

As Passed by the Senate

128th General Assembly

Regular Session

2009-2010

Am. Sub. H. B. No. 290

Representatives Bubp, Pryor

Cosponsors: Representatives Adams, J., Adams, R., Balderson, Blair, Burke, Daniels, Derickson, Domenick, Fende, Gardner, Grossman, Hackett, Huffman, Jordan, Lehner, Letson, Luckie, Maag, Martin, McGregor, Mecklenborg, Morgan, Murray, Okey, Pillich, Ruhl, Sears, Snitchler, Stebelton, Uecker, Wagner, Williams, B., Yuko, Driehaus, Garland, Gerberry, Harris, Lundy, Moran, Phillips, Weddington, Evans, Hite, Bacon, Boose, Brown, Carney, Combs, DeBose, Dyer, Goyal, Harwood, Mandel, McClain, Patten, Skindell, Slesnick, Winburn, Zehringer

Senators Cates, Schuring, Fedor, Buehrer, Cafaro, Carey, Coughlin, Gibbs, Gillmor, Grendell, Harris, Hughes, Morano, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Stewart, Strahorn, Turner, Wagoner, Widener, Wilson, Husted, Jones, Miller, R., Faber, Kearney, Goodman, Smith

—

A B I L L

To amend sections 3301.0714, 3306.51, 3306.53, 1
3306.54, 3306.55, 3306.58, 3313.603, 3314.028, and 2
3314.35 and to enact sections 3301.94, 3306.59, 3
and 3333.0410 of the Revised Code to include 4
Junior ROTC as a permitted elective within the 5
Ohio Core curriculum, to permit schools to excuse 6
Junior ROTC students from high school physical 7
education, to clarify the conditions under which a 8
community school must close for poor academic 9
performance, to specify conditions under which 10
certain community schools may obtain new sponsors, 11

to permit the Department of Education and the 12
Chancellor of the Board of Regents to establish a 13
longitudinal student data system, to extend the 14
deadline for certain school districts to secure 15
voter approval of bonds and tax levies for the 16
districts' shares of state-assisted classroom 17
facilities projects, to make performance of the 18
Harmon Commission's duties contingent on the 19
availability of funding, and to declare an 20
emergency. 21

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

Section 1. That sections 3301.0714, 3306.51, 3306.53, 22
3306.54, 3306.55, 3306.58, 3313.603, 3314.028, and 3314.35 be 23
amended and sections 3301.94, 3306.59, and 3333.0410 of the 24
Revised Code be enacted to read as follows: 25

Sec. 3301.0714. (A) The state board of education shall adopt 26
rules for a statewide education management information system. The 27
rules shall require the state board to establish guidelines for 28
the establishment and maintenance of the system in accordance with 29
this section and the rules adopted under this section. The 30
guidelines shall include: 31

(1) Standards identifying and defining the types of data in 32
the system in accordance with divisions (B) and (C) of this 33
section; 34

(2) Procedures for annually collecting and reporting the data 35
to the state board in accordance with division (D) of this 36
section; 37

(3) Procedures for annually compiling the data in accordance 38
with division (G) of this section; 39

(4) Procedures for annually reporting the data to the public 40
in accordance with division (H) of this section. 41

(B) The guidelines adopted under this section shall require 42
the data maintained in the education management information system 43
to include at least the following: 44

(1) Student participation and performance data, for each 45
grade in each school district as a whole and for each grade in 46
each school building in each school district, that includes: 47

(a) The numbers of students receiving each category of 48
instructional service offered by the school district, such as 49
regular education instruction, vocational education instruction, 50
specialized instruction programs or enrichment instruction that is 51
part of the educational curriculum, instruction for gifted 52
students, instruction for students with disabilities, and remedial 53
instruction. The guidelines shall require instructional services 54
under this division to be divided into discrete categories if an 55
instructional service is limited to a specific subject, a specific 56
type of student, or both, such as regular instructional services 57
in mathematics, remedial reading instructional services, 58
instructional services specifically for students gifted in 59
mathematics or some other subject area, or instructional services 60
for students with a specific type of disability. The categories of 61
instructional services required by the guidelines under this 62
division shall be the same as the categories of instructional 63
services used in determining cost units pursuant to division 64
(C)(3) of this section. 65

(b) The numbers of students receiving support or 66
extracurricular services for each of the support services or 67
extracurricular programs offered by the school district, such as 68
counseling services, health services, and extracurricular sports 69
and fine arts programs. The categories of services required by the 70
guidelines under this division shall be the same as the categories 71

of services used in determining cost units pursuant to division	72
(C)(4)(a) of this section.	73
(c) Average student grades in each subject in grades nine	74
through twelve;	75
(d) Academic achievement levels as assessed under sections	76
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	77
(e) The number of students designated as having a disabling	78
condition pursuant to division (C)(1) of section 3301.0711 of the	79
Revised Code;	80
(f) The numbers of students reported to the state board	81
pursuant to division (C)(2) of section 3301.0711 of the Revised	82
Code;	83
(g) Attendance rates and the average daily attendance for the	84
year. For purposes of this division, a student shall be counted as	85
present for any field trip that is approved by the school	86
administration.	87
(h) Expulsion rates;	88
(i) Suspension rates;	89
(j) Dropout rates;	90
(k) Rates of retention in grade;	91
(l) For pupils in grades nine through twelve, the average	92
number of carnegie units, as calculated in accordance with state	93
board of education rules;	94
(m) Graduation rates, to be calculated in a manner specified	95
by the department of education that reflects the rate at which	96
students who were in the ninth grade three years prior to the	97
current year complete school and that is consistent with	98
nationally accepted reporting requirements;	99
(n) Results of diagnostic assessments administered to	100

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.

