

As Reported by the Senate Education Committee

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Sub. H. B. No. 196

REPRESENTATIVES Husted, Clancy, Peterson, Raga, DeWine, Goodman, DePiero, G. Smith, Ogg, Jerse, White, Schaffer, Willamowski, Schmidt, Gilb, Setzer, Webster, Barrett, Williams, Key, Faber, Allen, Woodard, Calvert, Grendell, Flowers, Buehrer, Reidelbach, Lendrum, Hagan, Womer Benjamin, Schneider, Niehaus, Aslanides, Coates, Blasdel, Collier, Latta, Seitz, Widowfield

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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 76

rehabilitation and correction to the department of youth services	77
or a court of record pursuant to division (E) of section 5120.21	78
of the Revised Code;	79
(1) Records maintained by the department of youth services	80
pertaining to children in its custody released by the department	81
of youth services to the department of rehabilitation and	82
correction pursuant to section 5139.05 of the Revised Code;	83
(m) Intellectual property records;	84
(n) Donor profile records;	85
(o) Records maintained by the department of job and family	86
services pursuant to section 3121.894 of the Revised Code;	87
(p) Peace officer residential and familial information;	88
(q) In the case of a county hospital operated pursuant to	89
Chapter 339. of the Revised Code, information that constitutes a	90
trade secret, as defined in section 1333.61 of the Revised Code;	91
(r) Information pertaining to the recreational activities of	92
a person under the age of eighteen;	93
(s) Records provided to, statements made by review board	94
members during meetings of, and all work products of a child	95
fatality review board acting under sections 307.621 to 307.629 of	96
the Revised Code, other than the report prepared pursuant to	97
section 307.626 of the Revised Code;	98
(t) Records provided to and statements made by the executive	99
director of a public children services agency or a prosecuting	100
attorney acting pursuant to section 5153.171 of the Revised Code	101
other than the information released under that section;	102
(u) Test materials, examinations, or evaluation tools used in	103
an examination for licensure as a nursing home administrator that	104
the board of examiners of nursing home administrators administers	105
under section 4751.04 of the Revised Code or contracts under that	106

section with a private or government entity to administer;	107
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(v) Records the release of which is prohibited by state or federal law.	109
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(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:	111
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(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;	116
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(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;	120
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(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	124
	125
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	126
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(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.	129
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(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	134
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personal trial preparation of an attorney. 138

(5) "Intellectual property record" means a record, other than 139
a financial or administrative record, that is produced or 140
collected by or for faculty or staff of a state institution of 141
higher learning in the conduct of or as a result of study or 142
research on an educational, commercial, scientific, artistic, 143
technical, or scholarly issue, regardless of whether the study or 144
research was sponsored by the institution alone or in conjunction 145
with a governmental body or private concern, and that has not been 146
publicly released, published, or patented. 147

(6) "Donor profile record" means all records about donors or 148
potential donors to a public institution of higher education 149
except the names and reported addresses of the actual donors and 150
the date, amount, and conditions of the actual donation. 151

(7) "Peace officer residential and familial information" 152
means either of the following: 153

(a) Any information maintained in a personnel record of a 154
peace officer that discloses any of the following: 155

(i) The address of the actual personal residence of a peace 156
officer, except for the state or political subdivision in which 157
the peace officer resides; 158

(ii) Information compiled from referral to or participation 159
in an employee assistance program; 160

(iii) The social security number, the residential telephone 161
number, any bank account, debit card, charge card, or credit card 162
number, or the emergency telephone number of, or any medical 163
information pertaining to, a peace officer; 164

(iv) The name of any beneficiary of employment benefits, 165
including, but not limited to, life insurance benefits, provided 166
to a peace officer by the peace officer's employer; 167

(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;

(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.

(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.

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.

(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:

(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;

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

(c) Any medical record, history, or information pertaining to

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 230

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 263
record under this section and the judge who imposed the sentence 264
or made the adjudication with respect to the person, or the 265
judge's successor in office, finds that the information sought in 266
the public record is necessary to support what appears to be a 267
justiciable claim of the person. 268

(5) Upon written request made and signed by a journalist on 269
or after December 16, 1999, a public office, or person responsible 270
for public records, having custody of the records of the agency 271
employing a specified peace officer shall disclose to the 272
journalist the address of the actual personal residence of the 273
peace officer and, if the peace officer's spouse, former spouse, 274
or child is employed by a public office, the name and address of 275
the employer of the peace officer's spouse, former spouse, or 276
child. The request shall include the journalist's name and title 277
and the name and address of the journalist's employer and shall 278
state that disclosure of the information sought would be in the 279
public interest. 280

