

**As Introduced**

**128th General Assembly  
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2009-2010**

**S. B. No. 207**

**Senator Sawyer**

**Cosponsors: Senators Turner, Cafaro, Schiavoni, Morano**

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**A B I L L**

To amend sections 3301.0714 and 3314.013, to enact 1  
sections 3301.94, 3314.23, and 3333.0410, and to 2  
repeal section 3314.033 of the Revised Code to 3  
lift the moratorium on Internet- or computer-based 4  
community schools, to require the State Board of 5  
Education to adopt by rule its recommended 6  
standards for those schools and other electronic 7  
educational courses, to permit the Department of 8  
Education and the Chancellor of the Board of 9  
Regents to establish a longitudinal student data 10  
system and to declare an emergency. 11

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

**Section 1.** That sections 3301.0714 and 3314.013 be amended 12  
and sections 3301.94, 3314.23, and 3333.0410 of the Revised Code 13  
be enacted to read as follows: 14

**Sec. 3301.0714.** (A) The state board of education shall adopt 15  
rules for a statewide education management information system. The 16  
rules shall require the state board to establish guidelines for 17  
the establishment and maintenance of the system in accordance with 18  
this section and the rules adopted under this section. The 19

guidelines shall include:	20
(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	21 22 23
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	24 25 26
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	27 28
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	29 30
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	31 32 33
(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:	34 35 36
(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	37 38 39 40 41 42 43 44 45 46 47 48 49 50

instructional services required by the guidelines under this 51  
division shall be the same as the categories of instructional 52  
services used in determining cost units pursuant to division 53  
(C)(3) of this section. 54

(b) The numbers of students receiving support or 55  
extracurricular services for each of the support services or 56  
extracurricular programs offered by the school district, such as 57  
counseling services, health services, and extracurricular sports 58  
and fine arts programs. The categories of services required by the 59  
guidelines under this division shall be the same as the categories 60  
of services used in determining cost units pursuant to division 61  
(C)(4)(a) of this section. 62

(c) Average student grades in each subject in grades nine 63  
through twelve; 64

(d) Academic achievement levels as assessed under sections 65  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 66

(e) The number of students designated as having a disabling 67  
condition pursuant to division (C)(1) of section 3301.0711 of the 68  
Revised Code; 69

(f) The numbers of students reported to the state board 70  
pursuant to division (C)(2) of section 3301.0711 of the Revised 71  
Code; 72

(g) Attendance rates and the average daily attendance for the 73  
year. For purposes of this division, a student shall be counted as 74  
present for any field trip that is approved by the school 75  
administration. 76

(h) Expulsion rates; 77

(i) Suspension rates; 78

(j) Dropout rates; 79

(k) Rates of retention in grade; 80

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

(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

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

(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 112  
nonlicensed employees providing each category used pursuant to 113  
division (C)(4)(c) of this section. The guidelines adopted under 114  
this section shall require these categories of data to be 115  
maintained for the school district as a whole and, wherever 116  
applicable, for each grade in the school district as a whole, for 117  
each school building as a whole, and for each grade in each school 118  
building. 119

(c) The total number of regular classroom teachers teaching 120  
classes of regular education and the average number of pupils 121  
enrolled in each such class, in each of grades kindergarten 122  
through five in the district as a whole and in each school 123  
building in the school district. 124

(d) The number of lead teachers employed by each school 125  
district and each school building. 126

(3)(a) Student demographic data for each school district, 127  
including information regarding the gender ratio of the school 128  
district's pupils, the racial make-up of the school district's 129  
pupils, the number of limited English proficient students in the 130  
district, and an appropriate measure of the number of the school 131  
district's pupils who reside in economically disadvantaged 132  
households. The demographic data shall be collected in a manner to 133  
allow correlation with data collected under division (B)(1) of 134  
this section. Categories for data collected pursuant to division 135  
(B)(3) of this section shall conform, where appropriate, to 136  
standard practices of agencies of the federal government. 137

(b) With respect to each student entering kindergarten, 138  
whether the student previously participated in a public preschool 139  
program, a private preschool program, or a head start program, and 140  
the number of years the student participated in each of these 141  
programs. 142