(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 133
through five in the district as a whole and in each school 134
building in the school district. 135

(d) The number of lead teachers employed by each school 136
district and each school building. 137

(3)(a) Student demographic data for each school district, 138
including information regarding the gender ratio of the school 139
district's pupils, the racial make-up of the school district's 140
pupils, the number of limited English proficient students in the 141
district, and an appropriate measure of the number of the school 142
district's pupils who reside in economically disadvantaged 143
households. The demographic data shall be collected in a manner to 144
allow correlation with data collected under division (B)(1) of 145
this section. Categories for data collected pursuant to division 146
(B)(3) of this section shall conform, where appropriate, to 147
standard practices of agencies of the federal government. 148

(b) With respect to each student entering kindergarten, 149
whether the student previously participated in a public preschool 150
program, a private preschool program, or a head start program, and 151
the number of years the student participated in each of these 152
programs. 153

(4) Any data required to be collected pursuant to federal 154
law. 155

(C) The education management information system shall include 156
cost accounting data for each district as a whole and for each 157
school building in each school district. The guidelines adopted 158
under this section shall require the cost data for each school 159
district to be maintained in a system of mutually exclusive cost 160
units and shall require all of the costs of each school district 161
to be divided among the cost units. The guidelines shall require 162
the system of mutually exclusive cost units to include at least 163

the following: 164

(1) Administrative costs for the school district as a whole. 165
The guidelines shall require the cost units under this division 166
(C)(1) to be designed so that each of them may be compiled and 167
reported in terms of average expenditure per pupil in formula ADM 168
in the school district, as determined pursuant to section 3317.03 169
of the Revised Code. 170

(2) Administrative costs for each school building in the 171
school district. The guidelines shall require the cost units under 172
this division (C)(2) to be designed so that each of them may be 173
compiled and reported in terms of average expenditure per 174
full-time equivalent pupil receiving instructional or support 175
services in each building. 176

(3) Instructional services costs for each category of 177
instructional service provided directly to students and required 178
by guidelines adopted pursuant to division (B)(1)(a) of this 179
section. The guidelines shall require the cost units under 180
division (C)(3) of this section to be designed so that each of 181
them may be compiled and reported in terms of average expenditure 182
per pupil receiving the service in the school district as a whole 183
and average expenditure per pupil receiving the service in each 184
building in the school district and in terms of a total cost for 185
each category of service and, as a breakdown of the total cost, a 186
cost for each of the following components: 187

(a) The cost of each instructional services category required 188
by guidelines adopted under division (B)(1)(a) of this section 189
that is provided directly to students by a classroom teacher; 190

(b) The cost of the instructional support services, such as 191
services provided by a speech-language pathologist, classroom 192
aide, multimedia aide, or librarian, provided directly to students 193
in conjunction with each instructional services category; 194

(c) The cost of the administrative support services related 195
to each instructional services category, such as the cost of 196
personnel that develop the curriculum for the instructional 197
services category and the cost of personnel supervising or 198
coordinating the delivery of the instructional services category. 199

(4) Support or extracurricular services costs for each 200
category of service directly provided to students and required by 201
guidelines adopted pursuant to division (B)(1)(b) of this section. 202
The guidelines shall require the cost units under division (C)(4) 203
of this section to be designed so that each of them may be 204
compiled and reported in terms of average expenditure per pupil 205
receiving the service in the school district as a whole and 206
average expenditure per pupil receiving the service in each 207
building in the school district and in terms of a total cost for 208
each category of service and, as a breakdown of the total cost, a 209
cost for each of the following components: 210

(a) The cost of each support or extracurricular services 211
category required by guidelines adopted under division (B)(1)(b) 212
of this section that is provided directly to students by a 213
licensed employee, such as services provided by a guidance 214
counselor or any services provided by a licensed employee under a 215
supplemental contract; 216

(b) The cost of each such services category provided directly 217
to students by a nonlicensed employee, such as janitorial 218
services, cafeteria services, or services of a sports trainer; 219

(c) The cost of the administrative services related to each 220
services category in division (C)(4)(a) or (b) of this section, 221
such as the cost of any licensed or nonlicensed employees that 222
develop, supervise, coordinate, or otherwise are involved in 223
administering or aiding the delivery of each services category. 224

(D)(1) The guidelines adopted under this section shall 225

require school districts to collect information about individual 226
students, staff members, or both in connection with any data 227
required by division (B) or (C) of this section or other reporting 228
requirements established in the Revised Code. The guidelines may 229
also require school districts to report information about 230
individual staff members in connection with any data required by 231
division (B) or (C) of this section or other reporting 232
requirements established in the Revised Code. The guidelines shall 233
not authorize school districts to request social security numbers 234
of individual students. The guidelines shall prohibit the 235
reporting under this section of a student's name, address, and 236
social security number to the state board of education or the 237
department of education. The guidelines shall also prohibit the 238
reporting under this section of any personally identifiable 239
information about any student, except for the purpose of assigning 240
the data verification code required by division (D)(2) of this 241
section, to any other person unless such person is employed by the 242
school district or the information technology center operated 243
under section 3301.075 of the Revised Code and is authorized by 244
the district or technology center to have access to such 245
information or is employed by an entity with which the department 246
contracts for the scoring of assessments administered under 247
section 3301.0711 of the Revised Code. The guidelines may require 248
school districts to provide the social security numbers of 249
individual staff members. 250

(2) The guidelines shall provide for each school district or 251
community school to assign a data verification code that is unique 252
on a statewide basis over time to each student whose initial Ohio 253
enrollment is in that district or school and to report all 254
required individual student data for that student utilizing such 255
code. The guidelines shall also provide for assigning data 256
verification codes to all students enrolled in districts or 257
community schools on the effective date of the guidelines 258

established under this section. 259

Individual student data shall be reported to the department 260
through the information technology centers utilizing the code but, 261
except as provided in sections 3310.11, 3310.42, 3313.978, and 262
3317.20 of the Revised Code, at no time shall the state board or 263
the department have access to information that would enable any 264
data verification code to be matched to personally identifiable 265
student data. 266

Each school district shall ensure that the data verification 267
code is included in the student's records reported to any 268
subsequent school district ~~or~~, community school, or state 269
institution of higher education, as defined in section 3345.011 of 270
the Revised Code, in which the student enrolls. Any such 271
subsequent district or school shall utilize the same identifier in 272
its reporting of data under this section. 273

The director of health shall request and receive, pursuant to 274
sections 3301.0723 and 3701.62 of the Revised Code, a data 275
verification code for a child who is receiving services under 276
division (A)(2) of section 3701.61 of the Revised Code. 277

