

As Reported by the Senate Education Committee

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Sub. H. B. No. 407

**REPRESENTATIVES Buehrer, Seitz, White, Otterman, Sullivan, Redfern,
Callender, Setzer, Seaver, Barrett, Carano, Woodard, Webster, Calvert,
Hartnett, Fedor, Perry, Hagan, Olman, Latta, Schuring, Flowers, Hoops,
Schneider, Ogg, Sferra, Niehaus, Distel, Strahorn, Lendrum, G. Smith, Key,
Damschroder, Latell, Clancy, Salerno, Carmichael, Wolpert, Driehaus,
Jolivette, Schmidt, Cirelli, Coates, Beatty, Sykes, Brown**

A B I L L

To amend sections 2108.17, 3301.07, 3301.0714,	1
3301.17, 3313.201, 3313.641, 3315.091, 3317.11,	2
4507.05, 4507.21, 4508.01, 4508.02, 4508.07, and	3
5502.01 and to enact sections 5.2223 and 4508.021	4
of the Revised Code to transfer jurisdiction over	5
driver education courses in high schools from the	6
Department of Education to the Department of Public	7
Safety; to require school districts and educational	8
service centers that offer driver education courses	9
to meet the same standards as private driving	10
training schools after December 31, 2003; to	11
prohibit awarding course credit for driver	12
education courses conducted by high schools after	13
December 31, 2003; to require driver education	14
courses to include instruction or dissemination of	15
information relating to anatomical gifts and	16
anatomical gift procedures; to specifically	17
prohibit the reporting of a student's name,	18
address, and social security number to the	19

Department of Education under the Education 20
Management Information System; to transfer \$50,000 21
from the Department of Education to the Department 22
of Public Safety in fiscal year 2003; and to 23
designate March as "Eye Donor Month in Ohio." 24

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

Section 1. That sections 2108.17, 3301.07, 3301.0714, 25
3301.17, 3313.201, 3313.641, 3315.091, 3317.11, 4507.05, 4507.21, 26
4508.01, 4508.02, 4508.07, and 5502.01 be amended and sections 27
5.2223 and 4508.021 of the Revised Code be enacted to read as 28
follows: 29

Sec. 5.2223. The month of March is designated as "Eye Donor 30
Month in Ohio." 31

Sec. 2108.17. (A) There is hereby created within the 32
department of health the second chance trust fund advisory 33
committee, consisting of eleven members. The members shall include 34
the following: 35

(1) The chairs of the standing committees of the house of 36
representatives and senate with primary responsibilities for 37
health legislation; 38

(2) One representative of each of the following appointed by 39
the director of health: 40

(a) An Ohio organ procurement organization that is a member 41
of the Organ Procurement and Transplantation Network; 42

(b) An Ohio tissue bank that is an accredited member of the 43
American association of tissue banks and is not affiliated with an 44
organ procurement organization; 45

(c) An Ohio eye bank that is certified by the eye bank 46
association of America and is not affiliated with an organ 47
procurement organization; 48

(d) The Ohio solid organ transplantation consortium; 49

(e) The Ohio hospital association; 50

(f) The department of health. 51

(3) Except as provided in division (D) of this section, three 52
members of the public appointed by the director who are not 53
affiliated with recovery agencies. 54

(B) No two members appointed under divisions (A)(2)(a), (b), 55
and (c) of this section shall be from the same organ procurement 56
and distribution service area designated by the United States 57
secretary of health and human services. 58

(C) Of the members first appointed under division (A)(2) of 59
this section, the representatives of the organ procurement 60
organization, tissue procurement organization, and eye bank shall 61
serve terms of three years; the representatives of the department 62
of health and Ohio solid organ transplantation consortium shall 63
serve terms of two years; and the member representing the Ohio 64
hospital association shall serve a term of one year. Thereafter, 65
all members shall serve terms of three years. 66

(D) The members initially appointed under division (A)(3) of 67
this section shall be representatives of the following: 68

(1) An organ procurement organization in Ohio designated by 69
the United States secretary of health and human services that is 70
not represented by the appointment under division (A)(2)(a) of 71
this section; 72

(2) An Ohio tissue bank that is an accredited member of the 73
American association of tissue banks, not affiliated with an organ 74
procurement organization, and not represented by the appointment 75

under division (A)(2)(b) of this section;

(3) An Ohio eye bank that is certified by the eye bank association of America, not affiliated with an organ procurement organization, and not represented by the appointment under division (A)(2)(c) of this section.

The three members shall serve until the proposed rules under section 2108.18 of the Revised Code are formulated. After the initial appointments, the director shall appoint three members of the public who are not affiliated with recovery agencies to serve terms of three years.

(E) No individual appointed under division (A)(2) or (3) of this section shall serve more than two consecutive terms, regardless of whether the terms were full or partial terms. Each member shall serve from the date of appointment until the member's successor is appointed. All vacancies on the committee shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(F) The committee shall annually elect a chairperson from among its members and shall establish procedures for the governance of its operations. The committee shall meet at least semiannually. It shall submit an annual report of its activities and recommendations to the director of health.

(G) Committee members shall serve without compensation, but shall be reimbursed from the second chance trust fund for all actual and necessary expenses incurred in the performance of official duties.

(H) The committee shall do all of the following:

(1) Make recommendations to the director of health for projects for funding from the second chance trust fund;

(2) Consult with the registrar of motor vehicles in

formulating proposed rules under division (C)(1) of section 2108.18 of the Revised Code; 106
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(3) As requested, consult with the registrar or director on other matters related to organ donation; 108
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(4) Approve brochures, written materials, and electronic media regarding anatomical gifts and anatomical gift procedures for ues in driver training schools pursuant to section 4508.021 of the Revised Code. 110
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(I) The committee is not subject to section 101.84 of the Revised Code. 114
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Sec. 3301.07. The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the following powers: 116
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(A) Exercise policy forming, planning, and evaluative functions for the public schools of the state, and for adult education, except as otherwise provided by law; 121
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(B) Exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational service centers of this state. The board also shall develop a standard of financial reporting which shall be used by all school districts and educational service centers to make their financial 124
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information available to the public in a format understandable by 136
the average citizen and provide year-to-year comparisons for at 137
least five years. The format shall show, among other things, 138
district and educational service center revenue by source; 139
expenditures for salaries, wages, and benefits of employees, 140
showing such amounts separately for classroom teachers, other 141
employees required to hold licenses issued pursuant to sections 142
3319.22 to 3319.31 of the Revised Code, and all other employees; 143
expenditures other than for personnel, by category, including 144
utilities, textbooks and other educational materials, equipment, 145
permanent improvements, pupil transportation, extracurricular 146
athletics, and other extracurricular activities; and per pupil 147
expenditures. 148

