed under the 1260  
one-year teaching permit the equivalent of an additional three 1261  
semester hours of coursework in the teaching area or subject area 1262  
in which the individual is teaching and for which the individual 1263

will seek an alternative educator license pursuant to division (G) 1264  
of this section. The individual's mentor prescribed in division 1265  
(E) of this section shall assist the individual in selecting 1266  
coursework to satisfy the requirement prescribed in this division. 1267  
The coursework may be completed through classes offered by 1268  
regional professional development providers, such as special 1269  
education regional resource centers, regional professional 1270  
development centers, educational service centers, local 1271  
educational agencies, professional organizations, and institutions 1272  
of higher education, if the coursework is taken for credit in 1273  
collaboration with a college or university that has a teacher 1274  
education program approved by the state board. 1275

(G) The applicant agrees to seek at the conclusion of the 1276  
year in which the individual is employed under the one-year 1277  
teaching permit issued under this section an alternative educator 1278  
license issued under section 3319.26 of the Revised Code in the 1279  
teaching area or subject area in which the individual has been 1280  
teaching and plans to continue to teach. The applicant shall not 1281  
be reemployed by the school district; community school; chartered 1282  
nonpublic school; or nonprofit or for profit entity operating an 1283  
alternative school under section 3313.533 of the Revised Code or 1284  
be employed by another such district, school, or entity unless 1285  
that alternative educator license is issued to the applicant prior 1286  
to the beginning of the next school year. 1287

(H) The applicant pays the fee established under section 1288  
3319.51 of the Revised Code. 1289

**Sec. 3319.31.** (A) As used in this section and sections 1290  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 1291  
means a certificate, license, or permit described in division (B) 1292  
of section 3301.071 or in section 3301.074, 3319.088, ~~or~~ 3319.29, 1293  
or 3319.302 of the Revised Code. 1294

(B) For any of the following reasons, the state board of education, in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant, may limit a license it issues to an applicant, or may suspend, revoke, or limit a license that has been issued to any person:

(1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:

(a) A felony;

(b) A violation of section 2907.04 or 2907.06 or division (A) or (C) of section 2907.07 of the Revised Code;

(c) An offense of violence;

(d) A theft offense, as defined in section 2913.01 of the Revised Code;

(e) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor;

(f) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (e) of this section.

(C) The state board may take action under division (B) of this section on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.

(D) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.

**Sec. 3319.51.** (A) The state board of education shall annually

establish the amount of the fees required to be paid under 1324  
division (B) of section 3301.071 and sections 3301.074, 3319.088, 1325  
~~and 3319.29, and 3319.302~~ of the Revised Code. The amount of these 1326  
fees shall be such that they, along with any appropriation made to 1327  
the fund established under division (B) of this section, will be 1328  
sufficient to cover the annual estimated cost of administering the 1329  
sections of law listed under division (B) of this section. 1330

(B) There is hereby established in the state treasury the 1332  
state board of education licensure fund, which shall be used by 1333  
the state board of education solely to pay the cost of 1334  
administering sections 3301.071, 3301.074, 3319.088, 3319.22, 1335  
3319.28, 3319.29, 3319.291, 3319.301, 3319.302, and 3319.31 of the 1336  
Revised Code. The fund shall consist of the amounts paid into the 1337  
fund pursuant to division (B) of section 3301.071 and sections 1338  
3301.074, 3319.088, ~~and 3319.29, and 3319.302~~ of the Revised Code 1339  
and any appropriations to the fund by the general assembly. 1340

**Section 2.** That existing sections 149.43, 3301.0714, 1341  
3313.533, 3313.614, 3319.22, 3319.26, 3319.31, and 3319.51 of the 1342  
Revised Code are hereby repealed. 1343

**Section 3.** That Sections 44.16 and 192 of Am. Sub. H.B. 94 of 1344  
the 124th General Assembly be amended to read as follows: 1345

**"Sec. 44.16. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 1346

Of the foregoing appropriation item 200-545, Career-Technical 1347  
Education Enhancements, up to \$2,616,001 in each fiscal year shall 1348  
be used to fund career-technical education units at institutions. 1349  
Up to \$4,200,000 in fiscal year 2002 and up to \$4,182,775 in 1350  
fiscal year 2003 shall be used to fund the Jobs for Ohio Graduates 1351  
(JOG) program. 1352

Of the foregoing appropriation item 200-545, Career-Technical  
Education Enhancements, up to ~~\$4,182,573~~ \$4,157,573 in fiscal year  
2002 and up to ~~\$4,432,573~~ \$4,407,573 in fiscal year 2003 shall be  
used by the Department of Education to fund competitive grants to  
tech prep consortia that expand the number of students enrolled in  
tech prep programs. These grant funds shall be used to directly  
support expanded tech prep programs, including equipment, provided  
to students enrolled in school districts, including joint  
vocational school districts, and affiliated higher education  
institutions.