(E) The guidelines adopted under this section may require 278
school districts to collect and report data, information, or 279
reports other than that described in divisions (A), (B), and (C) 280
of this section for the purpose of complying with other reporting 281
requirements established in the Revised Code. The other data, 282
information, or reports may be maintained in the education 283
management information system but are not required to be compiled 284
as part of the profile formats required under division (G) of this 285
section or the annual statewide report required under division (H) 286
of this section. 287

(F) Beginning with the school year that begins July 1, 1991, 288
the board of education of each school district shall annually 289

collect and report to the state board, in accordance with the 290
guidelines established by the board, the data required pursuant to 291
this section. A school district may collect and report these data 292
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 293

(G) The state board shall, in accordance with the procedures 294
it adopts, annually compile the data reported by each school 295
district pursuant to division (D) of this section. The state board 296
shall design formats for profiling each school district as a whole 297
and each school building within each district and shall compile 298
the data in accordance with these formats. These profile formats 299
shall: 300

(1) Include all of the data gathered under this section in a 301
manner that facilitates comparison among school districts and 302
among school buildings within each school district; 303

(2) Present the data on academic achievement levels as 304
assessed by the testing of student achievement maintained pursuant 305
to division (B)(1)(d) of this section. 306

(H)(1) The state board shall, in accordance with the 307
procedures it adopts, annually prepare a statewide report for all 308
school districts and the general public that includes the profile 309
of each of the school districts developed pursuant to division (G) 310
of this section. Copies of the report shall be sent to each school 311
district. 312

(2) The state board shall, in accordance with the procedures 313
it adopts, annually prepare an individual report for each school 314
district and the general public that includes the profiles of each 315
of the school buildings in that school district developed pursuant 316
to division (G) of this section. Copies of the report shall be 317
sent to the superintendent of the district and to each member of 318
the district board of education. 319

(3) Copies of the reports received from the state board under 320

divisions (H)(1) and (2) of this section shall be made available 321
to the general public at each school district's offices. Each 322
district board of education shall make copies of each report 323
available to any person upon request and payment of a reasonable 324
fee for the cost of reproducing the report. The board shall 325
annually publish in a newspaper of general circulation in the 326
school district, at least twice during the two weeks prior to the 327
week in which the reports will first be available, a notice 328
containing the address where the reports are available and the 329
date on which the reports will be available. 330

(I) Any data that is collected or maintained pursuant to this 331
section and that identifies an individual pupil is not a public 332
record for the purposes of section 149.43 of the Revised Code. 333

(J) As used in this section: 334

(1) "School district" means any city, local, exempted 335
village, or joint vocational school district and, in accordance 336
with section 3314.17 of the Revised Code, any community school. As 337
used in division (L) of this section, "school district" also 338
includes any educational service center or other educational 339
entity required to submit data using the system established under 340
this section. 341

(2) "Cost" means any expenditure for operating expenses made 342
by a school district excluding any expenditures for debt 343
retirement except for payments made to any commercial lending 344
institution for any loan approved pursuant to section 3313.483 of 345
the Revised Code. 346

(K) Any person who removes data from the information system 347
established under this section for the purpose of releasing it to 348
any person not entitled under law to have access to such 349
information is subject to section 2913.42 of the Revised Code 350
prohibiting tampering with data. 351

(L)(1) In accordance with division (L)(2) of this section and 352
the rules adopted under division (L)(10) of this section, the 353
department of education may sanction any school district that 354
reports incomplete or inaccurate data, reports data that does not 355
conform to data requirements and descriptions published by the 356
department, fails to report data in a timely manner, or otherwise 357
does not make a good faith effort to report data as required by 358
this section. 359

(2) If the department decides to sanction a school district 360
under this division, the department shall take the following 361
sequential actions: 362

(a) Notify the district in writing that the department has 363
determined that data has not been reported as required under this 364
section and require the district to review its data submission and 365
submit corrected data by a deadline established by the department. 366
The department also may require the district to develop a 367
corrective action plan, which shall include provisions for the 368
district to provide mandatory staff training on data reporting 369
procedures. 370

(b) Withhold up to ten per cent of the total amount of state 371
funds due to the district for the current fiscal year and, if not 372
previously required under division (L)(2)(a) of this section, 373
require the district to develop a corrective action plan in 374
accordance with that division; 375

(c) Withhold an additional amount of up to twenty per cent of 376
the total amount of state funds due to the district for the 377
current fiscal year; 378

(d) Direct department staff or an outside entity to 379
investigate the district's data reporting practices and make 380
recommendations for subsequent actions. The recommendations may 381
include one or more of the following actions: 382

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	383 384
(ii) Conduct a site visit and evaluation of the district;	385
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	386 387 388
(iv) Continue monitoring the district's data reporting;	389
(v) Assign department staff to supervise the district's data management system;	390 391
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	392 393 394
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	395 396 397 398
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	399 400 401 402 403
(ix) Any other action designed to correct the district's data reporting problems.	404 405
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	406 407 408 409 410 411
(4) If any action taken under division (L)(2) of this section	412

resolves a school district's data reporting problems to the 413
department's satisfaction, the department shall not take any 414
further actions described by that division. If the department 415
withheld funds from the district under that division, the 416
department may release those funds to the district, except that if 417
the department withheld funding under division (L)(2)(c) of this 418
section, the department shall not release the funds withheld under 419
division (L)(2)(b) of this section and, if the department withheld 420
funding under division (L)(2)(d) of this section, the department 421
shall not release the funds withheld under division (L)(2)(b) or 422
(c) of this section. 423

(5) Notwithstanding anything in this section to the contrary, 424
the department may use its own staff or an outside entity to 425
conduct an audit of a school district's data reporting practices 426
any time the department has reason to believe the district has not 427
made a good faith effort to report data as required by this 428
section. If any audit conducted by an outside entity under 429
division (L)(2)(d)(i) or (5) of this section confirms that a 430
district has not made a good faith effort to report data as 431
required by this section, the district shall reimburse the 432
department for the full cost of the audit. The department may 433
withhold state funds due to the district for this purpose. 434