(C) Administer and supervise the allocation and distribution 149
of all state and federal funds for public school education under 150
the provisions of law, and may prescribe such systems of 151
accounting as are necessary and proper to this function. It may 152
require county auditors and treasurers, boards of education, 153
educational service center governing boards, treasurers of such 154
boards, teachers, and other school officers and employees, or 155
other public officers or employees, to file with it such reports 156
as it may prescribe relating to such funds, or to the management 157
and condition of such funds. 158

(D) Formulate and prescribe minimum standards to be applied 159
to all elementary and secondary schools in this state for the 160
purpose of requiring a general education of high quality. Such 161
standards shall provide adequately for: the licensing of teachers, 162
administrators, and other professional personnel and their 163
assignment according to training and qualifications; efficient and 164
effective instructional materials and equipment, including library 165
facilities; the proper organization, administration, and 166
supervision of each school, including regulations for preparing 167

all necessary records and reports and the preparation of a
statement of policies and objectives for each school; buildings,
grounds, health and sanitary facilities and services; admission of
pupils, and such requirements for their promotion from grade to
grade as will assure that they are capable and prepared for the
level of study to which they are certified; requirements for
graduation; and such other factors as the board finds necessary.

In the formulation and administration of such standards for
nonpublic schools the board shall also consider the particular
needs, methods and objectives of those schools, provided they do
not conflict with the provision of a general education of a high
quality and provided that regular procedures shall be followed for
promotion from grade to grade of pupils who have met the
educational requirements prescribed.

~~(E) Formulate and prescribe minimum standards for driver
education courses conducted at high schools in the state or by
educational service centers or joint vocational school district
boards of education. In the formulation of standards for driver
education courses, the board shall call upon the director of
public safety for advice and assistance. The standards shall
require twenty-four hours of classroom instruction, and eight
hours of actual behind-the-wheel instruction conducted on public
streets and highways of this state, but shall not require any
additional hours of observation within a vehicle. The board shall
require energy conservation information as part of the driver
education curriculum. Such information shall include, but need not
be limited to, the identification of inefficient driving
techniques and improper maintenance as they relate to decreased
gas mileage, information regarding the costs and benefits of
different modes of travel, and information concerning relative
fuel economy and life-cycle costs of new automobile purchases. The
board also shall require financial responsibility information as~~

~~part of the driver education curriculum. The board also may~~ May 200
~~require as part of the health and driver education curricula~~ 201
curriculum information developed under section 2108.15 of the 202
Revised Code promoting the donation of anatomical gifts pursuant 203
to Chapter 2108. of the Revised Code and may provide the 204
information to high schools, educational service centers, and 205
joint vocational school district boards of education-; 206

(F) Prepare and submit annually to the governor and the 207
general assembly a report on the status, needs, and major problems 208
of the public schools of the state, with recommendations for 209
necessary legislative action and a ten-year projection of the 210
state's public and nonpublic school enrollment, by year and by 211
grade level; 212

(G) Prepare and submit to the director of budget and 213
management the biennial budgetary requests of the state board of 214
education, for its agencies and for the public schools of the 215
state; 216

(H) Cooperate with federal, state, and local agencies 217
concerned with the health and welfare of children and youth of the 218
state; 219

(I) Require such reports from school districts and 220
educational service centers, school officers, and employees as are 221
necessary and desirable. The superintendents and treasurers of 222
school districts and educational service centers shall certify as 223
to the accuracy of all reports required by law or state board or 224
state department of education rules to be submitted by the 225
district or educational service center and which contain 226
information necessary for calculation of state funding. Any 227
superintendent who knowingly falsifies such report shall be 228
subject to license revocation pursuant to section 3319.31 of the 229
Revised Code. 230

(J) In accordance with Chapter 119. of the Revised Code, 231

adopt procedures, standards, and guidelines for the education of
handicapped children pursuant to Chapter 3323. of the Revised
Code, including procedures, standards, and guidelines governing
programs and services operated by county boards of mental
retardation and developmental disabilities pursuant to section
3323.09 of the Revised Code;

(K) For the purpose of encouraging the development of special
programs of education for academically gifted children, employ
competent persons to analyze and publish data, promote research,
advise and counsel with boards of education, and encourage the
training of teachers in the special instruction of gifted
children. The board may provide financial assistance out of any
funds appropriated for this purpose to boards of education and
educational service center governing boards for developing and
conducting programs of education for academically gifted children.

(L) Require that all public schools emphasize and encourage,
within existing units of study, the teaching of energy and
resource conservation as recommended to each district board of
education by leading business persons involved in energy
production and conservation, beginning in the primary grades;

(M) Formulate and prescribe minimum standards requiring the
use of phonics as a technique in the teaching of reading in grades
kindergarten through three. In addition, the state board shall
provide in-service training programs for teachers on the use of
phonics as a technique in the teaching of reading in grades
kindergarten through three.

(N) Develop and modify as necessary a state plan for
technology to encourage and promote the use of technological
advancements in educational settings.

The board may adopt rules necessary for carrying out any
function imposed on it by law, and may provide rules as are

necessary for its government and the government of its employees, 263
and may delegate to the superintendent of public instruction the 264
management and administration of any function imposed on it by 265
law. It may provide for the appointment of board members to serve 266
on temporary committees established by the board for such purposes 267
as are necessary. Permanent or standing committees shall not be 268
created. 269

Sec. 3301.0714. (A) The state board of education shall adopt 270
rules for a statewide education management information system. The 271
rules shall require the state board to establish guidelines for 272
the establishment and maintenance of the system in accordance with 273
this section and the rules adopted under this section. The 274
guidelines shall include: 275

(1) Standards identifying and defining the types of data in 276
the system in accordance with divisions (B) and (C) of this 277
section; 278

(2) Procedures for annually collecting and reporting the data 279
to the state board in accordance with division (D) of this 280
section; 281

(3) Procedures for annually compiling the data in accordance 282
with division (G) of this section; 283

(4) Procedures for annually reporting the data to the public 284
in accordance with division (H) of this section. 285

(B) The guidelines adopted under this section shall require 286
the data maintained in the education management information system 287
to include at least the following: 288

(1) Student participation and performance data, for each 289
grade in each school district as a whole and for each grade in 290
each school building in each school district, that includes: 291