(4) Any data required to be collected pursuant to federal law. 143  
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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 under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 145  
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code. 154  
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(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building. 160  
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for 166  
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each category of service and, as a breakdown of the total cost, a 175  
cost for each of the following components: 176

(a) The cost of each instructional services category required 177  
by guidelines adopted under division (B)(1)(a) of this section 178  
that is provided directly to students by a classroom teacher; 179

(b) The cost of the instructional support services, such as 180  
services provided by a speech-language pathologist, classroom 181  
aide, multimedia aide, or librarian, provided directly to students 182  
in conjunction with each instructional services category; 183

(c) The cost of the administrative support services related 184  
to each instructional services category, such as the cost of 185  
personnel that develop the curriculum for the instructional 186  
services category and the cost of personnel supervising or 187  
coordinating the delivery of the instructional services category. 188

(4) Support or extracurricular services costs for each 189  
category of service directly provided to students and required by 190  
guidelines adopted pursuant to division (B)(1)(b) of this section. 191  
The guidelines shall require the cost units under division (C)(4) 192  
of this section to be designed so that each of them may be 193  
compiled and reported in terms of average expenditure per pupil 194  
receiving the service in the school district as a whole and 195  
average expenditure per pupil receiving the service in each 196  
building in the school district and in terms of a total cost for 197  
each category of service and, as a breakdown of the total cost, a 198  
cost for each of the following components: 199

(a) The cost of each support or extracurricular services 200  
category required by guidelines adopted under division (B)(1)(b) 201  
of this section that is provided directly to students by a 202  
licensed employee, such as services provided by a guidance 203  
counselor or any services provided by a licensed employee under a 204  
supplemental contract; 205

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

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

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring of assessments administered under section 3301.0711 of the Revised Code. The guidelines may require

school districts to provide the social security numbers of 238  
individual staff members. 239

(2) The guidelines shall provide for each school district or 240  
community school to assign a data verification code that is unique 241  
on a statewide basis over time to each student whose initial Ohio 242  
enrollment is in that district or school and to report all 243  
required individual student data for that student utilizing such 244  
code. The guidelines shall also provide for assigning data 245  
verification codes to all students enrolled in districts or 246  
community schools on the effective date of the guidelines 247  
established under this section. 248

Individual student data shall be reported to the department 249  
through the information technology centers utilizing the code but, 250  
except as provided in sections 3310.11, 3310.42, 3313.978, and 251  
3317.20 of the Revised Code, at no time shall the state board or 252  
the department have access to information that would enable any 253  
data verification code to be matched to personally identifiable 254  
student data. 255

Each school district shall ensure that the data verification 256  
code is included in the student's records reported to any 257  
subsequent school district ~~or~~, community school, or state 258  
institution of higher education, as defined in section 3345.011 of 259  
the Revised Code, in which the student enrolls. Any such 260  
subsequent district or school shall utilize the same identifier in 261  
its reporting of data under this section. 262

The director of health shall request and receive, pursuant to 263  
sections 3301.0723 and 3701.62 of the Revised Code, a data 264  
verification code for a child who is receiving services under 265  
division (A)(2) of section 3701.61 of the Revised Code. 266

(E) The guidelines adopted under this section may require 267  
school districts to collect and report data, information, or 268

reports other than that described in divisions (A), (B), and (C) 269  
of this section for the purpose of complying with other reporting 270  
requirements established in the Revised Code. The other data, 271  
information, or reports may be maintained in the education 272  
management information system but are not required to be compiled 273  
as part of the profile formats required under division (G) of this 274  
section or the annual statewide report required under division (H) 275  
of this section. 276

(F) Beginning with the school year that begins July 1, 1991, 277  
the board of education of each school district shall annually 278  
collect and report to the state board, in accordance with the 279  
guidelines established by the board, the data required pursuant to 280  
this section. A school district may collect and report these data 281  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 282

(G) The state board shall, in accordance with the procedures 283  
it adopts, annually compile the data reported by each school 284  
district pursuant to division (D) of this section. The state board 285  
shall design formats for profiling each school district as a whole 286  
and each school building within each district and shall compile 287  
the data in accordance with these formats. These profile formats 288  
shall: 289

