

As Pending in House Education Committee

130th General Assembly

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Sub. H. B. No. 181

Representative Brenner

**Cosponsors: Representatives Adams, J., Stautberg, Roegner, Huffman,
Buchy, Becker, Terhar, Henne, Young, Hood, Retherford, Lynch, Thompson,
Blair**

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A B I L L

To amend sections 3314.03, 3319.321, 3326.11, and 1
3328.24 and to enact sections 3301.942, 3301.943, 2
3301.944, and 3301.945 of the Revised Code to 3
prohibit submission of a student's personal 4
identifiable information to the federal government 5
without direct authorization of the local school 6
board and to modify the management and 7
facilitation of the statewide education data 8
repository; to amend the version of section 9
3326.11 of the Revised Code that is scheduled to 10
take effect July 1, 2014, to continue the 11
provisions of this act on or after that effective 12
date. 13

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

Section 1. That sections 3314.03, 3319.321, 3326.11, and 14
3328.24 be amended and sections 3301.942, 3301.943, 3301.944, and 15
3301.945 of the Revised Code be enacted to read as follows: 16

Sec. 3301.942. Sections 3301.942 to 3301.945 of the Revised 17

Code shall be known as the "Student Data Accountability Act." 18

As used in sections 3301.942 to 3301.945 of the Revised Code: 19

(A) "Aggregate data" means student data collected or reported 20
at the group, cohort, or institutional level, as opposed to data 21
at the individual student level. 22

(B) "Educational record" means any record, in any form or 23
medium that is directly related to a student by way of personally 24
identifiable information and that is maintained at the school 25
district or school level. 26

(C) "Parent" means a child's parent, guardian, or custodian. 27

(D) "Personally identifiable information" includes a 28
student's name, the name of the student's parent or other family 29
member, the address of the student or student's family, a personal 30
identifier, such as the student's social security number or 31
student number, a list of personal characteristics that would make 32
the student's identity easily traceable, or other information that 33
would make the student's identity easily traceable. 34

(E) "Redacted data" means any student data where personally 35
identifiable information has been removed or masked. 36

(F) "Statewide education data repository" means the data 37
repository established pursuant to section 3301.94 of the Revised 38
Code. 39

(G) "Student data" means data collected or reported at the 40
individual student level and included in a student's educational 41
record. 42

Sec. 3301.943. (A) The department of education shall, on or 43
before the first day of September each year, establish and publish 44
a data inventory and dictionary or index of data elements with 45
definitions of individual student data fields in the statewide 46
education data repository, that shall include the following: 47

(1) Any individual student data elements required to be reported by state or federal mandates; 48
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(2) Any individual student data elements proposed for inclusion in the statewide education data repository, with a statement regarding the purpose or reason for the proposed collection; 50
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(3) Any individual student data elements that the state board of education or department collects or maintains with no current identified purpose; 54
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(4) Any other student data elements the state board or department collects for any other purpose, with a statement regarding the purpose or reason for the collection. 57
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(B) The department shall, on or before the first day of September each year, develop and publish policies and procedures to be utilized to maintain compliance with all relevant state and federal privacy laws and policies, including the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. Those policies and procedures shall include a procedure for notifying parents and students of their privacy rights and shall permit access to student data only to the following individuals: 60
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(1) The authorized staff of the department and the contractors working on behalf of the department who require such access to perform their assigned duties as required by law or as defined by interagency data-sharing agreements; 69
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(2) District and school administrators, teachers, and school personnel who require such access to perform their assigned duties; 73
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(3) Students and their parents; 76

(4) The authorized staff of other state agencies as required 77

by law or as defined by interagency data-sharing agreements. 78

(C) The department shall, not less than sixty days prior to 79
implementation of any additions or changes to the data fields to 80
be collected, and in accordance with section 101.68 of the Revised 81
Code, notify the general assembly of such additions or changes. 82

(D) Not less than one hundred eighty days after the effective 83
date of this section, the state board shall adopt rules in 84
accordance with Chapter 119. of the Revised Code as necessary to 85
implement sections 3301.942 to 3301.945 of the Revised Code. 86

Sec. 3301.944. (A) The department of education shall, on or 87
before the first day of September each year, develop criteria for 88
the approval of research and data requests from state and local 89
agencies, the general assembly, researchers working on behalf of 90
the department, and the public. 91

(1) Unless otherwise approved by the state board of 92
education, student data maintained by the department shall remain 93
confidential. 94