(a) The numbers of students receiving each category of 292

instructional service offered by the school district, such as 293
regular education instruction, vocational education instruction, 294
specialized instruction programs or enrichment instruction that is 295
part of the educational curriculum, instruction for gifted 296
students, instruction for handicapped students, and remedial 297
instruction. The guidelines shall require instructional services 298
under this division to be divided into discrete categories if an 299
instructional service is limited to a specific subject, a specific 300
type of student, or both, such as regular instructional services 301
in mathematics, remedial reading instructional services, 302
instructional services specifically for students gifted in 303
mathematics or some other subject area, or instructional services 304
for students with a specific type of handicap. The categories of 305
instructional services required by the guidelines under this 306
division shall be the same as the categories of instructional 307
services used in determining cost units pursuant to division 308
(C)(3) of this section. 309

(b) The numbers of students receiving support or 310
extracurricular services for each of the support services or 311
extracurricular programs offered by the school district, such as 312
counseling services, health services, and extracurricular sports 313
and fine arts programs. The categories of services required by the 314
guidelines under this division shall be the same as the categories 315
of services used in determining cost units pursuant to division 316
(C)(4)(a) of this section. 317

(c) Average student grades in each subject in grades nine 318
through twelve; 319

(d) Academic achievement levels as assessed by the testing of 320
student achievement under sections 3301.0710 and 3301.0711 of the 321
Revised Code; 322

(e) The number of students designated as having a 323
handicapping condition pursuant to division (C)(1) of section 324

3301.0711 of the Revised Code;	325
(f) The numbers of students reported to the state board	326
pursuant to division (C)(2) of section 3301.0711 of the Revised	327
Code;	328
(g) Attendance rates and the average daily attendance for the	329
year. For purposes of this division, a student shall be counted as	330
present for any field trip that is approved by the school	331
administration.	332
(h) Expulsion rates;	333
(i) Suspension rates;	334
(j) The percentage of students receiving corporal punishment;	335
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(k) Dropout rates;	337
(l) Rates of retention in grade;	338
(m) For pupils in grades nine through twelve, the average	339
number of carnegie units, as calculated in accordance with state	340
board of education rules;	341
(n) Graduation rates, to be calculated in a manner specified	342
by the department of education that reflects the rate at which	343
students who were in the ninth grade three years prior to the	344
current year complete school and that is consistent with	345
nationally accepted reporting requirements;	346
(o) Results of diagnostic assessments administered to	347
kindergarten students as required under section 3301.0715 of the	348
Revised Code to permit a comparison of the academic readiness of	349
kindergarten students. However, no district shall be required to	350
report to the department the results of any diagnostic assessment	351
administered to a kindergarten student if the parent of that	352
student requests the district not to report those results.	353

(2) Personnel and classroom enrollment data for each school district, including:

(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.

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

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

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's

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

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

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

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

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

services in each building.

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

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(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

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

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

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

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receiving the service in the school district as a whole and
average expenditure per pupil receiving the service in each
building in the school district and in terms of a total cost for
each category of service and, as a breakdown of the total cost, a
cost for each of the following components:

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

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

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

(D)(1) The guidelines adopted under this section shall
require school districts to collect information about individual
students, staff members, or both in connection with any data
required by division (B) or (C) of this section or other reporting
requirements established in the Revised Code. The guidelines may
also require school districts to report information about
individual staff members in connection with any data required by
division (B) or (C) of this section or other reporting
requirements established in the Revised Code. The guidelines shall
not authorize school districts to request social security numbers
of individual students. The guidelines shall prohibit the
reporting under this section of ~~any personally identifiable~~
~~information about any student, including a student's name or,~~

address, and social security number to the state board of 481
education or the department of education. The guidelines shall 482
also prohibit the reporting under this section of any personally 483
identifiable information about any student, except for the purpose 484
of assigning the data verification code required by division 485
(D)(2) of this section, to any other person unless such person is 486
employed by the school district or the data acquisition site 487
operated under section 3301.075 of the Revised Code and is 488
authorized by the district or acquisition site to have access to 489
such information. The guidelines may require school districts to 490
provide the social security numbers of individual staff members. 491

(2) The guidelines shall provide for each school district or 492
community school to assign a data verification code that is unique 493
on a statewide basis over time to each student whose initial Ohio 494
enrollment is in that district or school and to report all 495
required individual student data for that student utilizing such 496
code. The guidelines shall also provide for assigning data 497
verification codes to all students enrolled in districts or 498
community schools on the effective date of the guidelines 499
established under this section. 500

Individual student data shall be reported to the department 501
through the data acquisition sites utilizing the code but at no 502
time shall the state board or the department have access to 503
information that would enable any data verification code to be 504
matched to personally identifiable student data. 505

Each school district shall ensure that the data verification 506
code is included in the student's records reported to any 507
subsequent school district or community school in which the 508
student enrolls and shall remove all references to the code in any 509
records retained in the district or school that pertain to any 510
student no longer enrolled. Any such subsequent district or school 511
shall utilize the same identifier in its reporting of data under 512

this section.

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

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

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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

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such test pursuant to division (C)(1) of section 3301.0711 of the
Revised Code are distinguished from the academic achievement
levels of students who are not so excused.

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

(2) The state board shall, in accordance with the procedures
it adopts, annually prepare an individual report for each school
district and the general public that includes the profiles of each
of the school buildings in that school district developed pursuant
to division (G) of this section. Copies of the report shall be
sent to the superintendent of the district and to each member of
the district board of education.

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

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

(J) As used in this section: 575

(1) "School district" means any city, local, exempted 576
village, or joint vocational school district. 577

(2) "Cost" means any expenditure for operating expenses made 578
by a school district excluding any expenditures for debt 579
retirement except for payments made to any commercial lending 580
institution for any loan approved pursuant to section 3313.483 of 581
the Revised Code. 582

(K) Any person who removes data from the information system 583
established under this section for the purpose of releasing it to 584
any person not entitled under law to have access to such 585
information is subject to section 2913.42 of the Revised Code 586
prohibiting tampering with data. 587

(L) Any time the department of education determines that a 588
school district has taken any of the actions described under 589
division (L)(1), (2), or (3) of this section, it shall make a 590
report of the actions of the district, send a copy of the report 591
to the superintendent of such school district, and maintain a copy 592
of the report in its files: 593

(1) The school district fails to meet any deadline 594
established pursuant to this section for the reporting of any data 595
to the education management information system; 596

(2) The school district fails to meet any deadline 597
established pursuant to this section for the correction of any 598
data reported to the education management information system; 599

(3) The school district reports data to the education 600
management information system in a condition, as determined by the 601
department, that indicates that the district did not make a good 602
faith effort in reporting the data to the system. 603

Any report made under this division shall include 604

recommendations for corrective action by the school district.

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.