(6) Prior to issuing a revised report card for a school 435
district under division (L)(2)(d)(viii) of this section, the 436
department may hold a hearing to provide the district with an 437
opportunity to demonstrate that it made a good faith effort to 438
report data as required by this section. The hearing shall be 439
conducted by a referee appointed by the department. Based on the 440
information provided in the hearing, the referee shall recommend 441
whether the department should issue a revised report card for the 442
district. If the referee affirms the department's contention that 443
the district did not make a good faith effort to report data as 444

required by this section, the district shall bear the full cost of 445
conducting the hearing and of issuing any revised report card. 446

(7) If the department determines that any inaccurate data 447
reported under this section caused a school district to receive 448
excess state funds in any fiscal year, the district shall 449
reimburse the department an amount equal to the excess funds, in 450
accordance with a payment schedule determined by the department. 451
The department may withhold state funds due to the district for 452
this purpose. 453

(8) Any school district that has funds withheld under 454
division (L)(2) of this section may appeal the withholding in 455
accordance with Chapter 119. of the Revised Code. 456

(9) In all cases of a disagreement between the department and 457
a school district regarding the appropriateness of an action taken 458
under division (L)(2) of this section, the burden of proof shall 459
be on the district to demonstrate that it made a good faith effort 460
to report data as required by this section. 461

(10) The state board of education shall adopt rules under 462
Chapter 119. of the Revised Code to implement division (L) of this 463
section. 464

(M) No information technology center or school district shall 465
acquire, change, or update its student administration software 466
package to manage and report data required to be reported to the 467
department unless it converts to a student software package that 468
is certified by the department. 469

(N) The state board of education, in accordance with sections 470
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 471
license as defined under division (A) of section 3319.31 of the 472
Revised Code that has been issued to any school district employee 473
found to have willfully reported erroneous, inaccurate, or 474
incomplete data to the education management information system. 475

(O) No person shall release or maintain any information about 476
any student in violation of this section. Whoever violates this 477
division is guilty of a misdemeanor of the fourth degree. 478

(P) The department shall disaggregate the data collected 479
under division (B)(1)(n) of this section according to the race and 480
socioeconomic status of the students assessed. No data collected 481
under that division shall be included on the report cards required 482
by section 3302.03 of the Revised Code. 483

(Q) If the department cannot compile any of the information 484
required by division (C)(5) of section 3302.03 of the Revised Code 485
based upon the data collected under this section, the department 486
shall develop a plan and a reasonable timeline for the collection 487
of any data necessary to comply with that division. 488

Sec. 3301.94. Upon approval of the state board of education, 489
the superintendent of public instruction and the chancellor of the 490
Ohio board of regents may enter into a memorandum of understanding 491
under which the department of education, on behalf of the 492
chancellor, will receive and maintain copies of data records 493
containing student information reported to the chancellor for the 494
purpose of combining those records with the data reported to the 495
education management information system established under section 496
3301.0714 of the Revised Code to establish an education data 497
repository that may be used to conduct longitudinal research and 498
evaluation. The memorandum of understanding shall specify the 499
following: 500

(A) That, prior to establishing the repository, the 501
superintendent and chancellor shall develop a strategic plan for 502
the repository that outlines the goals to be achieved from its 503
implementation and use. A copy of the strategic plan shall be 504
provided to the governor, the president of the senate, and the 505
speaker of the house of representatives. 506

(B) That the chancellor shall submit all student data to be 507
included in the repository to the independent contractor engaged 508
by the department to create and maintain the student data 509
verification codes required by division (D)(2) of section 510
3301.0714 of the Revised Code. For each student included in the 511
data submitted by the chancellor, the independent contractor shall 512
determine whether a data verification code has been assigned to 513
that student. In the case of a student to whom a data verification 514
code has been assigned, the independent contractor shall add the 515
code to the student's data record and remove from the data record 516
any information that would enable the data verification code to be 517
matched to personally identifiable student data. In the case of a 518
student to whom a data verification code has not been assigned, 519
the independent contractor shall assign a data verification code 520
to the student, add the data verification code to the student's 521
data record, and remove from the data record any information that 522
would enable the data verification code to be matched to 523
personally identifiable student data. After making the 524
modifications described in this division, the independent 525
contractor shall transmit the data to the department. 526

(C) That the superintendent and the chancellor jointly shall 527
develop procedures for the maintenance of the data in the 528
repository and shall designate the types of research that may be 529
conducted using that data. Permitted uses of the data shall 530
include, but are not limited to, the following: 531

(1) Assisting the department, superintendent, or state board 532
in performing audit and evaluation functions concerning preschool, 533
elementary, and secondary education as required or authorized by 534
any provision of law, including division (C) of section 3301.07 535
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 536
3302.03 of the Revised Code; 537

(2) Assisting the chancellor in performing audit and 538

evaluation functions concerning higher education as required or 539
authorized by any provision of law, including sections 3333.04, 540
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 541
3333.374, 3333.72, and 3333.82 of the Revised Code. 542

(D) That the superintendent and the chancellor, from time to 543
time, jointly may enter into written agreements with entities for 544
the use of data in the repository to conduct research and analysis 545
designed to evaluate the effectiveness of programs or services, to 546
measure progress against specific strategic planning goals, or for 547
any other purpose permitted by law that the superintendent and 548
chancellor consider necessary for the performance of their duties 549
under the Revised Code. The agreements may permit the disclosure 550
of personally identifiable student information to the entity named 551
in the agreement, provided that disclosure complies with the 552
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 553
20 U.S.C. 1232g, as amended, and regulations promulgated under 554
that act prescribing requirements for such agreements. The 555
superintendent shall notify the state board of each agreement 556
entered into under this division. 557

(E) That the data in the repository submitted by the 558
department shall remain under the direct control of the department 559
and that the data in the repository submitted by the chancellor 560
shall remain under the direct control of the chancellor; 561

(F) That the data in the repository shall be managed in a 562
manner that complies with the "Family Educational Rights and 563
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 564

(G) That all costs related to the initial establishment and 565
ongoing maintenance of the repository shall be paid from funds 566
received from state incentive grants awarded under division (A), 567
Title XIV, section 14006 of the American Recovery and Reinvestment 568
Act of 2009, other federal grant programs, or existing 569
appropriations of the department or chancellor that are designated 570

for a purpose consistent with this section; 571

(H) That the department annually shall report to the state 572
board and the chancellor all requests for access to or use of the 573
data in the repository and all costs related to the initial 574
establishment and ongoing maintenance of the repository. 575