(2) Unless otherwise approved by the state board, the 95
department shall use only aggregate data when compiling public 96
reports and in response to research, data, or records requests. 97

(3) Unless otherwise approved by the state board, and to the 98
extent it does not conflict with all relevant state and federal 99
privacy laws and policies, including the "Family Educational 100
Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as 101
amended, the department shall not release personally identifiable 102
information or student data to any federal, state, or local 103
agency, or other organization, except that release under any of 104
the following circumstances is permissible: 105

(a) A student transfers to a primary or secondary school out 106
of state or a school seeks help with locating an out-of-state 107

<u>transfer.</u>	108
<u>(b) A student leaves the state to attend an out-of-state institution of higher education or training program.</u>	109 110
<u>(c) A student voluntarily participates in a program for which release of student or confidential data is a condition or requirement of participation.</u>	111 112 113
<u>(d) The department enters into a contract that governs databases, assessments, special education, or instructional supports with an out-of-state contractor for the purpose of state-level reporting.</u>	114 115 116 117
<u>(e) A student is classified as a "migratory child" for purposes of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6399(2).</u>	118 119 120
<u>(f) A federal agency is performing a compliance review.</u>	121
<u>(B) The department shall develop a detailed data security plan that contains the following:</u>	122 123
<u>(1) Guidelines for authorizing access to the student statewide education data repository and to individual student data including guidelines for authentication of authorized access;</u>	124 125 126
<u>(2) Privacy compliance standards;</u>	127
<u>(3) Privacy and security audits;</u>	128
<u>(4) Breach planning, notification, and procedures;</u>	129
<u>(5) Data retention and disposition policies;</u>	130
<u>(6) Data security policies, including electronic, physical, and administrative safeguards, such as data encryption and training of employees.</u>	131 132 133
<u>(C) The department shall maintain compliance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, other relevant privacy laws and</u>	134 135 136

policies, and the privacy and security policies and procedures 137
developed under sections 3301.94 to 3301.945 of the Revised Code. 138

(D) The department shall ensure that any contracts with 139
private vendors that govern the vendors' use of databases, 140
assessments, or instructional supports that include student or 141
redacted data include express provisions that safeguard privacy 142
and security and penalties for noncompliance. 143

(E)(1) The department shall annually provide the following 144
information to the governor and the general assembly in accordance 145
with section 101.68 of the Revised Code: 146

(a) Any new student data elements proposed for inclusion in 147
the statewide education data repository; 148

(b) Changes to existing data collections required for any 149
reason, including those made as a result of changes to federal 150
reporting requirements; 151

(c) An explanation of any exceptions granted by the state 152
board of education in the past year regarding the release of 153
student or redacted data; 154

(d) The results of any and all privacy compliance and 155
security audits completed in the past year. Notifications 156
regarding privacy compliance and security audits shall not include 157
information that poses a security threat to the state or local 158
student information systems or to the secure transmission of data 159
between state and local systems. 160

(2) Any collection of student data by the department that 161
exists prior to the effective date of this section shall not be 162
considered a proposed data collection. Student data collection 163
proposed on or after the effective date of this section shall 164
become a provisional requirement for one school year following its 165
introduction as a new requirement. 166

(3) The department shall announce any proposed student data collection to the general public for a review and comment period of at least sixty days prior to implementing that collection of data. 167
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Sec. 3301.945. (A) No public school shall be required by any state law, any rule of the state board of education, or other regulation or guideline of the department of education to submit personally identifiable information of a student to any office, agency, or department of the federal government. 171
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(B) To the extent that it complies with the federal "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, no public school, without consent, shall submit personally identifiable information of a student, including any information that may be required to receive a grant pursuant to the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, to any office, agency, or department of the federal government unless the school's governing board has adopted a resolution approving submission of the same. 176
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(C) If a school's governing board adopts a resolution pursuant to division (B) of this section approving submission of personally identifiable information, that school shall develop and publish criteria, policies, and procedures for the submission of that data in compliance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under sections 3301.94 to 3301.945 of the Revised Code. 187
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Sec. 3314.03. A copy of every contract entered into under 196

this section shall be filed with the superintendent of public 197
instruction. The department of education shall make available on 198
its web site a copy of every approved, executed contract filed 199
with the superintendent under this section. 200

(A) Each contract entered into between a sponsor and the 201
governing authority of a community school shall specify the 202
following: 203