(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 636
under division (B)(1)(o) of this section according to the race and 637
socioeconomic status of the students assessed. No data collected 638
under that division shall be included on the report cards required 639
by section 3302.03 of the Revised Code. 640

(Q) If the department cannot compile any of the information 641
required by division (D)(5) of section 3302.03 of the Revised Code 642
based upon the data collected under this section, the department 643
shall develop a plan and a reasonable timeline for the collection 644
of any data necessary to comply with that division. 645

Sec. 3301.17. The board of education of each city, exempted 646
village, local, and joint vocational school district may make a 647
driver education course available to high school students enrolled 648
in the district in accordance with ~~rules adopted by the state~~ 649
~~board of education Chapter 4508. of the Revised Code.~~ No school 650
district making such a course available shall require any pupil to 651
enroll in the course in lieu of taking a training course from a 652
private driver training school licensed under ~~Chapter 4508. of the~~ 653
~~Revised Code that chapter.~~ The department of education may 654
~~contract for the use of public school and educational service~~ 655
~~center governing board facilities to provide technical assistance~~ 656
~~for driver education courses where practicable or may provide such~~ 657
~~assistance at facilities established and operated by the~~ 658
~~department under the supervision of transportation coordinators.~~ 659

The principal of each high school shall annually give written 660
notice to the pupils enrolled in the high school that they may 661
elect, under a procedure that shall be described in the notice, to 662
take a training course from a ~~licensed~~ private driver training 663
school or, if available, enroll in a driver education course made 664
available by the pupil's school district of attendance. No pupil 665
shall receive course credit toward graduation for completing a 666

driver education course conducted by a school district under this 667
section. 668

Sec. 3313.201. (A) The board of education of each school 669
district shall procure a policy or policies of insurance insuring 670
officers, employees, and pupils of the school district against 671
liability on account of damage or injury to persons and property, 672
including insurance on vehicles operated under a course in drivers 673
education ~~certified~~ approved by the state department of ~~education~~ 674
public safety and including liability on account of death or 675
accident by wrongful act, occasioned by the operation of a motor 676
vehicle, motor vehicles with auxiliary equipment, or all 677
self-propelling equipment or trailers owned or operated by the 678
school district. Each board of education may supplement the policy 679
or policies of insurance with collision, medical payments, 680
comprehensive, and uninsured motorists insurance. Before procuring 681
such insurance each board of education shall adopt a resolution 682
setting forth the amount of insurance to be purchased, the 683
necessity of the insurance, together with a statement of its 684
estimated premium cost. Insurance procured pursuant to this 685
section shall be from one or more recognized insurance companies 686
authorized to do business in this state. 687

(B) This section shall not be construed to affect the ability 688
of any school district to establish and maintain self-insurance 689
programs under the authority conferred by any other section of the 690
Revised Code. Such programs may be established and maintained in 691
combination with, or as an alternative to, any policy or policies 692
of insurance procured under division (A) of this section. 693
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Sec. 3313.641. (A) Notwithstanding the provisions of sections 695
3313.48 and 3313.64 of the Revised Code, the board of education of 696
a city, exempted village, or local school district may organize 697

As Reported by the Senate Education Committee

and operate a summer school, an evening or day school for adults 698
and out-of-school youth, or technical school or institute for 699
instruction beyond the high school, offer driver education courses 700
~~as a part of the regular curriculum of the school district in~~ 701
conformity with ~~section 4508.07~~ Chapter 4508. of the Revised Code, 702
or offer postgraduate work in any course of instruction to pupils 703
who have completed the twelfth grade, which may be open to any 704
pupil irrespective of ~~his~~ age upon such terms and upon payment of 705
such tuition as the board prescribes. Courses of instruction in 706
basic literacy may be offered with or without tuition, as the 707
board determines. 708

(B) A board of education that operates an education program 709
pursuant to this section, other than a summer school, that 710
includes courses for which credit may be granted toward the 711
issuance of a high school diploma under section 3313.61 of the 712
Revised Code may, by resolution, authorize the superintendent of 713
the district to assign to the program in accordance with this 714
section, any student who has not successfully completed the 715
curriculum of any high school or the individualized education 716
program developed for the student by any high school pursuant to 717
section 3323.08 of the Revised Code, who is at least eighteen 718
years old, and who is being readmitted to school following 719
expulsion or commitment to the department of youth services. 720
Before making any such assignment, the superintendent or ~~his~~ the 721
superintendent's designee shall meet with the pupil to determine 722
whether ~~he~~ the pupil should be so assigned, and shall prepare a 723
report on ~~his~~ the superintendent's or designee's findings and 724
determination. If based on ~~his~~ the meeting or ~~his~~ the designee's 725
report the superintendent finds that the pupil should be placed in 726
a program under this section, the superintendent shall make the 727
assignment. Once assigned to a program, the student shall remain 728
in it until ~~he~~ the student is reassigned by the superintendent or 729
leaves school. At least once in each academic term, the 730

superintendent or ~~his~~ the superintendent's designee shall review 731
the program of each student assigned under this section and the 732
superintendent shall, based on the review, make a determination of 733
whether the student should remain in the program or be reassigned. 734
Tuition shall not be charged for the attendance of any student 735
assigned to a program pursuant to this division who is entitled 736
under section 3313.64 of the Revised Code to attend the schools of 737
the district without payment of tuition. 738

Sec. 3315.091. The boards of education of any city, exempted 739
village, local, or joint vocational school districts or the 740
governing boards of educational service centers may enter into 741
contracts for a term not exceeding one year, upon such terms as 742
each board deems expedient, with each other, or with a private 743
driver training school licensed under section 4508.03 of the 744
Revised Code, for the purpose of providing instruction in driver 745
education under section 3301.17 of the Revised Code. ~~Driver~~ 746
~~training schools contracting with any high school in the state for~~ 747
~~the purpose of providing driver education shall meet course~~ 748
~~content standards of the state board of education adopted pursuant~~ 749
~~to section 3301.07 of the Revised Code.~~ 750

Sec. 3317.11. (A) Annually, on or before a date designated by 751
the state board of education, each educational service center 752
governing board shall prepare a budget of operating expenses for 753
the ensuing year for the service center on forms prepared and 754
furnished by the state board of education and shall certify the 755
budget to the state board of education, together with such other 756
information as the board may require. Such budget shall consist of 757
two parts. Part (A) shall include the cost of the salaries, 758
employers retirement contributions, and travel expenses of 759
supervisory teachers approved by the state board of education. The 760
amount derived from the calculation for such units in part (A) of 761

the governing board budget shall be the sum of: 762

(1) The sum of the minimum salaries calculated, pursuant to 763
section 3317.13 of the Revised Code, for each approved licensed 764
employee of the governing board; 765