If federal funds for career-technical education cannot be  
used for local school district leadership without being matched by  
state funds, then an amount as determined by the Superintendent of  
Public Instruction shall be made available from state funds  
appropriated for career-technical education. If any state funds  
are used for this purpose, federal funds in an equal amount shall  
be distributed for career-technical education in accordance with  
authorization of the state plan for vocational education for Ohio  
as approved by the Secretary of the United States Department of  
Education.

Of the foregoing appropriation item 200-545, Career-Technical  
Education Enhancements, \$3,000,000 in fiscal year 2002 and  
\$3,250,000 in fiscal year 2003 shall be used to provide an amount  
to each eligible school district for the replacement or updating  
of equipment essential for the instruction of students in job  
skills taught as part of a career-technical program or programs  
approved for such instruction by the State Board of Education.  
School districts replacing or updating career-technical education  
equipment may purchase or lease such equipment. The Department of  
Education shall review and approve all equipment requests and may  
allot appropriated funds to eligible school districts on the basis  
of the number of full-time equivalent workforce development

teachers in all eligible districts making application for funds. 1385

The State Board of Education may adopt standards of need for 1386  
equipment allocation. Pursuant to the adoption of any such 1387  
standards of need by the State Board of Education, appropriated 1388  
funds may be allotted to eligible districts according to such 1389  
standards. Equipment funds allotted under either process shall be 1390  
provided to a school district on a 30, 40, or 50 per cent of cost 1391  
on the basis of a district career-technical priority index rating 1392  
developed by the Department of Education for all districts each 1393  
year. The career-technical priority index shall give preference to 1394  
districts with a large percentage of disadvantaged students and 1395  
shall include other socio-economic factors as determined by the 1396  
State Board of Education. 1397

Of the foregoing appropriation item 200-545, Career-Technical 1398  
Education Enhancements, up to \$3,650,000 in each fiscal year shall 1399  
be ~~awarded by the Superintendent of Public Instruction to an Ohio~~ 1400  
~~nonprofit corporation~~ used by the Department of Education to 1401  
support existing High Schools That Work (HSTW) sites, develop new 1402  
sites, fund technical assistance, and support regional centers and 1403  
middle school programs. The purpose of HSTW is to combine 1404  
challenging academic courses and modern vocational and technical 1405  
studies to raise the academic achievement of students. It provides 1406  
intensive technical assistance, focused staff development, 1407  
targeted assessment services, and ongoing communications and 1408  
networking opportunities. ~~Any grant awarded under this program by~~ 1409  
~~the Superintendent of Public Instruction shall require a matching~~ 1410  
~~contribution of at least \$1,000,000 from the Ohio nonprofit~~ 1411  
~~corporation.~~ 1412

Of the foregoing appropriation item 200-545, Career-Technical 1413  
Education Enhancements, \$3,750,000 in fiscal year 2002 and 1414  
\$4,000,000 in fiscal year 2003 shall be used for K-12 career 1415  
development. 1416

Of the foregoing appropriation item 200-545, Career-Technical 1417  
Educational Enhancements, \$300,000 in each fiscal year shall be 1418  
used by the Department of Education to establish the Voc-Ag 5th 1419  
Quarter Pilot Project. The project shall enable students in 1420  
agricultural programs to enroll in a fifth quarter of instruction. 1421  
The fifth quarter concept is based on the long-standing and 1422  
successful agricultural education model of delivering work-based 1423  
learning through supervised agricultural experience. The 1424  
Department of Education shall establish rules governing 1425  
eligibility criteria and the reporting process for the project 1426  
that must include the following: (1) a school is required to hire 1427  
a certified teacher for the fifth quarter, (2) a school must have 1428  
a curriculum for the fifth quarter that is approved by the 1429  
Department of Education, (3) students must earn credit for the 1430  
agricultural experience, (4) the program must be approved by the 1431  
school district's superintendent, and (5) the program must be in 1432  
existence on the effective date of this section. The Department of 1433  
Education shall fund as many programs as possible given the 1434  
\$250,000 set aside. The Department of Education shall report 1435  
students' performance results under the project to the General 1436  
Assembly not later than December 31, 2002. 1437