(1) That the school shall be established as either of the 204
following: 205

(a) A nonprofit corporation established under Chapter 1702. 206
of the Revised Code, if established prior to April 8, 2003; 207

(b) A public benefit corporation established under Chapter 208
1702. of the Revised Code, if established after April 8, 2003. 209

(2) The education program of the school, including the 210
school's mission, the characteristics of the students the school 211
is expected to attract, the ages and grades of students, and the 212
focus of the curriculum; 213

(3) The academic goals to be achieved and the method of 214
measurement that will be used to determine progress toward those 215
goals, which shall include the statewide achievement assessments; 216

(4) Performance standards by which the success of the school 217
will be evaluated by the sponsor; 218

(5) The admission standards of section 3314.06 of the Revised 219
Code and, if applicable, section 3314.061 of the Revised Code; 220

(6)(a) Dismissal procedures; 221

(b) A requirement that the governing authority adopt an 222
attendance policy that includes a procedure for automatically 223
withdrawing a student from the school if the student without a 224
legitimate excuse fails to participate in one hundred five 225
consecutive hours of the learning opportunities offered to the 226

student.	227
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	228
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(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	230
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(9) The facilities to be used and their locations;	236
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	237
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(11) That the school will comply with the following requirements:	243
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	245
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	248
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	251
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711,	255
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3301.0712, 3301.0715, 3301.945, 3313.472, 3313.50, 3313.536, 257
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 258
3313.6015, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 259
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 260
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 261
3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 262
3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 263
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 264
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 265
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 266
were a school district and will comply with section 3301.0714 of 267
the Revised Code in the manner specified in section 3314.17 of the 268
Revised Code. 269

(e) The school shall comply with Chapter 102. and section 270
2921.42 of the Revised Code. 271

(f) The school will comply with sections 3313.61, 3313.611, 272
and 3313.614 of the Revised Code, except that for students who 273
enter ninth grade for the first time before July 1, 2010, the 274
requirement in sections 3313.61 and 3313.611 of the Revised Code 275
that a person must successfully complete the curriculum in any 276
high school prior to receiving a high school diploma may be met by 277
completing the curriculum adopted by the governing authority of 278
the community school rather than the curriculum specified in Title 279
XXXIII of the Revised Code or any rules of the state board of 280
education. Beginning with students who enter ninth grade for the 281
first time on or after July 1, 2010, the requirement in sections 282
3313.61 and 3313.611 of the Revised Code that a person must 283
successfully complete the curriculum of a high school prior to 284
receiving a high school diploma shall be met by completing the 285
Ohio core curriculum prescribed in division (C) of section 286
3313.603 of the Revised Code, unless the person qualifies under 287
division (D) or (F) of that section. Each school shall comply with 288

the plan for awarding high school credit based on demonstration of 289
subject area competency, adopted by the state board of education 290
under division (J) of section 3313.603 of the Revised Code. 291

(g) The school governing authority will submit within four 292
months after the end of each school year a report of its 293
activities and progress in meeting the goals and standards of 294
divisions (A)(3) and (4) of this section and its financial status 295
to the sponsor and the parents of all students enrolled in the 296
school. 297

(h) The school, unless it is an internet- or computer-based 298
community school, will comply with section 3313.801 of the Revised 299
Code as if it were a school district. 300

(i) If the school is the recipient of moneys from a grant 301
awarded under the federal race to the top program, Division (A), 302
Title XIV, Sections 14005 and 14006 of the "American Recovery and 303
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 304
school will pay teachers based upon performance in accordance with 305
section 3317.141 and will comply with section 3319.111 of the 306
Revised Code as if it were a school district. 307

(12) Arrangements for providing health and other benefits to 308
employees; 309

(13) The length of the contract, which shall begin at the 310
beginning of an academic year. No contract shall exceed five years 311
unless such contract has been renewed pursuant to division (E) of 312
this section. 313

(14) The governing authority of the school, which shall be 314
responsible for carrying out the provisions of the contract; 315

(15) A financial plan detailing an estimated school budget 316
for each year of the period of the contract and specifying the 317
total estimated per pupil expenditure amount for each such year. 318

(16) Requirements and procedures regarding the disposition of 319
employees of the school in the event the contract is terminated or 320
not renewed pursuant to section 3314.07 of the Revised Code; 321