(2) An additional salary allowance proportional to the length 766
of the extended term of service not to exceed three months for 767
each supervisory and child study teacher whose term of service in 768
any year is extended beyond the terms of service of regular 769
classroom teachers; 770

(3) An allowance equal to fifteen per cent of the amount 771
computed under division (A)(1) of this section; 772

(4) An allowance for necessary travel expenses, for each of 773
the personnel approved in part (A) of the budget, limited to two 774
hundred twenty-three dollars and sixteen cents per month, or two 775
thousand six hundred seventy-eight dollars per year per person 776
employed, whichever is the lesser. 777

Part (B) shall include the cost of all other lawful 778
expenditures of the governing board. The state board of education 779
shall review such budget and may approve, increase, or decrease 780
such budget. 781

The governing board shall be reimbursed by the state board of 782
education from state funds for the cost of part (A) of the budget. 783
The governing board shall be reimbursed by the state board of 784
education, from state funds for the cost of part (B) of the 785
approved budget that is in excess of six dollars and fifty cents 786
times the service center ADM. If the governing board provides 787
services to city or exempted village school districts pursuant to 788
section 3313.843 of the Revised Code, the governing board shall be 789
reimbursed from state funds for the cost of part (B) of the budget 790
that is in excess of six dollars and fifty cents times the sum of 791
the service center ADM and the client ADMs of the city or exempted 792

village districts to which such services are provided. The cost of 793
part (B) not in excess of six dollars and fifty cents times the 794
number of such ADM shall be apportioned by the state board of 795
education among the local school districts in the territory of the 796
service center, or among all districts to which the governing 797
board provides services, on the basis of the total number of 798
pupils in each school district. 799

If part (B) of the budget is in excess of that approved by 800
the state board of education, the excess cost shall be apportioned 801
by the state board of education among the local school districts 802
in the territory of the service center on the basis of the total 803
number of such pupils in each such school district, provided that 804
a majority of the boards of education of such local school 805
districts approve such apportionment. The state board of education 806
shall initiate and supervise the procedure by which the local 807
boards shall approve or disapprove such apportionment. 808

The amounts so apportioned shall be certified to the 809
treasurers of the various school districts. In the case of each 810
district such amount shall be deducted by the state board of 811
education from funds allocated to the district pursuant to 812
division (E) of section 3317.023 of the Revised Code. 813

The state board of education shall certify to the director of 814
budget and management for payment the total of the deductions, 815
whereupon the amount shall be paid to the governing board of each 816
service center, to be deposited to the credit of a separate fund, 817
hereby created, to be known as the educational service center 818
governing board fund. 819

An educational service center may provide special education 820
to students in its local districts or in client districts. A 821
service center is eligible for funding under division (J) of 822
section 3317.024 of the Revised Code and eligible for state 823
subsidies for the purchase of school buses under section 3317.07 824

of the Revised Code. Special education units for gifted children 825
may be operated by a governing board. Vocational education may be 826
provided by a governing board. A governing board may conduct 827
driver education for pupils enrolled in a high school ~~for which~~ 828
~~the state board of education prescribes minimum standards in~~ 829
accordance with Chapter 4508. of the Revised Code. 830

Every local school district shall be provided supervisory 831
services by its governing board as approved by the state board of 832
education. A city or exempted village school district shall be 833
considered to be provided supervisory services by a governing 834
board if it has entered into an agreement for the governing board 835
to provide any services under section 3313.843 of the Revised 836
Code. Supervisory services shall not exceed one supervisory 837
teacher for the first fifty classroom teachers employed in all 838
districts that are provided supervisory services calculated under 839
section 3317.023 of the Revised Code and one supervisory teacher 840
for every additional one hundred such classroom teachers so 841
calculated. Reimbursement for such supervisory services shall be a 842
deduction by the state board of education from the payment to the 843
school district pursuant to division (E) of section 3317.023 of 844
the Revised Code. Deductions for all supervisory services and 845
extended services for supervisory and child study shall be 846
apportioned among local school districts within the territory of 847
the service center and any city or exempted village districts that 848
have entered into agreements with a service center pursuant to 849
section 3313.843 of the Revised Code by the state board of 850
education on the basis of the total number of pupils in each 851
school district, except that where such services are provided to 852
districts other than local school districts within the service 853
center territory and city or exempted village districts having 854
agreements with the service center, such charges shall be 855
apportioned among all participating districts on the basis of the 856

total number of pupils in each school district. All deductions
from state funding to school districts required for reimbursement
of governing boards by division (E) of section 3317.023 of the
Revised Code shall be made from the total of the payment computed
for the district under this chapter, after making any other
adjustments in that payment required by law.

(B)(1) In addition to the payments made under division (A) of
this section, except as otherwise provided in division (C) of this
section, the department of education shall pay each governing
board thirty-seven dollars times the sum of the service center ADM
and the sum of the client ADMs of all its client districts in
fiscal years 2002 and 2003.

(2) In addition to other payments under this section, the
department shall pay each educational service center the amounts
due to it from school districts pursuant to contracts, compacts,
or agreements under which the service center furnishes services to
the districts or their students. In order to receive payment under
this division, an educational service center shall furnish either
a copy of the applicable contract, compact, or agreement clearly
indicating the amounts of the payments, or a written statement of
the payments owed signed by the superintendent or treasurer of the
responsible school district.

The amounts paid to service centers under division (B)(2) of
this section shall be deducted from payments to school districts
pursuant to division (K)(2) of section 3317.023 of the Revised
Code.

(C) Each multicounty service center shall receive a payment
each fiscal year equal to forty dollars and fifty-two cents times
the sum of the service center ADM and the client ADMs of all its
client districts.

(D) Each city, exempted village, local, joint vocational, or

cooperative education school district shall pay to the governing
board of an educational service center any amounts agreed to for
each child enrolled in the district who receives special education
and related services or vocational education from the educational
service center.

(E) As used in this section:

(1) "Service center ADM" means the total of each of the
following for all local school districts within the limits of an
educational service center's territory:

(a) The formula ADM;

(b) The kindergarten average daily membership included in the
formula ADM;

(c) Three-quarters of the number of students reported under
division (B)(4) of section 3317.03 of the Revised Code;

(d) The average daily membership of handicapped preschool
children reported under division (B)(2) of section 3317.03 of the
Revised Code;

(e) The number of preschool students certified under division
(B) of section 3317.032 of the Revised Code.

(2) "Client ADM" means the total of each number described
under divisions (E)(1)(a) to (e) of this section for a client
district.