Sec. 3306.51. The Harmon commission shall review and approve 576
or disapprove applications from city, exempted village, and local 577
school districts and community schools established under Chapter 578
3314. of the Revised Code for individual classrooms to be 579
designated as creative learning environments. To be eligible for 580
designation of one or more of its classrooms as a creative 581
learning environment, a community school shall enter into a 582
memorandum of understanding, approved by the department of 583
education, with one or more school districts that specifies a 584
collaborative agreement to share programming and resources to 585
promote successful academic achievement for students and academic 586
and fiscal efficiencies. 587

The commission shall designate a classroom as a creative 588
learning environment if the commission determines that the 589
classroom supports and emphasizes innovation in instruction 590
methods and lesson plans and operates in accordance with the 591
guidelines adopted by the state board of education under section 592
3306.52 of the Revised Code. ~~Beginning July 1, 2010, a~~ A district 593
or community school that has a classroom that is designated a 594
creative learning environment may qualify for a grant or subsidy 595
awarded by the commission under section 3306.58 of the Revised 596
Code. 597

Sec. 3306.53. ~~From January 1, 2010, through April 14, 2010,~~ 598
The superintendent of public instruction shall establish an 599
application period during which a city, exempted village, or local 600

school district and a community school may submit to the Harmon 601
commission an unlimited number of applications for first-time 602
designation of individual classrooms as creative learning 603
environments. ~~No applications may be submitted between April 15,~~ 604
~~2010, and July 1, 2010. After July 1, 2010~~ After that application 605
period, each city, exempted village, or local school district and 606
each eligible community school may submit only one application per 607
fiscal year for first-time designation of one classroom as a 608
creative learning environment. 609

Sec. 3306.54. ~~Not later than the first day of May each year~~ 610
Following the end of the initial application period established 611
under section 3306.53 of the Revised Code, the Harmon commission 612
shall ~~begin meeting~~ meet to review pending applications for 613
first-time designations submitted under that section ~~3306.53 of~~ 614
~~the Revised Code~~. The commission shall approve or disapprove all 615
pending applications by the first day of July not later than two 616
months after the end of the application period. The decision of 617
the commission is final. 618

Sec. 3306.55. (A) The Harmon commission's first-time 619
designation of a classroom as a creative learning environment is 620
valid for ~~one~~ the first full fiscal year following approval of the 621
application under section 3306.54 of the Revised Code. A school 622
district or community school may apply to have the designation 623
renewed. The commission shall renew the designation for the next 624
two fiscal years if the school district or community school 625
applies for the renewal and the commission finds that the 626
classroom continues to meet the guidelines adopted under section 627
3306.52 of the Revised Code. The commission shall not renew the 628
designation if the school district or community school does not 629
apply for renewal or if the commission determines that the 630

classroom no longer meets those guidelines. 631

(B) At the end of a two-year renewal granted under division 632
(A) of this section, and every two fiscal years thereafter, the 633
designation of a classroom as a creative learning environment is 634
automatically renewed, without need for application, for the next 635
two fiscal years, unless the designation is revoked under division 636
(C) of this section. 637

(C) If the department of education at any time finds that the 638
classroom is no longer operating in accordance with the standards 639
adopted under section 3306.52 of the Revised Code, the department 640
shall appeal the designation to the commission not later than the 641
fifteenth day of February. The commission shall review the 642
operation of the classroom and either continue the designation or 643
revoke the designation. A revocation shall take effect on the 644
first day of July following the department's appeal. 645

(D) The decision of the commission under divisions (A) to (C) 646
of this section is final. 647

(E) If the commission does not renew a designation of a 648
classroom under division (A) of this section or revokes that 649
designation under division (C) of this section, the district or 650
community school may reapply for designation of the classroom 651
under section 3306.53 of the Revised Code. That application shall 652
be treated as a new application for first-time designation. 653

Sec. 3306.58. ~~Beginning July 1, 2010, to~~ To the extent the 654
Harmon commission determines that sufficient funds are available, 655
the commission may award grants or stipends to school districts 656
and community schools that have one or more of their classrooms 657
designated as creative learning environments under section 3306.51 658
of the Revised Code. The commission shall adopt procedures for 659
application for and the award of grants or stipends under this 660

section. 661

Sec. 3306.59. Sections 3306.50 to 3306.58 of the Revised Code 662
shall be implemented unless the general assembly does not 663
appropriate funds to perform the duties prescribed by those 664
sections or the superintendent of public instruction determines 665
that sufficient funds are not available for that purpose. 666

Sec. 3313.603. (A) As used in this section: 667

(1) "One unit" means a minimum of one hundred twenty hours of 668
course instruction, except that for a laboratory course, "one 669
unit" means a minimum of one hundred fifty hours of course 670
instruction. 671

(2) "One-half unit" means a minimum of sixty hours of course 672
instruction, except that for physical education courses, "one-half 673
unit" means a minimum of one hundred twenty hours of course 674
instruction. 675

(B) Beginning September 15, 2001, except as required in 676
division (C) of this section and division (C) of section 3313.614 677
of the Revised Code, the requirements for graduation from every 678
high school shall include twenty units earned in grades nine 679
through twelve and shall be distributed as follows: 680

(1) English language arts, four units; 681

(2) Health, one-half unit; 682

(3) Mathematics, three units; 683

(4) Physical education, one-half unit; 684

(5) Science, two units until September 15, 2003, and three 685
units thereafter, which at all times shall include both of the 686
following: 687

