128th General Assembly

Regular Session   **Am. H. B. No. 370**

2009-2010

Representative Garrison

Cosponsors: Representatives Dyer, Williams, B., Book, Phillips, Murray, Harris, Pryor, Domenick, DeBose, Gerberry, Luckie, Garland, Driehaus, Lundy, Weddington

—

A BILL

To amend section 3301.0714 and to enact sections	1
3301.94 and 3333.0410 of the Revised Code to	2
permit the Department of Education and the	3
Chancellor of the Board of Regents to establish a	4
longitudinal student data system.	5

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

Section 1. That section 3301.0714 be amended and sections	6
3301.94 and 3333.0410 of the Revised Code be enacted to read as	7
follows:	8
Sec. 3301.0714. (A) The state board of education shall adopt	9
rules for a statewide education management information system. The	10
rules shall require the state board to establish guidelines for	11
the establishment and maintenance of the system in accordance with	12
this section and the rules adopted under this section. The	13
guidelines shall include:	14
(1) Standards identifying and defining the types of data in	15
the system in accordance with divisions (B) and (C) of this	16
section;	17

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 18 19 20

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 21 22

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 23 24

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 25 26 27

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 28 29 30

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48

(b) The numbers of students receiving support or   49
extracurricular services for each of the support services or   50
extracurricular programs offered by the school district, such as   51
counseling services, health services, and extracurricular sports   52
and fine arts programs. The categories of services required by the   53
guidelines under this division shall be the same as the categories   54
of services used in determining cost units pursuant to division   55
(C)(4)(a) of this section.   56

(c) Average student grades in each subject in grades nine   57
through twelve;   58

(d) Academic achievement levels as assessed under sections   59
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;   60

(e) The number of students designated as having a disabling   61
condition pursuant to division (C)(1) of section 3301.0711 of the   62
Revised Code;   63

(f) The numbers of students reported to the state board   64
pursuant to division (C)(2) of section 3301.0711 of the Revised   65
Code;   66

(g) Attendance rates and the average daily attendance for the   67
year. For purposes of this division, a student shall be counted as   68
present for any field trip that is approved by the school   69
administration.   70

(h) Expulsion rates;   71

(i) Suspension rates;   72

(j) Dropout rates;   73

(k) Rates of retention in grade;   74

(l) For pupils in grades nine through twelve, the average   75
number of carnegie units, as calculated in accordance with state   76
board of education rules;   77

(m) Graduation rates, to be calculated in a manner specified   78

by the department of education that reflects the rate at which   79
students who were in the ninth grade three years prior to the   80
current year complete school and that is consistent with   81
nationally accepted reporting requirements;   82

(n) Results of diagnostic assessments administered to   83
kindergarten students as required under section 3301.0715 of the   84
Revised Code to permit a comparison of the academic readiness of   85
kindergarten students. However, no district shall be required to   86
report to the department the results of any diagnostic assessment   87
administered to a kindergarten student if the parent of that   88
student requests the district not to report those results.   89

(2) Personnel and classroom enrollment data for each school   90
district, including: 91

(a) The total numbers of licensed employees and nonlicensed   92
employees and the numbers of full-time equivalent licensed   93
employees and nonlicensed employees providing each category of   94
instructional service, instructional support service, and   95
administrative support service used pursuant to division (C)(3) of   96
this section. The guidelines adopted under this section shall   97
require these categories of data to be maintained for the school   98
district as a whole and, wherever applicable, for each grade in   99
the school district as a whole, for each school building as a   100
whole, and for each grade in each school building.   101

(b) The total number of employees and the number of full-time   102
equivalent employees providing each category of service used   103
pursuant to divisions (C)(4)(a) and (b) of this section, and the   104
total numbers of licensed employees and nonlicensed employees and   105
the numbers of full-time equivalent licensed employees and   106
nonlicensed employees providing each category used pursuant to   107
division (C)(4)(c) of this section. The guidelines adopted under   108
this section shall require these categories of data to be   109
maintained for the school district as a whole and, wherever   110