(3) "Client district" means a city or exempted village school
district that has entered into an agreement to receive services
from a service center pursuant to section 3313.843 of the Revised
Code.

(4) "Multicounty service center" means a service center that
includes territory that formerly was included in the territory of
at least three former service centers or county school districts,
which former centers or districts engaged in one or more mergers

pursuant to section 3311.053 of the Revised Code to form the
present center.

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Sec. 4507.05. (A) The registrar of motor vehicles, or a
deputy registrar, upon receiving an application for a temporary
instruction permit and a temporary instruction permit
identification card for a driver's license from any person who is
at least fifteen years and six months of age, may issue such a
permit and identification card entitling the applicant to drive a
motor vehicle, other than a commercial motor vehicle, upon the
highways under the following conditions:

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(1) If the permit is issued to a person who is at least
fifteen years and six months of age, but less than sixteen years
of age:

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(a) The permit and identification card are in the holder's
immediate possession;

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(b) The holder is accompanied by an eligible adult who
actually occupies the seat beside the permit holder;

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934

(c) The total number of occupants of the vehicle does not
exceed the total number of occupant restraining devices originally
installed in the motor vehicle by its manufacturer, and each
occupant of the vehicle is wearing all of the available elements
of a properly adjusted occupant restraining device.

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(2) If the permit is issued to a person who is at least
sixteen years of age:

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(a) The permit and identification card are in the holder's
immediate possession;

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(b) The holder is accompanied by a licensed operator who is
at least twenty-one years of age and is actually occupying a seat
beside the driver;

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946

(c) The total number of occupants of the vehicle does not 947
exceed the total number of occupant restraining devices originally 948
installed in the motor vehicle by its manufacturer, and each 949
occupant of the vehicle is wearing all of the available elements 950
of a properly adjusted occupant restraining device. 951

(B) The registrar or a deputy registrar, upon receiving from 952
any person an application for a temporary instruction permit and 953
temporary instruction permit identification card to operate a 954
motorcycle or motorized bicycle, may issue such a permit and 955
identification card entitling the applicant, while having the 956
permit and identification card in the applicant's immediate 957
possession, to drive a motorcycle or motorized bicycle under 958
restrictions determined by the registrar. A temporary instruction 959
permit and temporary instruction permit identification card to 960
operate a motorized bicycle may be issued to a person fourteen or 961
fifteen years old. 962

(C) Any permit and identification card issued under this 963
section shall be issued in the same manner as a driver's license, 964
upon a form to be furnished by the registrar. A temporary 965
instruction permit to drive a motor vehicle other than a 966
commercial motor vehicle shall be valid for a period of one year. 967

(D) Any person having in the person's possession a valid and 968
current driver's license or motorcycle operator's license or 969
endorsement issued to the person by another jurisdiction 970
recognized by this state is exempt from obtaining a temporary 971
instruction permit for a driver's license, but shall submit to the 972
regular examination in obtaining a driver's license or motorcycle 973
operator's endorsement in this state. 974

(E) The registrar may adopt rules governing the use of 975
temporary instruction permits and temporary instruction permit 976
identification cards. 977

(F)(1) No holder of a permit issued under division (A) of 978
this section shall operate a motor vehicle upon a highway or any 979
public or private property used by the public for purposes of 980
vehicular travel or parking in violation of the conditions 981
established under division (A) of this section. 982

(2) Except as provided in division (F)(2) of this section, no 983
holder of a permit that is issued under division (A) of this 984
section and that is issued on or after the effective date of this 985
amendment, and who has not attained the age of seventeen years, 986
shall operate a motor vehicle upon a highway or any public or 987
private property used by the public for purposes of vehicular 988
travel or parking between the hours of one a.m. and five a.m. 989

The holder of a permit issued under division (A) of this 990
section on or after the effective date of this amendment, who has 991
not attained the age of seventeen years, may operate a motor 992
vehicle upon a highway or any public or private property used by 993
the public for purposes of vehicular travel or parking between the 994
hours of one a.m. and five a.m. if, at the time of such operation, 995
the holder is accompanied by the holder's parent, guardian, or 996
custodian, and the parent, guardian, or custodian holds a current 997
valid driver's or commercial driver's license issued by this state 998
and is actually occupying a seat beside the permit holder. 999

(G)(1) Notwithstanding any other provision of law to the 1000
contrary, no law enforcement officer shall cause the operator of a 1001
motor vehicle being operated on any street or highway to stop the 1002
motor vehicle for the sole purpose of determining whether each 1003
occupant of the motor vehicle is wearing all of the available 1004
elements of a properly adjusted occupant restraining device as 1005
required by division (A) of this section, or for the sole purpose 1006
of issuing a ticket, citation, or summons if the requirement in 1007
that division has been or is being violated, or for causing the 1008
arrest of or commencing a prosecution of a person for a violation 1009

of that requirement. 1010

(2) Notwithstanding any other provision of law to the 1011
contrary, no law enforcement officer shall cause the operator of a 1012
motor vehicle being operated on any street or highway to stop the 1013
motor vehicle for the sole purpose of determining whether a 1014
violation of division (F)(2) of this section has been or is being 1015
committed or for the sole purpose of issuing a ticket, citation, 1016
or summons for such a violation or for causing the arrest of or 1017
commencing a prosecution of a person for such violation. 1018

(H) As used in this section: 1019

(1) "Eligible adult" means any of the following: 1020

(a) An instructor of ~~a driver education course approved by~~ 1021
~~the department of education or~~ a driver training course approved 1022
by the department of public safety; 1023

(b) Any of the following persons who holds a current valid 1024
driver's or commercial driver's license issued by this state: 1025

(i) A parent, guardian, or custodian of the permit holder; 1026

(ii) A person twenty-one years of age or older who acts in 1027
loco parentis of the permit holder. 1028

(2) "Occupant restraining device" has the same meaning as in 1029
section 4513.263 of the Revised Code. 1030

Sec. 4507.21. (A) Each applicant for a driver's license shall 1031
file an application in the office of the registrar of motor 1032
vehicles or of a deputy registrar. 1033

(B)(1) Each person under eighteen years of age applying for a 1034
driver's license issued in this state shall present satisfactory 1035
evidence of having successfully completed any one of the 1036
following: 1037

(a) A driver education course approved by the state 1038

department of education prior to December 31, 2003.

(b) A driver training course approved by the director of
public safety.

(c) A driver training course comparable to a driver education
or driver training course described in division (B)(1)(a) or (b)
of this section and administered by a branch of the armed forces
of the United States and completed by the applicant while residing
outside this state for the purpose of being with or near any
person serving in the armed forces of the United States.