(1) Include all of the data gathered under this section in a 290  
manner that facilitates comparison among school districts and 291  
among school buildings within each school district; 292

(2) Present the data on academic achievement levels as 293  
assessed by the testing of student achievement maintained pursuant 294  
to division (B)(1)(d) of this section. 295

(H)(1) The state board shall, in accordance with the 296  
procedures it adopts, annually prepare a statewide report for all 297  
school districts and the general public that includes the profile 298  
of each of the school districts developed pursuant to division (G) 299

of this section. Copies of the report shall be sent to each school district. 300  
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(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education. 302  
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(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available. 309  
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(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code. 320  
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(J) As used in this section: 323

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section. 324  
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(2) "Cost" means any expenditure for operating expenses made 331  
by a school district excluding any expenditures for debt 332  
retirement except for payments made to any commercial lending 333  
institution for any loan approved pursuant to section 3313.483 of 334  
the Revised Code. 335

(K) Any person who removes data from the information system 336  
established under this section for the purpose of releasing it to 337  
any person not entitled under law to have access to such 338  
information is subject to section 2913.42 of the Revised Code 339  
prohibiting tampering with data. 340

(L)(1) In accordance with division (L)(2) of this section and 341  
the rules adopted under division (L)(10) of this section, the 342  
department of education may sanction any school district that 343  
reports incomplete or inaccurate data, reports data that does not 344  
conform to data requirements and descriptions published by the 345  
department, fails to report data in a timely manner, or otherwise 346  
does not make a good faith effort to report data as required by 347  
this section. 348

(2) If the department decides to sanction a school district 349  
under this division, the department shall take the following 350  
sequential actions: 351

(a) Notify the district in writing that the department has 352  
determined that data has not been reported as required under this 353  
section and require the district to review its data submission and 354  
submit corrected data by a deadline established by the department. 355  
The department also may require the district to develop a 356  
corrective action plan, which shall include provisions for the 357  
district to provide mandatory staff training on data reporting 358  
procedures. 359

(b) Withhold up to ten per cent of the total amount of state 360  
funds due to the district for the current fiscal year and, if not 361

previously required under division (L)(2)(a) of this section,	362
require the district to develop a corrective action plan in	363
accordance with that division;	364
(c) Withhold an additional amount of up to twenty per cent of	365
the total amount of state funds due to the district for the	366
current fiscal year;	367
(d) Direct department staff or an outside entity to	368
investigate the district's data reporting practices and make	369
recommendations for subsequent actions. The recommendations may	370
include one or more of the following actions:	371
(i) Arrange for an audit of the district's data reporting	372
practices by department staff or an outside entity;	373
(ii) Conduct a site visit and evaluation of the district;	374
(iii) Withhold an additional amount of up to thirty per cent	375
of the total amount of state funds due to the district for the	376
current fiscal year;	377
(iv) Continue monitoring the district's data reporting;	378
(v) Assign department staff to supervise the district's data	379
management system;	380
(vi) Conduct an investigation to determine whether to suspend	381
or revoke the license of any district employee in accordance with	382
division (N) of this section;	383
(vii) If the district is issued a report card under section	384
3302.03 of the Revised Code, indicate on the report card that the	385
district has been sanctioned for failing to report data as	386
required by this section;	387
(viii) If the district is issued a report card under section	388
3302.03 of the Revised Code and incomplete or inaccurate data	389
submitted by the district likely caused the district to receive a	390
higher performance rating than it deserved under that section,	391

issue a revised report card for the district; 392

(ix) Any other action designed to correct the district's data 393  
reporting problems. 394

(3) Any time the department takes an action against a school 395  
district under division (L)(2) of this section, the department 396  
shall make a report of the circumstances that prompted the action. 397  
The department shall send a copy of the report to the district 398  
superintendent or chief administrator and maintain a copy of the 399  
report in its files. 400