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. | 111
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(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. | 114
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(d) The number of lead teachers employed by each school district and each school building. | 119
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(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, the number of limited English proficient students in the district, 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. | 121
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(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. | 132
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(4) Any data required to be collected pursuant to federal law. | 137
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(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 | 139
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under this section shall require the cost data for each school   142
district to be maintained in a system of mutually exclusive cost   143
units and shall require all of the costs of each school district   144
to be divided among the cost units. The guidelines shall require   145
the system of mutually exclusive cost units to include at least   146
the following: 147

(1) Administrative costs for the school district as a whole.   148
The guidelines shall require the cost units under this division   149
(C)(1) to be designed so that each of them may be compiled and   150
reported in terms of average expenditure per pupil in formula ADM   151
in the school district, as determined pursuant to section 3317.03   152
of the Revised Code.   153

(2) Administrative costs for each school building in the   154
school district. The guidelines shall require the cost units under   155
this division (C)(2) to be designed so that each of them may be   156
compiled and reported in terms of average expenditure per   157
full-time equivalent pupil receiving instructional or support   158
services in each building.   159

(3) Instructional services costs for each category of   160
instructional service provided directly to students and required   161
by guidelines adopted pursuant to division (B)(1)(a) of this   162
section. The guidelines shall require the cost units under   163
division (C)(3) of this section to be designed so that each of   164
them may be compiled and reported in terms of average expenditure   165
per pupil receiving the service in the school district as a whole   166
and average expenditure per pupil receiving the service in each   167
building in the school district and in terms of a total cost for   168
each category of service and, as a breakdown of the total cost, a   169
cost for each of the following components: 170

(a) The cost of each instructional services category required   171
by guidelines adopted under division (B)(1)(a) of this section   172
that is provided directly to students by a classroom teacher;   173

(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; 174 175 176 177

(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. 178 179 180 181 182

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components: 183 184 185 186 187 188 189 190 191 192 193

(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; 194 195 196 197 198 199

(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; 200 201 202

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, 203 204

such as the cost of any licensed or nonlicensed employees that 205
develop, supervise, coordinate, or otherwise are involved in 206
administering or aiding the delivery of each services category. 207

(D)(1) The guidelines adopted under this section shall 208
require school districts to collect information about individual 209
students, staff members, or both in connection with any data 210
required by division (B) or (C) of this section or other reporting 211
requirements established in the Revised Code. The guidelines may 212
also require school districts to report information about 213
individual staff members in connection with any data required by 214
division (B) or (C) of this section or other reporting 215
requirements established in the Revised Code. The guidelines shall 216
not authorize school districts to request social security numbers 217
of individual students. The guidelines shall prohibit the 218
reporting under this section of a student's name, address, and 219
social security number to the state board of education or the 220
department of education. The guidelines shall also prohibit the 221
reporting under this section of any personally identifiable 222
information about any student, except for the purpose of assigning 223
the data verification code required by division (D)(2) of this 224
section, to any other person unless such person is employed by the 225
school district or the information technology center operated 226
under section 3301.075 of the Revised Code and is authorized by 227
the district or technology center to have access to such 228
information or is employed by an entity with which the department 229
contracts for the scoring of assessments administered under 230
section 3301.0711 of the Revised Code. The guidelines may require 231
school districts to provide the social security numbers of 232
individual staff members. 233