(a) Biological sciences, one unit; 688

(b) Physical sciences, one unit.	689
(6) Social studies, three units, which shall include both of the following:	690 691
(a) American history, one-half unit;	692
(b) American government, one-half unit.	693
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	694 695
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	696 697 698
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	699 700 701 702 703 704 705
(1) English language arts, four units;	706
(2) Health, one-half unit;	707
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	708 709
(4) Physical education, one-half unit;	710
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	711 712 713 714
(a) Physical sciences, one unit;	715
(b) Life sciences, one unit;	716
(c) Advanced study in one or more of the following sciences,	717

one unit:	718
(i) Chemistry, physics, or other physical science;	719
(ii) Advanced biology or other life science;	720
(iii) Astronomy, physical geology, or other earth or space science.	721 722
(6) Social studies, three units, which shall include both of the following:	723 724
(a) American history, one-half unit;	725
(b) American government, one-half unit.	726
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	727 728 729 730 731 732 733 734 735 736 737 738 739 740
(7) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, <u>a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code,</u> or English language arts, mathematics, science, or social studies courses not otherwise required under division (C)	741 742 743 744 745 746 747

of this section. 748

Ohioans must be prepared to apply increased knowledge and 749
skills in the workplace and to adapt their knowledge and skills 750
quickly to meet the rapidly changing conditions of the 751
twenty-first century. National studies indicate that all high 752
school graduates need the same academic foundation, regardless of 753
the opportunities they pursue after graduation. The goal of Ohio's 754
system of elementary and secondary education is to prepare all 755
students for and seamlessly connect all students to success in 756
life beyond high school graduation, regardless of whether the next 757
step is entering the workforce, beginning an apprenticeship, 758
engaging in post-secondary training, serving in the military, or 759
pursuing a college degree. 760

The Ohio core curriculum is the standard expectation for all 761
students entering ninth grade for the first time at a public or 762
chartered nonpublic high school on or after July 1, 2010. A 763
student may satisfy this expectation through a variety of methods, 764
including, but not limited to, integrated, applied, 765
career-technical, and traditional coursework. 766

Whereas teacher quality is essential for student success in 767
completing the Ohio core curriculum, the general assembly shall 768
appropriate funds for strategic initiatives designed to strengthen 769
schools' capacities to hire and retain highly qualified teachers 770
in the subject areas required by the curriculum. Such initiatives 771
are expected to require an investment of \$120,000,000 over five 772
years. 773

Stronger coordination between high schools and institutions 774
of higher education is necessary to prepare students for more 775
challenging academic endeavors and to lessen the need for academic 776
remediation in college, thereby reducing the costs of higher 777
education for Ohio's students, families, and the state. The state 778
board of education and the chancellor of the Ohio board of regents 779

shall develop policies to ensure that only in rare instances will 780
students who complete the Ohio core curriculum require academic 781
remediation after high school. 782

School districts, community schools, and chartered nonpublic 783
schools shall integrate technology into learning experiences 784
whenever practicable across the curriculum in order to maximize 785
efficiency, enhance learning, and prepare students for success in 786
the technology-driven twenty-first century. Districts and schools 787
may use distance and web-based course delivery as a method of 788
providing or augmenting all instruction required under this 789
division, including laboratory experience in science. Districts 790
and schools shall whenever practicable utilize technology access 791
and electronic learning opportunities provided by the eTech Ohio 792
commission, the Ohio learning network, education technology 793
centers, public television stations, and other public and private 794
providers. 795

(D) Except as provided in division (E) of this section, a 796
student who enters ninth grade on or after July 1, 2010, and 797
before July 1, 2014, may qualify for graduation from a public or 798
chartered nonpublic high school even though the student has not 799
completed the Ohio core curriculum prescribed in division (C) of 800
this section if all of the following conditions are satisfied: 801

(1) After the student has attended high school for two years, 802
as determined by the school, the student and the student's parent, 803
guardian, or custodian sign and file with the school a written 804
statement asserting the parent's, guardian's, or custodian's 805
consent to the student's graduating without completing the Ohio 806
core curriculum and acknowledging that one consequence of not 807
completing the Ohio core curriculum is ineligibility to enroll in 808
most state universities in Ohio without further coursework. 809

(2) The student and parent, guardian, or custodian fulfill 810
any procedural requirements the school stipulates to ensure the 811

student's and parent's, guardian's, or custodian's informed 812
consent and to facilitate orderly filing of statements under 813
division (D)(1) of this section. 814

(3) The student and the student's parent, guardian, or 815
custodian and a representative of the student's high school 816
jointly develop an individual career plan for the student that 817
specifies the student matriculating to a two-year degree program, 818
acquiring a business and industry credential, or entering an 819
apprenticeship. 820

(4) The student's high school provides counseling and support 821
for the student related to the plan developed under division 822
(D)(3) of this section during the remainder of the student's high 823
school experience. 824

(5) The student successfully completes, at a minimum, the 825
curriculum prescribed in division (B) of this section. 826

The department of education, in collaboration with the ~~the~~ 827
chancellor of the Ohio board of regents, shall analyze student 828
performance data to determine if there are mitigating factors that 829
warrant extending the exception permitted by division (D) of this 830
section to high school classes beyond those entering ninth grade 831
before July 1, 2014. The department shall submit its findings and 832
any recommendations not later than August 1, 2014, to the speaker 833
and minority leader of the house of representatives, the president 834
and minority leader of the senate, the chairpersons and ranking 835
minority members of the standing committees of the house of 836
representatives and the senate that consider education 837
legislation, the state board of education, and the superintendent 838
of public instruction. 839

(E) Each school district and chartered nonpublic school 840
retains the authority to require an even more rigorous minimum 841
curriculum for high school graduation than specified in division 842

(B) or (C) of this section. A school district board of education, 843
through the adoption of a resolution, or the governing authority 844
of a chartered nonpublic school may stipulate any of the 845
following: 846

(1) A minimum high school curriculum that requires more than 847
twenty units of academic credit to graduate; 848

(2) An exception to the district's or school's minimum high 849
school curriculum that is comparable to the exception provided in 850
division (D) of this section but with additional requirements, 851
which may include a requirement that the student successfully 852
complete more than the minimum curriculum prescribed in division 853
(B) of this section; 854

(3) That no exception comparable to that provided in division 855
(D) of this section is available. 856

(F) A student enrolled in a dropout prevention and recovery 857
program, which program has received a waiver from the department 858
of education, may qualify for graduation from high school by 859
successfully completing a competency-based instructional program 860
administered by the dropout prevention and recovery program in 861
lieu of completing the Ohio core curriculum prescribed in division 862
(C) of this section. The department shall grant a waiver to a 863
dropout prevention and recovery program, within sixty days after 864
the program applies for the waiver, if the program meets all of 865
the following conditions: 866