As used in division (B)(5) of this section, "journalist" 281
means a person engaged in, connected with, or employed by any news 282
medium, including a newspaper, magazine, press association, news 283
agency, or wire service, a radio or television station, or a 284
similar medium, for the purpose of gathering, processing, 285
transmitting, compiling, editing, or disseminating information for 286
the general public. 287

(C) If a person allegedly is aggrieved by the failure of a 288
public office to promptly prepare a public record and to make it 289
available to the person for inspection in accordance with division 290
(B) of this section, or if a person who has requested a copy of a 291
public record allegedly is aggrieved by the failure of a public 292
office or the person responsible for the public record to make a 293
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
than the format already available, or information that cannot be
extracted without examination of all items in a records series,
class of records, or data base by a person who intends to use or
forward the copies for surveys, marketing, solicitation, or resale
for commercial purposes. "Bulk commercial special extraction
request" does not include a request by a person who gives
assurance to the bureau that the person making the request does
not intend to use or forward the requested copies for surveys,
marketing, solicitation, or resale for commercial purposes.

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

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

(3) For purposes of divisions (E)(1) and (2) of this section,
"commercial surveys, marketing, solicitation, or resale" 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.

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

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

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

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

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

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

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

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

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
	417

(k) Dropout rates;	418
(l) Rates of retention in grade;	419
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	420 421 422
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	423 424 425 426 427
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	428 429 430 431 432 433 434
(2) Personnel and classroom enrollment data for each school district, including:	435 436
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) 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.	437 438 439 440 441 442 443 444 445 446
(b) The total number of employees and the number of full-time equivalent employees providing each category of service used	447 448

pursuant to divisions (C)(4)(a) and (b) of this section, and the 449
total numbers of licensed employees and nonlicensed employees and 450
the numbers of full-time equivalent licensed employees and 451
nonlicensed employees providing each category used pursuant to 452
division (C)(4)(c) of this section. The guidelines adopted under 453
this section shall require these categories of data to be 454
maintained for the school district as a whole and, wherever 455
applicable, for each grade in the school district as a whole, for 456
each school building as a whole, and for each grade in each school 457
building. 458

(c) The total number of regular classroom teachers teaching 459
classes of regular education and the average number of pupils 460
enrolled in each such class, in each of grades kindergarten 461
through five in the district as a whole and in each school 462
building in the school district. 463

(3)(a) Student demographic data for each school district, 464
including information regarding the gender ratio of the school 465
district's pupils, the racial make-up of the school district's 466
pupils, and an appropriate measure of the number of the school 467
district's pupils who reside in economically disadvantaged 468
households. The demographic data shall be collected in a manner to 469
allow correlation with data collected under division (B)(1) of 470
this section. Categories for data collected pursuant to division 471
(B)(3) of this section shall conform, where appropriate, to 472
standard practices of agencies of the federal government. 473

(b) With respect to each student entering kindergarten, 474
whether the student previously participated in a public preschool 475
program, a private preschool program, or a head start program, and 476
the number of years the student participated in each of these 477
programs. 478

(C) The education management information system shall include 479
cost accounting data for each district as a whole and for each 480

school building in each school district. The guidelines adopted 481
under this section shall require the cost data for each school 482
district to be maintained in a system of mutually exclusive cost 483
units and shall require all of the costs of each school district 484
to be divided among the cost units. The guidelines shall require 485
the system of mutually exclusive cost units to include at least 486
the following: 487

(1) Administrative costs for the school district as a whole. 488
The guidelines shall require the cost units under this division 489
(C)(1) to be designed so that each of them may be compiled and 490
reported in terms of average expenditure per pupil in formula ADM 491
in the school district, as determined pursuant to section 3317.03 492
of the Revised Code. 493

(2) Administrative costs for each school building in the 494
school district. The guidelines shall require the cost units under 495
this division (C)(2) to be designed so that each of them may be 496
compiled and reported in terms of average expenditure per 497
full-time equivalent pupil receiving instructional or support 498
services in each building. 499

(3) Instructional services costs for each category of 500
instructional service provided directly to students and required 501
by guidelines adopted pursuant to division (B)(1)(a) of this 502
section. The guidelines shall require the cost units under 503
division (C)(3) of this section to be designed so that each of 504
them may be compiled and reported in terms of average expenditure 505
per pupil receiving the service in the school district as a whole 506
and average expenditure per pupil receiving the service in each 507
building in the school district and in terms of a total cost for 508
each category of service and, as a breakdown of the total cost, a 509
cost for each of the following components: 510