(2) The guidelines shall provide for each school district or 234
community school to assign a data verification code that is unique 235
on a statewide basis over time to each student whose initial Ohio 236

enrollment is in that district or school and to report all	237
required individual student data for that student utilizing such	238
code. The guidelines shall also provide for assigning data	239
verification codes to all students enrolled in districts or	240
community schools on the effective date of the guidelines	241
established under this section.	242
Individual student data shall be reported to the department	243
through the information technology centers utilizing the code but,	244
except as provided in sections 3310.11, 3310.42, 3313.978, and	245
3317.20 of the Revised Code, at no time shall the state board or	246
the department have access to information that would enable any	247
data verification code to be matched to personally identifiable	248
student data.	249
Each school district shall ensure that the data verification	250
code is included in the student's records reported to any	251
subsequent school district ~~or~~, community school, or state	252
institution of higher education, as defined in section 3345.011 of	253
the Revised Code, in which the student enrolls. Any such	254
subsequent district or school shall utilize the same identifier in	255
its reporting of data under this section.	256
The director of health shall request and receive, pursuant to	257
sections 3301.0723 and 3701.62 of the Revised Code, a data	258
verification code for a child who is receiving services under	259
division (A)(2) of section 3701.61 of the Revised Code.	260
(E) The guidelines adopted under this section may require	261
school districts to collect and report data, information, or	262
reports other than that described in divisions (A), (B), and (C)	263
of this section for the purpose of complying with other reporting	264
requirements established in the Revised Code. The other data,	265
information, or reports may be maintained in the education	266
management information system but are not required to be compiled	267
as part of the profile formats required under division (G) of this	268

section or the annual statewide report required under division (H) of this section. 269 270

(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 2151.357 or 3319.321 of the Revised Code. 271 272 273 274 275 276

(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: 277 278 279 280 281 282 283

(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; 284 285 286

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section. 287 288 289

(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. 290 291 292 293 294 295

(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 296 297 298 299

to division (G) of this section. Copies of the report shall be 300
sent to the superintendent of the district and to each member of 301
the district board of education. 302

(3) Copies of the reports received from the state board under 303
divisions (H)(1) and (2) of this section shall be made available 304
to the general public at each school district's offices. Each 305
district board of education shall make copies of each report 306
available to any person upon request and payment of a reasonable 307
fee for the cost of reproducing the report. The board shall 308
annually publish in a newspaper of general circulation in the 309
school district, at least twice during the two weeks prior to the 310
week in which the reports will first be available, a notice 311
containing the address where the reports are available and the 312
date on which the reports will be available. 313

(I) Any data that is collected or maintained pursuant to this 314
section and that identifies an individual pupil is not a public 315
record for the purposes of section 149.43 of the Revised Code. 316

(J) As used in this section: 317

(1) "School district" means any city, local, exempted 318
village, or joint vocational school district and, in accordance 319
with section 3314.17 of the Revised Code, any community school. As 320
used in division (L) of this section, "school district" also 321
includes any educational service center or other educational 322
entity required to submit data using the system established under 323
this section. 324

(2) "Cost" means any expenditure for operating expenses made 325
by a school district excluding any expenditures for debt 326
retirement except for payments made to any commercial lending 327
institution for any loan approved pursuant to section 3313.483 of 328
the Revised Code. 329

(K) Any person who removes data from the information system 330

established under this section for the purpose of releasing it to   331

any person not entitled under law to have access to such   332

information is subject to section 2913.42 of the Revised Code   333

prohibiting tampering with data.   334

(L)(1) In accordance with division (L)(2) of this section and   335

the rules adopted under division (L)(10) of this section, the   336

department of education may sanction any school district that   337

reports incomplete or inaccurate data, reports data that does not   338

conform to data requirements and descriptions published by the   339

department, fails to report data in a timely manner, or otherwise   340

does not make a good faith effort to report data as required by   341

this section.   342

(2) If the department decides to sanction a school district   343

under this division, the department shall take the following   344

sequential actions: 345

(a) Notify the district in writing that the department has   346

determined that data has not been reported as required under this   347

section and require the district to review its data submission and   348

submit corrected data by a deadline established by the department.   349

The department also may require the district to develop a   350

corrective action plan, which shall include provisions for the   351

district to provide mandatory staff training on data reporting   352

procedures.   353

(b) Withhold up to ten per cent of the total amount of state   354

funds due to the district for the current fiscal year and, if not   355

previously required under division (L)(2)(a) of this section,   356

require the district to develop a corrective action plan in   357

accordance with that division;   358

(c) Withhold an additional amount of up to twenty per cent of   359

the total amount of state funds due to the district for the   360

current fiscal year;   361

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions: 362 363 364 365

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 366 367

(ii) Conduct a site visit and evaluation of the district; 368

(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; 369 370 371

(iv) Continue monitoring the district's data reporting; 372

(v) Assign department staff to supervise the district's data management system; 373 374