(2) Each person under eighteen years of age applying for a
driver's license also shall present, on a form prescribed by the
registrar, an affidavit signed by an eligible adult attesting that
the person has acquired at least fifty hours of actual driving
experience, with at least ten of those hours being at night.

(C) If the registrar or deputy registrar determines that the
applicant is entitled to the driver's license, it shall be issued.
If the application shows that the applicant's license has been
previously revoked or suspended, the deputy registrar shall
forward the application to the registrar, who shall determine
whether the license shall be granted.

(D) All applications shall be filed in duplicate, and the
deputy registrar issuing the license shall immediately forward to
the office of the registrar the original copy of the application,
together with the duplicate copy of the certificate, if issued.
The registrar shall prescribe rules as to the manner in which the
deputy registrar files and maintains the applications and other
records. The registrar shall file every application for a driver's
or commercial driver's license and index them by name and number,
and shall maintain a suitable record of all licenses issued, all
convictions and bond forfeitures, all applications for licenses

denied, and all licenses which have been suspended or revoked. 1070
1071

(E) For purposes of section 2313.06 of the Revised Code, the 1072
registrar shall maintain accurate and current lists of the 1073
residents of each county who are eighteen years of age or older, 1074
have been issued, on and after January 1, 1984, driver's or 1075
commercial driver's licenses that are valid and current, and would 1076
be electors if they were registered to vote, regardless of whether 1077
they actually are registered to vote. The lists shall contain the 1078
names, addresses, dates of birth, duration of residence in this 1079
state, citizenship status, and social security numbers, if the 1080
numbers are available, of the licensees, and may contain any other 1081
information that the registrar considers suitable. 1082

(F) Each person under eighteen years of age applying for a 1083
motorcycle operator's endorsement or a restricted license enabling 1084
the applicant to operate a motorcycle shall present satisfactory 1085
evidence of having completed the courses of instruction in the 1086
motorcycle safety and education program described in section 1087
4508.08 of the Revised Code or a comparable course of instruction 1088
administered by a branch of the armed forces of the United States 1089
and completed by the applicant while residing outside this state 1090
for the purpose of being with or near any person serving in the 1091
armed forces of the United States. If the registrar or deputy 1092
registrar then determines that the applicant is entitled to the 1093
endorsement or restricted license, it shall be issued. 1094

(G) No person shall knowingly make a false statement in an 1095
affidavit presented in accordance with division (B)(2) of this 1096
section. 1097

(H) As used in this section, "eligible adult" means any of 1098
the following persons: 1099

(1) A parent, guardian, or custodian of the applicant; 1100

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle.

Sec. 4508.01. As used in this chapter:

(A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.

(B) "Disabled person" means a person who, in the opinion of the registrar of motor vehicles, is afflicted with or suffering from a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Disabled person" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle.

(C) "Driver training school" or "school" means ~~both~~ any of the following:

(1) A private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor vehicles, that uses public streets or highways to provide training, and that charges a consideration or tuition for such services;

(2) A lead school district as provided in section 4508.09 of

the Revised Code; 1131

(3) A board of education of a city, exempted village, local, 1132
or joint vocational school district or the governing board of an 1133
educational service center that offers a driver education course 1134
for high school students enrolled in the district or in a district 1135
served by the educational service center. 1136

(D) "Instructor" means any person, whether acting for self as 1137
operator of a driver training school or for such a school for 1138
compensation, who teaches, conducts classes of, gives 1139
demonstrations to, or supervises practice of, persons learning to 1140
operate or drive motor vehicles. 1141

(E) "Lead school district" means a school district, including 1142
a joint vocational school district, designated by the department 1143
of education as either a vocational education planning district 1144
itself or as responsible for providing primary vocational 1145
education leadership within a vocational education planning 1146
district that is composed of a group of districts. A "vocational 1147
education planning district" is a school district or group of 1148
school districts designated by the department as responsible for 1149
planning and providing vocational education services to students 1150
within the district or group of districts. 1151

Sec. 4508.02. (A) The director of public safety, subject to 1152
Chapter 119. of the Revised Code, shall adopt and prescribe such 1153
rules concerning the administration and enforcement of this 1154
chapter as are necessary to protect the public. The director shall 1155
inspect the school facilities and equipment of applicants and 1156
licensees and examine applicants for instructor's licenses. 1157

(B) The director shall administer and enforce this chapter; 1158
~~and may call upon the state superintendent of public instruction 1159~~
~~for assistance in developing and formulating the rules for 1160~~
~~training beginning drivers. 1161~~

(C) The rules shall require twenty-four hours of classroom 1162
instruction, and eight hours of actual behind-the-wheel 1163
instruction conducted on public streets and highways of this state 1164
for all beginning drivers of noncommercial motor vehicles who are 1165
under age eighteen. 1166

(D) The rules shall state the minimum hours for classroom and 1167
behind-the-wheel instruction required for beginning drivers of 1168
commercial trucks, commercial cars, buses, and commercial 1169
tractors, trailers, and semi-trailers. 1170

Sec. 4508.021. (A) As used in this section: 1171

(1) "State agency" has the same meaning as in section 1.60 of 1172
the Revised Code. 1173

(2) "Electronic medium" means a video cassette tape, CD-ROM, 1174
interactive videodisc, or other format used to convey information 1175
to students through electronic means. 1176

(B) The classroom instruction required by division (C) of 1177
section 4508.02 of the Revised Code shall include the 1178
dissemination of information regarding anatomical gifts and 1179
anatomical gift procedures or a presentation and discussion of 1180
such gifts and procedures in accordance with this section. The 1181
second chance trust fund advisory committee created under section 1182
2108.17 of the Revised Code shall approve any brochure, written 1183
material, or electronic medium used by a driver training school to 1184
provide information to students regarding anatomical gifts and 1185
anatomical gift procedures. However, the committee shall not 1186
approve any such brochure, written material, or electronic medium 1187
that contains religious content for use in a driver education 1188
course conducted by a school district or educational service 1189
center. 1190

(C)(1) If any brochure or other written material approved by 1191

the committee under division (B) of this section is made available 1192
to a driver training school at no cost, the instructor shall 1193
provide such brochure or material to students. 1194

(2) If any electronic medium that is less than twenty minutes 1195
in length and that is approved by the committee under division (B) 1196
of this section is made available to a driver training school at 1197
no cost, the instructor shall show the electronic medium to 1198
students, provided that the school maintains operable viewing 1199
equipment. If more than one such electronic medium is made 1200
available to a school in accordance with this division, the 1201
instructor shall select one electronic medium from among those 1202
received by the school to show to students. 1203