(4) If any action taken under division (L)(2) of this section 401  
resolves a school district's data reporting problems to the 402  
department's satisfaction, the department shall not take any 403  
further actions described by that division. If the department 404  
withheld funds from the district under that division, the 405  
department may release those funds to the district, except that if 406  
the department withheld funding under division (L)(2)(c) of this 407  
section, the department shall not release the funds withheld under 408  
division (L)(2)(b) of this section and, if the department withheld 409  
funding under division (L)(2)(d) of this section, the department 410  
shall not release the funds withheld under division (L)(2)(b) or 411  
(c) of this section. 412

(5) Notwithstanding anything in this section to the contrary, 413  
the department may use its own staff or an outside entity to 414  
conduct an audit of a school district's data reporting practices 415  
any time the department has reason to believe the district has not 416  
made a good faith effort to report data as required by this 417  
section. If any audit conducted by an outside entity under 418  
division (L)(2)(d)(i) or (5) of this section confirms that a 419  
district has not made a good faith effort to report data as 420  
required by this section, the district shall reimburse the 421  
department for the full cost of the audit. The department may 422  
withhold state funds due to the district for this purpose. 423

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

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

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

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

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

(M) No information technology center or school district shall

acquire, change, or update its student administration software 455  
package to manage and report data required to be reported to the 456  
department unless it converts to a student software package that 457  
is certified by the department. 458

(N) The state board of education, in accordance with sections 459  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 460  
license as defined under division (A) of section 3319.31 of the 461  
Revised Code that has been issued to any school district employee 462  
found to have willfully reported erroneous, inaccurate, or 463  
incomplete data to the education management information system. 464

(O) No person shall release or maintain any information about 465  
any student in violation of this section. Whoever violates this 466  
division is guilty of a misdemeanor of the fourth degree. 467

(P) The department shall disaggregate the data collected 468  
under division (B)(1)(n) of this section according to the race and 469  
socioeconomic status of the students assessed. No data collected 470  
under that division shall be included on the report cards required 471  
by section 3302.03 of the Revised Code. 472

(Q) If the department cannot compile any of the information 473  
required by division (C)(5) of section 3302.03 of the Revised Code 474  
based upon the data collected under this section, the department 475  
shall develop a plan and a reasonable timeline for the collection 476  
of any data necessary to comply with that division. 477

Sec. 3301.94. The superintendent of public instruction and 478  
the chancellor of the Ohio board of regents may enter into a 479  
memorandum of understanding under which the department of 480  
education, on behalf of the chancellor, will receive and maintain 481  
copies of data records containing student information reported to 482  
the chancellor for the purpose of combining those records with the 483  
data reported to the education management information system 484  
established under section 3301.0714 of the Revised Code to 485

establish an education data repository that may be used to conduct 486  
longitudinal research and evaluation. The memorandum of 487  
understanding shall specify the following: 488

(A) That the chancellor shall submit all student data to be 489  
included in the repository to the independent contractor engaged 490  
by the department to create and maintain the student data 491  
verification codes required by division (D)(2) of section 492  
3301.0714 of the Revised Code. For each student included in the 493  
data submitted by the chancellor, the independent contractor shall 494  
determine whether a data verification code has been assigned to 495  
that student. In the case of a student to whom a data verification 496  
code has been assigned, the independent contractor shall add the 497  
code to the student's data record and remove from the data record 498  
any information that would enable the data verification code to be 499  
matched to personally identifiable student data. In the case of a 500  
student to whom a data verification code has not been assigned, 501  
the independent contractor shall assign a data verification code 502  
to the student, add the data verification code to the student's 503  
data record, and remove from the data record any information that 504  
would enable the data verification code to be matched to 505  
personally identifiable student data. After making the 506  
modifications described in this division, the independent 507  
contractor shall transmit the data to the department. 508

(B) That the superintendent and the chancellor jointly shall 509  
develop procedures for the maintenance of the data in the 510  
repository and shall designate the types of research that may be 511  
conducted using that data. Permitted uses of the data shall 512  
include, but are not limited to, the following: 513

(1) Assisting the department, superintendent, or state board 514  
of education in performing audit and evaluation functions 515  
concerning preschool, elementary, and secondary education as 516  
required or authorized by any provision of law, including division 517

(C) of section 3301.07 and sections 3301.12, 3301.16, 3301.53, 518  
3301.57, 3301.58, and 3302.03 of the Revised Code; 519