(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; 375 376 377

(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; 378 379 380 381

(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; 382 383 384 385 386

(ix) Any other action designed to correct the district's data reporting problems. 387 388

(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. 389 390 391

The department shall send a copy of the report to the district   392
superintendent or chief administrator and maintain a copy of the   393
report in its files.   394

(4) If any action taken under division (L)(2) of this section   395
resolves a school district's data reporting problems to the   396
department's satisfaction, the department shall not take any   397
further actions described by that division. If the department   398
withheld funds from the district under that division, the   399
department may release those funds to the district, except that if   400
the department withheld funding under division (L)(2)(c) of this   401
section, the department shall not release the funds withheld under   402
division (L)(2)(b) of this section and, if the department withheld   403
funding under division (L)(2)(d) of this section, the department   404
shall not release the funds withheld under division (L)(2)(b) or   405
(c) of this section.   406

(5) Notwithstanding anything in this section to the contrary,   407
the department may use its own staff or an outside entity to   408
conduct an audit of a school district's data reporting practices   409
any time the department has reason to believe the district has not   410
made a good faith effort to report data as required by this   411
section. If any audit conducted by an outside entity under   412
division (L)(2)(d)(i) or (5) of this section confirms that a   413
district has not made a good faith effort to report data as   414
required by this section, the district shall reimburse the   415
department for the full cost of the audit. The department may   416
withhold state funds due to the district for this purpose.   417

(6) Prior to issuing a revised report card for a school   418
district under division (L)(2)(d)(viii) of this section, the   419
department may hold a hearing to provide the district with an   420
opportunity to demonstrate that it made a good faith effort to   421
report data as required by this section. The hearing shall be   422
conducted by a referee appointed by the department. Based on the   423

information provided in the hearing, the referee shall recommend	424
whether the department should issue a revised report card for the	425
district. If the referee affirms the department's contention that	426
the district did not make a good faith effort to report data as	427
required by this section, the district shall bear the full cost of	428
conducting the hearing and of issuing any revised report card.	429
(7) If the department determines that any inaccurate data	430
reported under this section caused a school district to receive	431
excess state funds in any fiscal year, the district shall	432
reimburse the department an amount equal to the excess funds, in	433
accordance with a payment schedule determined by the department.	434
The department may withhold state funds due to the district for	435
this purpose.	436
(8) Any school district that has funds withheld under	437
division (L)(2) of this section may appeal the withholding in	438
accordance with Chapter 119. of the Revised Code.	439
(9) In all cases of a disagreement between the department and	440
a school district regarding the appropriateness of an action taken	441
under division (L)(2) of this section, the burden of proof shall	442
be on the district to demonstrate that it made a good faith effort	443
to report data as required by this section.	444
(10) The state board of education shall adopt rules under	445
Chapter 119. of the Revised Code to implement division (L) of this	446
section.	447
(M) No information technology center or school district shall	448
acquire, change, or update its student administration software	449
package to manage and report data required to be reported to the	450
department unless it converts to a student software package that	451
is certified by the department.	452
(N) The state board of education, in accordance with sections	453
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a	454

license as defined under division (A) of section 3319.31 of the   455
Revised Code that has been issued to any school district employee   456
found to have willfully reported erroneous, inaccurate, or   457
incomplete data to the education management information system.   458

(O) No person shall release or maintain any information about   459
any student in violation of this section. Whoever violates this   460
division is guilty of a misdemeanor of the fourth degree.   461