(17) Whether the school is to be created by converting all or 322
part of an existing public school or educational service center 323
building or is to be a new start-up school, and if it is a 324
converted public school or service center building, specification 325
of any duties or responsibilities of an employer that the board of 326
education or service center governing board that operated the 327
school or building before conversion is delegating to the 328
governing authority of the community school with respect to all or 329
any specified group of employees provided the delegation is not 330
prohibited by a collective bargaining agreement applicable to such 331
employees; 332

(18) Provisions establishing procedures for resolving 333
disputes or differences of opinion between the sponsor and the 334
governing authority of the community school; 335

(19) A provision requiring the governing authority to adopt a 336
policy regarding the admission of students who reside outside the 337
district in which the school is located. That policy shall comply 338
with the admissions procedures specified in sections 3314.06 and 339
3314.061 of the Revised Code and, at the sole discretion of the 340
authority, shall do one of the following: 341

(a) Prohibit the enrollment of students who reside outside 342
the district in which the school is located; 343

(b) Permit the enrollment of students who reside in districts 344
adjacent to the district in which the school is located; 345

(c) Permit the enrollment of students who reside in any other 346
district in the state. 347

(20) A provision recognizing the authority of the department 348
of education to take over the sponsorship of the school in 349

accordance with the provisions of division (C) of section 3314.015 350
of the Revised Code; 351

(21) A provision recognizing the sponsor's authority to 352
assume the operation of a school under the conditions specified in 353
division (B) of section 3314.073 of the Revised Code; 354

(22) A provision recognizing both of the following: 355

(a) The authority of public health and safety officials to 356
inspect the facilities of the school and to order the facilities 357
closed if those officials find that the facilities are not in 358
compliance with health and safety laws and regulations; 359

(b) The authority of the department of education as the 360
community school oversight body to suspend the operation of the 361
school under section 3314.072 of the Revised Code if the 362
department has evidence of conditions or violations of law at the 363
school that pose an imminent danger to the health and safety of 364
the school's students and employees and the sponsor refuses to 365
take such action. 366

(23) A description of the learning opportunities that will be 367
offered to students including both classroom-based and 368
non-classroom-based learning opportunities that is in compliance 369
with criteria for student participation established by the 370
department under division (H)(2) of section 3314.08 of the Revised 371
Code; 372

(24) The school will comply with sections 3302.04 and 373
3302.041 of the Revised Code, except that any action required to 374
be taken by a school district pursuant to those sections shall be 375
taken by the sponsor of the school. However, the sponsor shall not 376
be required to take any action described in division (F) of 377
section 3302.04 of the Revised Code. 378

(25) Beginning in the 2006-2007 school year, the school will 379
open for operation not later than the thirtieth day of September 380

each school year, unless the mission of the school as specified 381
under division (A)(2) of this section is solely to serve dropouts. 382
In its initial year of operation, if the school fails to open by 383
the thirtieth day of September, or within one year after the 384
adoption of the contract pursuant to division (D) of section 385
3314.02 of the Revised Code if the mission of the school is solely 386
to serve dropouts, the contract shall be void. 387

(B) The community school shall also submit to the sponsor a 388
comprehensive plan for the school. The plan shall specify the 389
following: 390

(1) The process by which the governing authority of the 391
school will be selected in the future; 392

(2) The management and administration of the school; 393

(3) If the community school is a currently existing public 394
school or educational service center building, alternative 395
arrangements for current public school students who choose not to 396
attend the converted school and for teachers who choose not to 397
teach in the school or building after conversion; 398

(4) The instructional program and educational philosophy of 399
the school; 400

(5) Internal financial controls. 401

(C) A contract entered into under section 3314.02 of the 402
Revised Code between a sponsor and the governing authority of a 403
community school may provide for the community school governing 404
authority to make payments to the sponsor, which is hereby 405
authorized to receive such payments as set forth in the contract 406
between the governing authority and the sponsor. The total amount 407
of such payments for oversight and monitoring of the school shall 408
not exceed three per cent of the total amount of payments for 409
operating expenses that the school receives from the state. 410

(D) The contract shall specify the duties of the sponsor 411
which shall be in accordance with the written agreement entered 412
into with the department of education under division (B) of 413
section 3314.015 of the Revised Code and shall include the 414
following: 415

(1) Monitor the community school's compliance with all laws 416
applicable to the school and with the terms of the contract; 417

(2) Monitor and evaluate the academic and fiscal performance 418
and the organization and operation of the community school on at 419
least an annual basis; 420

(3) Report on an annual basis the results of the evaluation 421
conducted under division (D)(2) of this section to the department 422
of education and to the parents of students enrolled in the 423
community school; 424