(2) Assisting the chancellor in performing audit and 520  
evaluation functions concerning higher education as required or 521  
authorized by any provision of law, including sections 3333.04, 522  
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 523  
3333.374, 3333.72, and 3333.82 of the Revised Code. 524

(C) That the superintendent and the chancellor, from time to 525  
time, shall enter into written agreements with entities for the 526  
use of data in the repository to conduct studies to improve 527  
instructional quality or for any other purpose permitted by law. 528  
The agreements may permit the disclosure of personally 529  
identifiable student information to the entity named in the 530  
agreement, provided that disclosure complies with the "Family 531  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 532  
U.S.C. 1232g, as amended, and regulations promulgated under that 533  
act prescribing requirements for such agreements. 534

(D) That the data in the repository submitted by the 535  
department shall remain under the direct control of the department 536  
and that the data in the repository submitted by the chancellor 537  
shall remain under the direct control of the chancellor; 538

(E) That the data in the repository shall be managed in a 539  
manner that complies with the "Family Educational Rights and 540  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 541

**Sec. 3314.013.** (A)(1) Until July 1, 2000, no more than 542  
seventy-five contracts between start-up schools and the state 543  
board of education may be in effect outside the pilot project area 544  
at any time under this chapter. 545

(2) After July 1, 2000, and until July 1, 2001, no more than 546  
one hundred twenty-five contracts between start-up schools and the 547

state board of education may be in effect outside the pilot 548  
project area at any time under this chapter. 549

(3) This division applies only to contracts between start-up 550  
schools and the state board of education and contracts between 551  
start-up schools and entities described in divisions (C)(1)(b) to 552  
(f) of section 3314.02 of the Revised Code. 553

Until July 1, 2005, not more than two hundred twenty-five 554  
contracts to which this division applies may be in effect at any 555  
time under this chapter. 556

(4) This division applies only to contracts between start-up 557  
schools and entities described in divisions (C)(1)(b) to (f) of 558  
section 3314.02 of the Revised Code. 559

Except as otherwise provided in section 3314.014 of the 560  
Revised Code, after July 1, 2005, and until July 1, 2007, the 561  
number of contracts to which this division applies in effect at 562  
any time under this chapter shall be not more than thirty plus the 563  
number of such contracts with schools that were open for operation 564  
as of May 1, 2005. 565

(5) This division applies only to contracts between a 566  
conversion school that is an internet- or computer-based community 567  
school or a start-up school and the board of education of the 568  
school district in which the school is or is proposed to be 569  
located. 570

Except as otherwise provided in section 3314.014 of the 571  
Revised Code, until July 1, 2007, the number of contracts to which 572  
this division applies in effect at any time under this chapter 573  
shall be not more than thirty plus the number of such contracts 574  
with schools that were open for operation as of May 1, 2005. 575

(6) ~~Until the effective date of any standards enacted by the~~ 576  
~~general assembly governing the operation of internet- or~~ 577  
~~computer-based community schools July 1, 2011, no internet- or~~ 578

computer-based community school shall operate unless the school 579  
was open for instruction as of May 1, 2005. ~~No entity described in~~ 580  
~~division (C)(1) of section 3314.02 of the Revised Code shall enter~~ 581  
~~into a contract to sponsor an internet or computer based~~ 582  
~~community school, including a conversion school, between May 1,~~ 583  
~~2005, and the effective date of any standards enacted by the~~ 584  
~~general assembly governing the operation of internet or~~ 585  
~~computer based community schools, except as follows:~~ 586

~~(a) Any entity described in division (C)(1) of that section~~ 587  
~~may renew a contract that the entity entered into with an~~ 588  
~~internet or computer based community school prior to May 1, 2005,~~ 589  
~~if the school was open for operation as of that date.~~ 590

~~(b) Any entity described in divisions (C)(1)(a) to (e) of~~ 591  
~~that section may assume sponsorship of an existing internet or~~ 592  
~~computer based community school that was formerly sponsored by~~ 593  
~~another entity and may enter into a contract with that community~~ 594  
~~school in accordance with section 3314.03 of the Revised Code.~~ 595