**Sec. 192.** There is hereby created the Instructional Subsidy 1438  
and Challenge Review Committee. The Committee shall contain eleven 1439  
members: the Chancellor of the Ohio Board of Regents or the 1440  
chancellor's designee; two representatives of two-year colleges 1441  
and two representatives of the state universities identified in 1442  
section 3345.011 of the Revised Code, all four of whom shall be 1443  
appointed jointly by the President of the Senate and the Speaker 1444  
of the House of Representatives; three members of the Senate 1445  
appointed by the President of the Senate, two of whom shall be 1446  
members of the majority party and one of whom shall be a member of 1447  
the minority party; and three members of the House of 1448

Representatives appointed by the Speaker of the House, two of whom 1449  
shall be members of the majority party and one of whom shall be a 1450  
member of the minority party. The Committee shall perform a 1451  
comprehensive review of the allocation formula for the State Share 1452  
of Instruction appropriation item as well as all of the 1453  
"Challenge" appropriation items contained in the Board of Regents' 1454  
budget and shall issue a report containing its recommendations to 1455  
the General Assembly not later than December 31, ~~2001~~ 2002. Upon 1456  
issuance of its report, the Committee shall cease to exist." 1457

**Section 4.** That existing Sections 44.16 and 192 of Am. Sub. 1458  
H.B. 94 of the 124th General Assembly are hereby repealed. 1459

**Section 5.** That Section 11 of Am. Sub. S.B. 1 of the 124th 1460  
General Assembly be amended to read as follows: 1461

**"Sec. 11.** (A) There is hereby established the Governor's 1462  
Commission on Successful Teachers. The Commission shall recommend 1463  
policies for the preparation, recruiting, hiring, and retention of 1464  
teachers and shall recommend pilot programs to address the 1465  
shortage of teachers, such as paid internships in mathematics and 1466  
science and salary bonuses in hard-to-staff school districts or 1467  
subject areas. The Commission shall issue a written report with 1468  
its recommendations to the General Assembly not later than 1469  
December 31, 2002. Upon issuance of its report the Commission 1470  
shall cease to exist. 1471

The Commission shall consist of the following members: 1472

(1) Nine classroom teachers appointed by the Governor, at 1473  
least three of whom are certified by the National Board for 1474  
Professional Teaching Standards, at least two of whom are high 1475  
school teachers, at least two of whom teach in grades six through 1476  
eight, at least two of whom teach in grades kindergarten through 1477



six, and at least one of whom teaches special education;	1478
(2) Three school administrators, appointed by the Governor;	1479
(3) One person representing higher education, appointed by the Governor;	1480 1481
(4) The Superintendent of Public Instruction or the Superintendent's designee;	1482 1483
(5) The President of the State Board of Education or the President's designee;	1484 1485
(6) The chairperson of the House of Representatives standing committee primarily responsible for education legislation or the chairperson's designee;	1486 1487 1488
(7) The chairperson of the Senate standing committee primarily responsible for education legislation or the chairperson's designee;	1489 1490 1491
(8) Any additional members the Governor wishes to include.	1492
(B) In conducting its work the Commission shall study and include recommendations regarding the following issues:	1493 1494
(1) How to develop college and university teacher preparation programs that ensure that teachers are qualified to teach the courses in grades kindergarten through twelve that are required by law;	1495 1496 1497 1498
(2) How to develop and operate incentive programs to encourage teachers to work in underserved school districts, such as large urban districts or districts in rural Appalachia, and underserved subject areas, such as mathematics, science, special education, and English as a second language;	1499 1500 1501 1502 1503
(3) How to best implement professional development activities for all teachers, particularly how to design such activities so that teachers understand how to administer and interpret	1504 1505 1506

diagnostic assessments and achievement tests that will be 1507  
developed by the State Board of Education under sections 3301.079 1508  
and 3301.0710 of the Revised Code, as enacted and amended, 1509  
respectively, by this act, and so that teachers understand how to 1510  
develop effective intervention tools for students in need of 1511  
assistance; 1512

(4) How best to implement professional development programs 1513  
in terms of the amount of time allotted for such programs 1514  
including, but not limited to, the number of days each school 1515  
district should devote to the programs or to what extent the 1516  
programs should be configured as half-day in-service programs, 1517  
two-hour programs, or full-day seminars; 1518

(5) How to provide the most effective regional delivery of 1519  
professional development services; 1520

(6) How to create building-level mentoring or advisory 1521  
programs under which an experienced teacher would assist others in 1522  
the building to increase their effectiveness; 1523

(7) How to increase Ohio's participation in certification 1524  
activities conducted by the National Board for Professional 1525  
Teaching Standards; 1526

(8) How to structure alternative pathways to obtaining each 1527  
type of educator license issued by the State Board of Education to 1528  
encourage individuals interested in teaching to enter the 1529  
profession." 1530