(a) The cost of each instructional services category required 511
by guidelines adopted under division (B)(1)(a) of this section 512

that is provided directly to students by a classroom teacher; 513
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(b) The cost of the instructional support services, such as 515
services provided by a speech-language pathologist, classroom 516
aide, multimedia aide, or librarian, provided directly to students 517
in conjunction with each instructional services category; 518

(c) The cost of the administrative support services related 519
to each instructional services category, such as the cost of 520
personnel that develop the curriculum for the instructional 521
services category and the cost of personnel supervising or 522
coordinating the delivery of the instructional services category. 523

(4) Support or extracurricular services costs for each 524
category of service directly provided to students and required by 525
guidelines adopted pursuant to division (B)(1)(b) of this section. 526
The guidelines shall require the cost units under division (C)(4) 527
of this section to be designed so that each of them may be 528
compiled and reported in terms of average expenditure per pupil 529
receiving the service in the school district as a whole and 530
average expenditure per pupil receiving the service in each 531
building in the school district and in terms of a total cost for 532
each category of service and, as a breakdown of the total cost, a 533
cost for each of the following components: 534

(a) The cost of each support or extracurricular services 535
category required by guidelines adopted under division (B)(1)(b) 536
of this section that is provided directly to students by a 537
licensed employee, such as services provided by a guidance 538
counselor or any services provided by a licensed employee under a 539
supplemental contract; 540

(b) The cost of each such services category provided directly 541
to students by a nonlicensed employee, such as janitorial 542
services, cafeteria services, or services of a sports trainer; 543

(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.

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(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
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(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;

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(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.

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(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.

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(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

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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

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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 763
period equal to the minimum school day set by the state board of 764
education under section 3313.48 of the Revised Code plus any 765
additional time required in the plan or by the chief 766
administrative officer; 767

(2) Restrictions on student participation in extracurricular 768
or interscholastic activities; 769

(3) A requirement that students wear uniforms prescribed by 770
the district board of education. 771

(C) In accordance with the alternative school plan, the 772
district board of education may employ teachers and nonteaching 773
employees necessary to carry out its duties and fulfill its 774
responsibilities or may contract with a nonprofit or for profit 775
entity to operate the alternative school, including the provision 776
of personnel, supplies, equipment, or facilities. 777

(D) An alternative school may be established in all or part 778
of a school building. 779

(E) If a district board of education elects under this 780
section, or is required by section 3313.534 of the Revised Code, 781
to establish an alternative school, the district board may join 782
with the board of education of one or more other districts to form 783
a joint alternative school by forming a cooperative education 784
school district under section 3311.52 or 3311.521 of the Revised 785
Code, or a joint educational program under section 3313.842 of the 786
Revised Code. The authority to employ personnel or to contract 787
with a nonprofit or for profit entity under division (C) of this 788
section applies to any alternative school program established 789
under this division. 790

(F) Any individual employed as a teacher at an alternative 791
school operated by a nonprofit or for profit entity under this 792
section shall be licensed and shall be subject to background 793

checks, as described in section 3319.39 of the Revised Code, in 794
the same manner as an individual employed by a school district. 795

(G) Division (G) of this section applies only to any 796
alternative school that is operated by a nonprofit or for profit 797
entity under contract with the school district. 798

(1) In addition to the specifications authorized under 799
division (B) of this section, any plan adopted under that division 800
for an alternative school to which division (G) of this section 801
also applies shall include the following: 802

(a) A description of the educational program provided at the 803
alternative school, which shall include: 804

(i) Provisions for the school to be configured in clusters or 805
small learning communities; 806

(ii) Provisions for the incorporation of education technology 807
into the curriculum; 808

(iii) Provisions for accelerated learning programs in reading 809
and mathematics. 810

(b) A method to determine the reading and mathematics level 811
of each student assigned to the alternative school and a method to 812
continuously monitor each student's progress in those areas. The 813
methods employed under this division shall be aligned with the 814
curriculum adopted by the school district board of education under 815
section 3313.60 of the Revised Code. 816

(c) A plan for social services to be provided at the 817
alternative school, such as, but not limited to, counseling 818
services, psychological support services, and enrichment programs; 819

(d) A plan for a student's transition from the alternative 820
school back to a school operated by the school district; 821

(e) A requirement that the alternative school maintain 822
financial records in a manner that is compatible with the form 823

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; 855
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(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; 857
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(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond; 860
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(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. 862
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(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: 866
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(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; 872
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(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; 877
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(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school; 880
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(d) Financial responsibility. 883

(3) The board shall select for further review at least three 884

proposals from respondents the board considers qualified to 885
operate the alternative school in the best interests of the 886
students and the district. If fewer than three proposals are 887
submitted, the board shall select each proposal submitted. The 888
board may cancel a request for proposals or reject all proposals 889
at any time prior to the execution of a contract. 890