~~(c) Any entity described in division (C)(1)(f) of that~~ 596  
~~section may assume sponsorship of an existing internet or~~ 597  
~~computer based community school in accordance with division (A)(7)~~ 598  
~~of this section and may enter into a contract with that community~~ 599  
~~school in accordance with section 3314.03 of the Revised Code.~~ 600

~~If a sponsor entered into a contract with an internet or~~ 601  
~~computer based community school, including a conversion school,~~ 602  
~~but the school was not open for operation as of May 1, 2005, the~~ 603  
~~contract shall be void and the entity shall not enter into another~~ 604  
~~contract with the school until the effective date of any standards~~ 605  
~~enacted by the general assembly governing the operation of~~ 606  
~~internet or computer based community schools.~~ 607

(7) Until July 1, 2005, any entity described in division 608  
(C)(1)(f) of section 3314.02 of the Revised Code may sponsor only 609

a community school that formerly was sponsored by the state board 610  
of education under division (C)(1)(d) of that section, as it 611  
existed prior to April 8, 2003. After July 1, 2005, any such 612  
entity may assume sponsorship of any existing community school, 613  
and may sponsor any new community school that is not an internet- 614  
or computer-based community school. ~~Beginning on the effective 615  
date of any standards enacted by the general assembly governing 616  
the operation of internet or computer based community schools, 617  
any such entity may sponsor a new internet or computer based 618  
community school.~~ 619

(8) Nothing in division (A) of this section prohibits a 620  
community school from increasing the number of grade levels it 621  
offers. 622

(B) Within twenty-four hours of a request by any person, the 623  
superintendent of public instruction shall indicate the number of 624  
preliminary agreements for start-up schools currently outstanding 625  
and the number of contracts for these schools in effect at the 626  
time of the request. 627

~~(C) It is the intent of the general assembly to consider 628  
whether to provide limitations on the number of start-up community 629  
schools after July 1, 2001, following its examination of the 630  
results of the studies by the legislative office of education 631  
oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of 632  
the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. 633  
No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B. 634  
No. 770 of the 122nd general assembly.~~ 635

**Sec. 3314.23.** (A) The state board of education shall adopt as 636  
rules, in accordance with Chapter 119. of the Revised Code, the 637  
standards for the operation of internet- or computer-based 638  
community schools and other educational courses delivered 639  
primarily via electronic media that were initially recommended by 640

the state board to the general assembly, pursuant to former 641  
section 3314.033 of the Revised Code, as item number 16 on the 642  
agenda of the state board's meeting held on September 8 and 9, 643  
2003. The board shall adopt the rules so that they take effect not 644  
later than ninety days after the effective date of this section. 645  
It is the intent of the general assembly that the rules adopted 646  
under this division shall be in effect so that new internet- or 647  
computer-based community schools may open beginning with the 648  
2011-2012 school year. Any new internet- or computer-based 649  
community school may open only in accordance with the provisions 650  
of this chapter. 651

(B) The state board, in accordance with Chapter 119. of the 652  
Revised Code, may amend the rules adopted under division (A) of 653  
this section anytime after its initial adoption of the rules. 654

(C) Each internet- or computer-based community school 655  
operating on or after July 1, 2011, shall comply with all 656  
provisions of the rules adopted or amended under this section. 657

**Sec. 3333.0410.** The chancellor of the Ohio board of regents 658  
shall require each state institution of higher education, as 659  
defined in section 3345.011 of the Revised Code, when reporting 660  
student data to the chancellor under any provision of law, to use 661  
the student's data verification code assigned under division 662  
(D)(2) of section 3301.0714 of the Revised Code, if that code was 663  
included in the student's records submitted to the institution by 664  
the student's high school or by another state institution of 665  
higher education. 666

**Section 2.** That existing sections 3301.0714 and 3314.013 and 667  
section 3314.033 of the Revised Code are hereby repealed. 668

**Section 3.** This act is hereby declared to be an emergency 669  
measure necessary for the immediate preservation of the public 670

peace, health, and safety. The reason for such necessity is to 671  
accelerate implementation of measures designed to satisfy 672  
essential elements in criteria used to award competitive federal 673  
education funding. Therefore, this act shall go into immediate 674  
effect. 675