(3) If no electronic medium is shown to students as specified 1204
in division (C)(2) of this section, the instructor shall organize 1205
a classroom presentation and discussion regarding anatomical gifts 1206
and anatomical gift procedures. The instructor may arrange for the 1207
presentation to be conducted by an employee of the department of 1208
health or any other state agency, an employee or volunteer of the 1209
second chance trust fund, an employee or volunteer of any 1210
organization involved in the procurement of organ donations, an 1211
organ donor, or an organ recipient, provided that no such person 1212
charges a fee to the school for the presentation. However, no such 1213
presentation that contains religious content shall be made to 1214
students of a driver education course conducted by a school 1215
district or educational service center. Students shall be granted 1216
the opportunity to ask questions on anatomical gifts and 1217
anatomical gift procedures during the presentation and discussion. 1218

Nothing in this section shall prohibit an instructor from 1220
also organizing a classroom presentation and discussion regarding 1221
anatomical gifts and anatomical gift procedures in accordance with 1222
this division if the instructor shows an electronic medium to 1223

students pursuant to division (C)(2) of this section.

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(D) No student shall be required to participate in any
instruction in anatomical gifts or anatomical gift procedures
conducted under this section upon written notification from the
student's parent or guardian, or the student if the student is
over eighteen years of age, that such instruction conflicts with
the religious convictions of the student or the student's parent
or guardian. If a student is excused from such instruction, the
instructor shall give the student an alternative assignment.

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Sec. 4508.07. Sections 4508.01 to 4508.06, inclusive, of the
Revised Code, do not apply to any person giving driver training
lessons without charge, to employers maintaining driver training
schools without charge for their employees only, nor to schools or
classes conducted by colleges, and universities ~~and high schools~~
for regularly enrolled full time students as a part of a normal
program for such institutions.

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Sec. 5502.01. (A) The department of public safety shall
administer and enforce the laws relating to the registration,
licensing, sale, and operation of motor vehicles and the laws
pertaining to the licensing of drivers of motor vehicles.

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The department shall compile, analyze, and publish statistics
relative to motor vehicle accidents and the causes of them,
prepare and conduct educational programs for the purpose of
promoting safety in the operation of motor vehicles on the
highways, ~~assist the state board of education in the formulation~~
~~of minimum standards for driver education courses of instruction,~~
~~encourage driver instruction in the high schools of the state,~~ and
conduct research and studies for the purpose of promoting safety
on the highways of this state.

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(B) The department shall administer the laws and rules

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relative to trauma and emergency medical services specified in 1254
Chapter 4765. of the Revised Code. 1255

(C) The department shall administer and enforce the laws 1256
contained in Chapters 4301. and 4303. of the Revised Code and 1257
enforce the rules and orders of the liquor control commission 1258
pertaining to retail liquor permit holders. 1259

(D) The department shall administer the laws governing the 1260
state emergency management agency and shall enforce all additional 1261
duties and responsibilities as prescribed in the Revised Code 1262
related to emergency management services. 1263

(E) The department shall conduct investigations pursuant to 1264
Chapter 5101. of the Revised Code in support of the duty of the 1265
department of ~~human~~ job and family services to administer food 1266
stamp programs throughout this state. The department of public 1267
safety shall conduct investigations necessary to protect the 1268
state's property rights and interests in the food stamp program. 1269

(F) The department of public safety shall enforce compliance 1270
with orders and rules of the public utilities commission and 1271
applicable laws in accordance with Chapters 4919., 4921., and 1272
4923. of the Revised Code regarding commercial motor vehicle 1273
transportation safety, economic, and hazardous materials 1274
requirements. 1275

(G) Notwithstanding Chapter 4117. of the Revised Code, the 1276
department of public safety may establish requirements for its 1277
enforcement personnel, including its enforcement agents described 1278
in section 5502.14 of the Revised Code, that include standards of 1279
conduct, work rules and procedures, and criteria for eligibility 1280
as law enforcement personnel. 1281

(H) The department shall administer, maintain, and operate 1282
the Ohio criminal justice network. The Ohio criminal justice 1283
network shall be a computer network that supports state and local 1284

criminal justice activities. The network shall be an electronic
repository for various data, which may include arrest warrants,
notices of persons wanted by law enforcement agencies, criminal
records, prison inmate records, stolen vehicle records, vehicle
operator's licenses, and vehicle registrations and titles.

Section 2. That existing sections 2108.17, 3301.07,
3301.0714, 3301.17, 3313.201, 3313.641, 3315.091, 3317.11,
4507.05, 4507.21, 4508.01, 4508.02, 4508.07, and 5502.01 of the
Revised Code are hereby repealed.

Section 3. (A) Except as required by division (B) of this
section, notwithstanding any provision of Chapter 4508. of the
Revised Code to the contrary, the board of education of any city,
exempted village, local, or joint vocational school district or
the governing board of any educational service center may continue
to offer a driver education course for credit for high school
students in accordance with the minimum standards established by
the State Board of Education under former division (E) of section
3301.07 of the Revised Code, as it existed prior to the effective
date of this section, until December 31, 2003. After December 31,
2003, no school district or educational service center shall offer
a driver education course unless the district board or governing
board of the educational service center obtains a license to
conduct such a course as required by section 4508.03 of the
Revised Code and complies with all other applicable rules adopted
by the Director of Public Safety under section 4508.02 of the
Revised Code, and no such course shall be offered for credit.

(B) Any school district or educational service center that
offers a driver education course pursuant to section 3301.17 of
the Revised Code shall include the dissemination of information
regarding anatomical gifts and anatomical gift procedures or a
presentation and discussion of such gifts and procedures as part

of the classroom instruction as required by section 4508.021 of 1316
the Revised Code, as enacted by this act. 1317

Section 4. Notwithstanding section 4507.05 of the Revised 1318
Code, as amended by this act, until December 31, 2003, an 1319
instructor of a driver education course approved by the Department 1320
of Education shall be considered an eligible adult for the purpose 1321
of accompanying a person holding a temporary instruction permit 1322
while such person is driving a motor vehicle. 1323

Section 5. Within 30 days after the effective date of this 1324
act, in preparation for the transfer of the driver education 1325
program from the Department of Education to the Department of 1326
Public Safety, in fiscal year 2003 the Director of Budget and 1327
Management shall transfer \$50,000 in appropriation and cash from 1328
appropriation item 200-100, Personal Services, General Revenue 1329
Fund, Department of Education, to appropriation item 764-321, 1330
Operating Expense - Highway Patrol, Highway Safety Fund (Fund 1331
036), Department of Public Safety. 1332