(4) Provide technical assistance to the community school in 425
complying with laws applicable to the school and terms of the 426
contract; 427

(5) Take steps to intervene in the school's operation to 428
correct problems in the school's overall performance, declare the 429
school to be on probationary status pursuant to section 3314.073 430
of the Revised Code, suspend the operation of the school pursuant 431
to section 3314.072 of the Revised Code, or terminate the contract 432
of the school pursuant to section 3314.07 of the Revised Code as 433
determined necessary by the sponsor; 434

(6) Have in place a plan of action to be undertaken in the 435
event the community school experiences financial difficulties or 436
closes prior to the end of a school year. 437

(E) Upon the expiration of a contract entered into under this 438
section, the sponsor of a community school may, with the approval 439
of the governing authority of the school, renew that contract for 440
a period of time determined by the sponsor, but not ending earlier 441

than the end of any school year, if the sponsor finds that the 442
school's compliance with applicable laws and terms of the contract 443
and the school's progress in meeting the academic goals prescribed 444
in the contract have been satisfactory. Any contract that is 445
renewed under this division remains subject to the provisions of 446
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 447

(F) If a community school fails to open for operation within 448
one year after the contract entered into under this section is 449
adopted pursuant to division (D) of section 3314.02 of the Revised 450
Code or permanently closes prior to the expiration of the 451
contract, the contract shall be void and the school shall not 452
enter into a contract with any other sponsor. A school shall not 453
be considered permanently closed because the operations of the 454
school have been suspended pursuant to section 3314.072 of the 455
Revised Code. 456

Sec. 3319.321. (A) No person shall release, or permit access 457
to, the directory information concerning any students attending a 458
public school to any person or group for use in a profit-making 459
plan or activity. Notwithstanding division (B)(4) of section 460
149.43 of the Revised Code, a person may require disclosure of the 461
requestor's identity or the intended use of the directory 462
information concerning any students attending a public school to 463
ascertain whether the directory information is for use in a 464
profit-making plan or activity. 465

(B) No person shall release, or permit access to, personally 466
identifiable information other than directory information 467
concerning any student attending a public school, for purposes 468
other than those identified in division (C), (E), (G), or (H) of 469
this section, without the written consent of the parent, guardian, 470
or custodian of each such student who is less than eighteen years 471
of age, or without the written consent of each such student who is 472

eighteen years of age or older. 473

(1) For purposes of this section, "directory information" 474
includes a student's name, address, telephone listing, ~~date and~~ 475
~~place~~ year of birth, major field of study, participation in 476
officially recognized activities and sports, weight and height of 477
members of athletic teams, dates of attendance, date of 478
graduation, and awards received. 479

(2)(a) Except as provided in division (B)(2)(b) of this 480
section, no school district board of education shall impose any 481
restriction on the presentation of directory information that it 482
has designated as subject to release in accordance with the 483
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 484
20 U.S.C. 1232q, as amended, to representatives of the armed 485
forces, business, industry, charitable institutions, other 486
employers, and institutions of higher education unless such 487
restriction is uniformly imposed on each of these types of 488
representatives, except that if a student eighteen years of age or 489
older or a student's parent, guardian, or custodian has informed 490
the board that any or all such information should not be released 491
without such person's prior written consent, the board shall not 492
release that information without such person's prior written 493
consent. 494

(b) The names and addresses of students in grades ten through 495
twelve shall be released to a recruiting officer for any branch of 496
the United States armed forces who requests such information, 497
except that such data shall not be released if the student or 498
student's parent, guardian, or custodian submits to the board a 499
written request not to release such data. Any data received by a 500
recruiting officer shall be used solely for the purpose of 501
providing information to students regarding military service and 502
shall not be released to any person other than individuals within 503
the recruiting services of the armed forces. 504

(3) Except for directory information and except as provided 505
in division (E), (G), or (H) of this section, information covered 506
by this section that is released shall only be transferred to a 507
third or subsequent party on the condition that such party will 508
not permit any other party to have access to such information 509
without written consent of the parent, guardian, or custodian, or 510
of the student who is eighteen years of age or older. 511

(4) Except as otherwise provided in this section, any parent 512
of a student may give the written parental consent required under 513
this section. Where parents are separated or divorced, the written 514
parental consent required under this section may be obtained from 515
either parent, subject to any agreement between such parents or 516
court order governing the rights of such parents. In the case of a 517
student whose legal guardian is in an institution, a person 518
independent of the institution who has no other conflicting 519
interests in the case shall be appointed by the board of education 520
of the school district in which the institution is located to give 521
the written parental consent required under this section. 522