The board may hold discussions with any of the three selected 891
respondents to clarify or revise the provisions of a proposal or 892
the proposed contract to ensure complete understanding between the 893
board and the respondent of the terms under which a contract will 894
be entered. Respondents shall be accorded fair and equal treatment 895
with respect to any opportunity for discussion regarding 896
clarifications or revisions. The board may terminate or 897
discontinue any further discussion with a respondent upon written 898
notice. 899

(4) Upon further review of the three proposals selected by 900
the board, the board shall award a contract to the respondent the 901
board considers to have the most merit, taking into consideration 902
the scope, complexity, and nature of the services to be performed 903
by the respondent under the contract. 904

(5) Except as provided in division (H)(6) of this section, 905
the request for proposals, submitted proposals, and related 906
documents shall become public records under section 149.43 of the 907
Revised Code after the award of the contract. 908

(6) Any respondent may request in writing that the board not 909
disclose confidential or proprietary information or trade secrets 910
contained in the proposal submitted by the respondent to the 911
board. Any such request shall be accompanied by an offer of 912
indemnification from the respondent to the board. The board shall 913
determine whether to agree to the request and shall inform the 914
respondent in writing of its decision. If the board agrees to 915
nondisclosure of specified information in a proposal, such 916

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.

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(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.

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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:

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

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

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(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.

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(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.

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(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.

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

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person who fulfills the curriculum requirement for a diploma prior 947
to September 15, 2006, is not required to pass the Ohio graduation 948
test in any subject as a condition to receiving a diploma once the 949
person has passed the ninth grade proficiency test in the same 950
subject, so long as the person passed the ninth grade proficiency 951
test prior to September 15, 2008. For this purpose, the ninth 952
grade proficiency test in citizenship substitutes for the Ohio 953
graduation test in social studies. If a person fulfills the 954
curriculum requirement for a diploma prior to September 15, 2006, 955
but does not pass a ninth grade proficiency test in a particular 956
subject before September 15, 2008, and passage of a test in that 957
subject is a condition for the person to receive a diploma, the 958
person must pass the Ohio graduation test in that subject to 959
receive a diploma. 960

(3) A person who begins tenth grade after July 1, 2004, in a 961
school district, community school, or chartered nonpublic school 962
is not eligible to receive a diploma based on passage of ninth 963
grade proficiency tests. Each such person must pass Ohio 964
graduation tests to meet the testing requirements applicable to 965
that person as a condition to receiving a diploma. 966

(C) This division specifies the curriculum requirement that 967
shall be completed as a condition toward granting high school 968
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 969
of the Revised Code. 970

(1) A person who is under twenty-two years of age when the 971
person fulfills the curriculum requirement for a diploma shall 972
complete the curriculum required by the school district or school 973
issuing the diploma for the first year that the person originally 974
enrolled in high school. 975

(2) Once a person fulfills the curriculum requirement for a 976
diploma, the person is never required, as a condition of receiving 977
a diploma, to meet any different curriculum requirements that take 978

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.

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Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

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

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to the expiration date of the term for which a predecessor was 1075
appointed shall hold office as a member for the remainder of that 1076
term. 1077

The initial meeting of any professional development 1078
committee, upon election and appointment of all committee members, 1079
shall be called by a member designated by the district 1080
superintendent. At this initial meeting, the committee shall 1081
select a chairperson and such other officers the committee deems 1082
necessary, and shall adopt rules for the conduct of its meetings. 1083
Thereafter, the committee shall meet at the call of the 1084
chairperson or upon the filing of a petition with the district 1085
superintendent signed by a majority of the committee members 1086
calling for the committee to meet. 1087

(3) In the case of a school district in which an exclusive 1088
representative has been established pursuant to Chapter 4117. of 1089
the Revised Code, professional development committees shall be 1090
established in accordance with any collective bargaining agreement 1091
in effect in the district that includes provisions for such 1092
committees. 1093

If the collective bargaining agreement does not specify a 1094
different method for the selection of teacher members of the 1095
committees, the exclusive representative of the district's 1096
teachers shall select the teacher members. 1097

If the collective bargaining agreement does not specify a 1098
different structure for the committees, the board of education of 1099
the school district shall establish the structure, including the 1100
number of committees and the number of teacher and administrative 1101
members on each committee; the specific administrative members to 1102
be part of each committee; whether the scope of the committees 1103
will be district levels, building levels, or by type of grade or 1104
age levels for which educator licenses are designated; the lengths 1105
of terms for members; the manner of filling vacancies on the 1106

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.

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(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.

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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

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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
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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
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(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
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(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
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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
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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
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(A) Holds a bachelor's degree; 1225

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