(P) The department shall disaggregate the data collected   462
under division (B)(1)(n) of this section according to the race and   463
socioeconomic status of the students assessed. No data collected   464
under that division shall be included on the report cards required   465
by section 3302.03 of the Revised Code.   466

(Q) If the department cannot compile any of the information   467
required by division (C)(5) of section 3302.03 of the Revised Code   468
based upon the data collected under this section, the department   469
shall develop a plan and a reasonable timeline for the collection   470
of any data necessary to comply with that division.   471

Sec. 3301.94. The superintendent of public instruction and   472
the chancellor of the Ohio board of regents may enter into a   473
memorandum of understanding under which the department of   474
education, on behalf of the chancellor, will receive and maintain   475
copies of data records containing student information reported to   476
the chancellor for the purpose of combining those records with the   477
data reported to the education management information system   478
established under section 3301.0714 of the Revised Code to   479
establish an education data repository that may be used to conduct   480
longitudinal research and evaluation. The memorandum of   481
understanding shall specify the following: 482

(A) That the chancellor shall submit all student data to be   483
included in the repository to the independent contractor engaged   484
by the department to create and maintain the student data   485

verification codes required by division (D)(2) of section 486
3301.0714 of the Revised Code. For each student included in the 487
data submitted by the chancellor, the independent contractor shall 488
determine whether a data verification code has been assigned to 489
that student. In the case of a student to whom a data verification 490
code has been assigned, the independent contractor shall add the 491
code to the student's data record and remove from the data record 492
any information that would enable the data verification code to be 493
matched to personally identifiable student data. In the case of a 494
student to whom a data verification code has not been assigned, 495
the independent contractor shall assign a data verification code 496
to the student, add the data verification code to the student's 497
data record, and remove from the data record any information that 498
would enable the data verification code to be matched to 499
personally identifiable student data. After making the 500
modifications described in this division, the independent 501
contractor shall transmit the data to the department. 502

(B) That the superintendent and the chancellor jointly shall 503
develop procedures for the maintenance of the data in the 504
repository and shall designate the types of research that may be 505
conducted using that data. Permitted uses of the data shall 506
include, but are not limited to, the following: 507

(1) Assisting the department, superintendent, or state board 508
of education in performing audit and evaluation functions 509
concerning preschool, elementary, and secondary education as 510
required or authorized by any provision of law, including division 511
(C) of section 3301.07 and sections 3301.12, 3301.16, 3301.53, 512
3301.57, 3301.58, and 3302.03 of the Revised Code; 513

(2) Assisting the chancellor in performing audit and 514
evaluation functions concerning higher education as required or 515
authorized by any provision of law, including sections 3333.04, 516
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 517

3333.374, 3333.72, and 3333.82 of the Revised Code.   518

    (C) That the superintendent and the chancellor, from time to   519
time, shall enter into written agreements with entities for the   520
use of data in the repository to conduct studies to improve   521
instructional quality or for any other purpose permitted by law.   522
The agreements may permit the disclosure of personally   523
identifiable student information to the entity named in the   524
agreement, provided that disclosure complies with the "Family   525
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20   526
U.S.C. 1232g, as amended, and regulations promulgated under that   527
act prescribing requirements for such agreements.   528

    (D) That the data in the repository submitted by the   529
department shall remain under the direct control of the department   530
and that the data in the repository submitted by the chancellor   531
shall remain under the direct control of the chancellor;   532

    (E) That the data in the repository shall be managed in a   533
manner that complies with the "Family Educational Rights and   534
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended.   535

    Sec. 3333.0410. The chancellor of the Ohio board of regents   536
shall require each state institution of higher education, as   537
defined in section 3345.011 of the Revised Code, when reporting   538
student data to the chancellor under any provision of law, to use   539
the student's data verification code assigned under division   540
(D)(2) of section 3301.0714 of the Revised Code, if that code was   541
included in the student's records submitted to the institution by   542
the student's high school or by another state institution of   543
higher education.   544

    Section 2. That existing section 3301.0714 of the Revised   545
Code is hereby repealed.   546