**Section 6.** That existing Section 11 of Am. Sub. S.B. 1 of the 1531  
124th General Assembly is hereby repealed. 1532

**Section 7.** No one-year conditional teaching permit in the 1533  
area of intervention specialist shall be issued under this section 1534  
later than three years after the effective date of this act. 1535

Unless the provisions of division (B) or (C) of section 1536  
3319.31 of the Revised Code apply to an applicant, the State Board 1537  
of Education shall issue a one-year conditional teaching permit in 1538  
the area of intervention specialist, as defined by rule of the 1539  
state board, to any applicant who meets the following conditions: 1540

(A) Holds a bachelor's degree; 1541

(B) Has successfully completed a basic skills test as 1542  
prescribed by the State Board; 1543

(C) Has completed either as part of the applicant's degree 1544  
program or separate from it the equivalent of at least fifteen 1545  
semester hours of coursework in the principles and practices of 1546  
teaching exceptional children, including such topics as child and 1547  
adolescent development, diagnosis and assessment of children with 1548  
disabilities, curriculum design and instruction, applied 1549  
behavioral analysis, and how to best teach students from 1550  
culturally diverse backgrounds with different learning styles; 1551

(D) The applicant has entered into a written agreement with 1552  
the Department of Education and the school district, community 1553  
school, or nonprofit or for profit entity operating an alternative 1554  
school under section 3313.533 of the Revised Code that will employ 1555  
the applicant under which the district, school, or entity will 1556  
provide for the applicant a structured mentoring program in the 1557  
teaching of exceptional children that is aligned with the 1558  
performance expectations prescribed by State Board rule for 1559  
entry-year teachers. 1560

(E) The applicant agrees to complete while employed under the 1561  
one-year teaching permit the equivalent of an additional three 1562  
semester hours of coursework in the content and methods of 1563  
teaching reading. The coursework may be completed through classes 1564  
offered by regional professional development providers, such as 1565  
special education regional resource centers, regional professional 1566

development centers, educational service centers, local 1567  
educational agencies, professional organizations, and institutions 1568  
of higher education, if the coursework is taken for credit in 1569  
collaboration with a college or university that has a teacher 1570  
education program approved by the State Board. 1571

(F) The applicant agrees to seek at the conclusion of the 1572  
year in which the individual is employed under the one-year 1573  
teaching permit issued under this section an alternative educator 1574  
license issued under section 3319.26 of the Revised Code in the 1575  
area of intervention specialist. The applicant shall not be 1576  
reemployed by the school district, community school, or nonprofit 1577  
or for profit entity operating an alternative school under section 1578  
3313.533 of the Revised Code or be employed by another such 1579  
district, school, or entity unless that alternative educator 1580  
license is issued to the applicant prior to the beginning of the 1581  
next school year. 1582

(G) The applicant pays the fee established under section 1583  
3319.51 of the Revised Code applicable to one-year conditional 1584  
teaching permits issued under section 3319.302 of the Revised 1585  
Code. Such fee shall be deposited in the State Board of Education 1586  
Licensure Fund in accordance with division (B) of section 3319.51 1587  
of the Revised Code. 1588

**Section 8.** Neither the amendment of rules 3301-23-44, 1589  
3301-24-02, 3301-24-05, 3301-24-08, and 3301-24-09, the enactment 1590  
of new rule 3301-24-04, nor the rescission of existing rule 1591  
3301-24-04 of the Administrative Code, as proposed by the State 1592  
Board of Education on July 9, 2001, or thereafter revised by the 1593  
Board, are subject to the requirement of former division (B)(1) of 1594  
section 3319.22 of the Revised Code that they be approved by the 1595  
General Assembly through the passage of a concurrent resolution 1596  
before they may take effect, notwithstanding that the proposed 1597

amendments, enactment, and rescission were filed in proposed form 1598  
prior to the effective date of this act. The amendments, 1599  
enactment, and rescission may take effect in accordance with 1600  
section 3319.22 of the Revised Code, as amended by this act, and 1601  
section 3319.23 of the Revised Code after they are filed in final 1602  
form under Chapter 119. of the Revised Code. 1603

**Section 9.** This act is hereby declared to be an emergency 1604  
measure necessary for the immediate preservation of the public 1605  
peace, health, and safety. The reason for such necessity is that 1606  
giving immediate effect to the provisions of this act will permit 1607  
school district boards to take advantage of those provisions that 1608  
could increase the number of available persons to fill faculty 1609  
vacancies in time for the start of the next school year and, thus, 1610  
to help correct the current teacher shortage problem facing many 1611  
district boards. Therefore, this act shall go into immediate 1612  
effect. 1613