(1) The program serves only students not younger than sixteen 867
years of age and not older than twenty-one years of age. 868

(2) The program enrolls students who, at the time of their 869
initial enrollment, either, or both, are at least one grade level 870
behind their cohort age groups or experience crises that 871
significantly interfere with their academic progress such that 872
they are prevented from continuing their traditional programs. 873

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board of education under division (E)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board of education, in consultation with the

chancellor of the Ohio board of regents, shall adopt a statewide 936
plan implementing methods for students to earn units of high 937
school credit based on a demonstration of subject area competency, 938
instead of or in combination with completing hours of classroom 939
instruction. The state board shall adopt the plan not later than 940
March 31, 2009, and commence phasing in the plan during the 941
2009-2010 school year. The plan shall include a standard method 942
for recording demonstrated proficiency on high school transcripts. 943
Each school district, community school, and chartered nonpublic 944
school shall comply with the state board's plan adopted under this 945
division and award units of high school credit in accordance with 946
the plan. The state board may adopt existing methods for earning 947
high school credit based on a demonstration of subject area 948
competency as necessary prior to the 2009-2010 school year. 949

(K) This division does not apply to students who qualify for 950
graduation from high school under division (D) or (F) of this 951
section, or to students pursuing a career-technical instructional 952
track as determined by the school district board of education or 953
the chartered nonpublic school's governing authority. 954
Nevertheless, the general assembly encourages such students to 955
consider enrolling in a fine arts course as an elective. 956

Beginning with students who enter ninth grade for the first 957
time on or after July 1, 2010, each student enrolled in a public 958
or chartered nonpublic high school shall complete two semesters or 959
the equivalent of fine arts to graduate from high school. The 960
coursework may be completed in any of grades seven to twelve. Each 961
student who completes a fine arts course in grade seven or eight 962
may elect to count that course toward the five units of electives 963
required for graduation under division (C)(7) of this section, if 964
the course satisfied the requirements of division (G) of this 965
section. In that case, the high school shall award the student 966
high school credit for the course and count the course toward the 967

five units required under division (C)(7) of this section. If the course in grade seven or eight did not satisfy the requirements of division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

Sec. 3314.028. (A) Notwithstanding any provision of this chapter to the contrary, beginning in the 2009-2010 school year, a community school that meets the following conditions may operate from the facility in which the school was located in the 2008-2009 school year and shall not be required to locate to another school district:

~~(A)~~(1) The school was located in the facility for at least the three school years prior to the 2009-2010 school year.

~~(B)(2)~~ The school's sponsor is a school district that is adjacent to the school district in which the school is located. 999 1000

~~(C)(3)~~ The school's education program emphasizes serving students identified as gifted under Chapter 3324. of the Revised Code. 1001 1002 1003

~~(D)(4)~~ The school has been rated in need of continuous improvement or higher under section 3302.03 of the Revised Code for the previous three school years. 1004 1005 1006

(B) Notwithstanding any provision of this chapter to the contrary, a community school described in division (A) of this section may operate as a conversion school. 1007 1008 1009

(C) Notwithstanding any provision of this chapter to the contrary, in accordance with section 3314.03 of the Revised Code, the governing authority of a community school described in division (A) of this section may enter into a contract for the 2010-2011 school year and later with a different sponsor that is one of the following entities, provided the school was rated in need of continuous improvement or better under section 3302.03 of the Revised Code for the 2008-2009 school year and the sponsor described in division (A)(2) of this section approves the change in sponsorship: 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019

(1) The board of education of a city, exempted village, local, or joint vocational school district; 1020 1021

(2) The governing board of an educational service center; 1022

(3) A sponsoring authority designated by the board of trustees of a state university listed in section 3345.011 of the Revised Code or the board of trustees itself. 1023 1024 1025

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2008, but before 1026 1027 1028

July 1, 2009:	1029
(a) The school does not offer a grade level higher than three	1030
and has been declared to be in a state of academic emergency under	1031
section 3302.03 of the Revised Code for four consecutive school	1032
years.	1033
(b) The school satisfies all of the following conditions:	1034
(i) The school offers any of grade levels four to eight but	1035
does not offer a grade level higher than nine.	1036
(ii) The school has been declared to be in a state of	1037
academic emergency under section 3302.03 of the Revised Code for	1038
three consecutive school years.	1039
(iii) For two of those school years, the school showed less	1040
than one standard year of academic growth in either reading or	1041
mathematics, as determined by the department of education in	1042
accordance with rules adopted under division (A) of section	1043
3302.021 of the Revised Code.	1044
(c) The school satisfies all of the following conditions:	1045
(i) The school offers any of grade levels ten to twelve.	1046
(ii) The school has been declared to be in a state of	1047
academic emergency under section 3302.03 of the Revised Code for	1048
three consecutive school years.	1049
(iii) For two of those school years, the school showed less	1050
than two standard years of academic growth in either reading or	1051
mathematics, as determined by the department in accordance with	1052
rules adopted under division (A) of section 3302.021 of the	1053
Revised Code.	1054
(2) Except as provided in division (A)(3) of this section,	1055
this section applies to any community school that meets one of the	1056
following criteria after July 1, 2009:	1057

(a) The school does not offer a grade level higher than three 1058
and has been declared to be in a state of academic emergency under 1059
section 3302.03 of the Revised Code for three of the four most 1060
recent school years. 1061

(b) The school satisfies all of the following conditions: 1062

(i) The school offers any of grade levels four to eight but 1063
does not offer a grade level higher than nine. 1064

(ii) The school has been declared to be in a state of 1065
academic emergency under section 3302.03 of the Revised Code for 1066
two of the three most recent school years. 1067

(iii) In at least two of the three most recent school years, 1068
the school showed less than one standard year of academic growth 1069
in either reading or mathematics, as determined by the department 1070
in accordance with rules adopted under division (A) of section 1071
3302.021 of the Revised Code. 1072

(c) The school offers any of grade levels ten to twelve and 1073
has been declared to be in a state of academic emergency under 1074
section 3302.03 of the Revised Code for three of the four most 1075
recent school years. 1076

(3) This section does not apply to either of the following: 1077

(a) Any community school in which a majority of the students 1078
are enrolled in a dropout prevention and recovery program that is 1079
operated by the school and that has been granted a waiver under 1080
section 3314.36 of the Revised Code; 1081

(b) Any community school in which a majority of the enrolled 1082
students are children with disabilities receiving special 1083
education and related services in accordance with Chapter 3323. of 1084
the Revised Code. 1085

(B) Any community school to which this section applies shall 1086
permanently close at the conclusion of the school year in which 1087

the school first becomes subject to this section. The sponsor and 1088
governing authority of the school shall comply with all procedures 1089
for closing a community school adopted by the department under 1090
division (E) of section 3314.015 of the Revised Code. The 1091
governing authority of the school shall not enter into a contract 1092
with any other sponsor under section 3314.03 of the Revised Code 1093
after the school closes. 1094

(C) Not later than July 1, 2008, the department shall 1095
determine the feasibility of using the value-added progress 1096
dimension, as defined in section 3302.01 of the Revised Code, as a 1097
factor in evaluating the academic performance of community schools 1098
described in division (A)(1)(c)(i) of this section. 1099
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 1100
if the department determines that using the value-added progress 1101
dimension to evaluate community schools described in division 1102
(A)(1)(c)(i) of this section is not feasible, a community school 1103
described in that division shall be required to permanently close 1104
under this section only if it has been declared to be in a state 1105
of academic emergency under section 3302.03 of the Revised Code 1106
for four consecutive school years. 1107

(D) In accordance with division (B) of section 3314.012 of 1108
the Revised Code, the department shall not consider the 1109
performance ratings assigned to a community school for its first 1110
two years of operation when determining whether the school meets 1111
the criteria prescribed by division (A)(2) of this section. The 1112
department shall reevaluate each community school that the 1113
department directed to close at the conclusion of the 2009-2010 1114
school year to determine if the school still meets the criteria 1115
prescribed by division (A)(2) of this section when the school's 1116
performance ratings for its first two years of operation are not 1117
considered and, if the school no longer meets those criteria, the 1118
department shall not require the school to close at the conclusion 1119

of that school year. 1120

Sec. 3333.0410. The chancellor of the Ohio board of regents 1121
shall require each state institution of higher education, as 1122
defined in section 3345.011 of the Revised Code, when reporting 1123
student data to the chancellor under any provision of law, to use 1124
the student's data verification code assigned under division 1125
(D)(2) of section 3301.0714 of the Revised Code, if that code was 1126
included in the student's records submitted to the institution by 1127
the student's high school or by another state institution of 1128
higher education. 1129

Section 2. That existing sections 3301.0714, 3306.51, 1130
3306.53, 3306.54, 3306.55, 3306.58, 3313.603, 3314.028, and 1131
3314.35 of the Revised Code are hereby repealed. 1132

Section 3. (A) This section applies to any school district 1133
for which the following conditions are satisfied: 1134

(1) In 2009, the Ohio School Facilities Commission allocated 1135
to the district a share of qualified school construction bonds 1136
under Division B, Title I, Subtitle F, Part III, Section 1521 of 1137
the American Recovery and Reinvestment Act of 2009, 26 U.S.C. 54F, 1138
in the group of districts designated by the Commission as "Pool 1139
B." 1140

(2) The district is undertaking a classroom facilities 1141
project under sections 3318.01 to 3318.20 of the Revised Code, 1142
which project was conditionally approved by the Commission between 1143
July 1, 2008, and July 31, 2009. 1144

(3) The district requested approval for the issuance of bonds 1145
and related tax levies to pay the district's portion of the cost 1146
of the project described in division (A)(2) of this section in a 1147
question submitted to the district's electors at an election held 1148

on November 3, 2009, and the electors disapproved the issuance of 1149
those bonds and the related tax levies by a margin of less than 1150
three per cent of the total votes cast on that question. 1151

(B) Notwithstanding anything to the contrary in section 1152
3318.05 of the Revised Code, and notwithstanding Section 385.70 of 1153
Am. Sub. H.B. 1 of the 128th General Assembly, for each school 1154
district to which this section applies and whose project was 1155
conditionally approved in July 2008, the conditional approval of 1156
the district's project described in division (A)(2) of this 1157
section shall lapse and the amount reserved and encumbered for the 1158
project shall be released on June 30, 2010, unless the district 1159
electors prior to that date approve the issuance of bonds and the 1160
related tax levies to pay the district's portion of the cost of 1161
the district's project. If the project lapses under Section 385.70 1162
of Am. Sub. H.B. 1 of the 128th General Assembly prior to the 1163
effective date of this section, the Commission shall treat that 1164
project as if it had not lapsed. Thereafter, the project shall be 1165
subject to the lapse provision prescribed in this division. 1166

(C) Notwithstanding anything to the contrary in section 1167
3318.05 of the Revised Code, for each school district to which 1168
this section applies and whose project was conditionally approved 1169
between August 1, 2008, and July 31, 2009, the conditional 1170
approval of the district's project described in division (A)(2) of 1171
this section shall lapse and the amount reserved and encumbered 1172
for the project shall be released on December 31, 2010, unless the 1173
district electors prior to that date approve the issuance of bonds 1174
and the related tax levies to pay the district's portion of the 1175
cost of the district's project. If the project lapses under 1176
section 3318.05 of the Revised Code prior to the effective date of 1177
this section, the Commission shall treat that project as if it had 1178
not lapsed. Thereafter, the project shall be subject to the lapse 1179
provision prescribed in this division. 1180

(D) If the conditional approval for a district's project 1181
under sections 3318.01 to 3318.20 of the Revised Code lapses and 1182
the amount reserved and encumbered for the project is released on 1183
the applicable date prescribed by this section, after that date, 1184
the district shall be given first priority for project funding as 1185
such funding becomes available in accordance with section 3318.05 1186
of the Revised Code. 1187

Section 4. This act is hereby declared to be an emergency 1188
measure necessary for the immediate preservation of the public 1189
peace, health, and safety. The reason for such necessity is to 1190
provide school districts using federally qualified school 1191
construction bonds additional time to secure voter approval for 1192
state-assisted classroom facilities projects without an 1193
intervening lapse of project conditional approval. Therefore, this 1194
act shall go into immediate effect. 1195