(5)(a) A parent of a student who is not the student's 523
residential parent, upon request, shall be permitted access to any 524
records or information concerning the student under the same terms 525
and conditions under which access to the records or information is 526
available to the residential parent of that student, provided that 527
the access of the parent who is not the residential parent is 528
subject to any agreement between the parents, to division (F) of 529
this section, and, to the extent described in division (B)(5)(b) 530
of this section, is subject to any court order issued pursuant to 531
section 3109.051 of the Revised Code and any other court order 532
governing the rights of the parents. 533

(b) If the residential parent of a student has presented the 534
keeper of a record or information that is related to the student 535
with a copy of an order issued under division (H)(1) of section 536

3109.051 of the Revised Code that limits the terms and conditions 537
under which the parent who is not the residential parent of the 538
student is to have access to records and information pertaining to 539
the student or with a copy of any other court order governing the 540
rights of the parents that so limits those terms and conditions, 541
and if the order pertains to the record or information in 542
question, the keeper of the record or information shall provide 543
access to the parent who is not the residential parent only to the 544
extent authorized in the order. If the residential parent has 545
presented the keeper of the record or information with such an 546
order, the keeper of the record shall permit the parent who is not 547
the residential parent to have access to the record or information 548
only in accordance with the most recent such order that has been 549
presented to the keeper by the residential parent or the parent 550
who is not the residential parent. 551

(6) Each school district board of education shall, prior to 552
the first day of August of each school year, publish on the school 553
district web site a list of entities to which directory 554
information was released during the previous school year. 555

(C) Nothing in this section shall limit the administrative 556
use of public school records by a person acting exclusively in the 557
person's capacity as an employee of a board of education or of the 558
state or any of its political subdivisions, any court, or the 559
federal government, and nothing in this section shall prevent the 560
transfer of a student's record to an educational institution for a 561
legitimate educational purpose. However, except as provided in 562
this section, public school records shall not be released or made 563
available for any other purpose. Fingerprints, photographs, or 564
records obtained pursuant to section 3313.96 or 3319.322 of the 565
Revised Code, or pursuant to division (E) of this section, or any 566
medical, psychological, guidance, counseling, or other information 567
that is derived from the use of the fingerprints, photographs, or 568

records, shall not be admissible as evidence against the minor who 569
is the subject of the fingerprints, photographs, or records in any 570
proceeding in any court. The provisions of this division regarding 571
the administrative use of records by an employee of the state or 572
any of its political subdivisions or of a court or the federal 573
government shall be applicable only when the use of the 574
information is required by a state statute adopted before November 575
19, 1974, or by federal law. 576

(D) A board of education may require, subject to division (E) 577
of this section, a person seeking to obtain copies of public 578
school records to pay the cost of reproduction and, in the case of 579
data released under division (B)(2)(b) of this section, to pay for 580
any mailing costs, which payment shall not exceed the actual cost 581
to the school. 582

(E) A principal or chief administrative officer of a public 583
school, or any employee of a public school who is authorized to 584
handle school records, shall provide access to a student's records 585
to a law enforcement officer who indicates that the officer is 586
conducting an investigation and that the student is or may be a 587
missing child, as defined in section 2901.30 of the Revised Code. 588
Free copies of information in the student's record shall be 589
provided, upon request, to the law enforcement officer, if prior 590
approval is given by the student's parent, guardian, or legal 591
custodian. Information obtained by the officer shall be used 592
solely in the investigation of the case. The information may be 593
used by law enforcement agency personnel in any manner that is 594
appropriate in solving the case, including, but not limited to, 595
providing the information to other law enforcement officers and 596
agencies and to the bureau of criminal identification and 597
investigation for purposes of computer integration pursuant to 598
section 2901.30 of the Revised Code. 599

(F) No person shall release to a parent of a student who is 600

not the student's residential parent or to any other person, or 601
permit a parent of a student who is not the student's residential 602
parent or permit any other person to have access to, any 603
information about the location of any elementary or secondary 604
school to which a student has transferred or information that 605
would enable the parent who is not the student's residential 606
parent or the other person to determine the location of that 607
elementary or secondary school, if the elementary or secondary 608
school to which the student has transferred and that requested the 609
records of the student under section 3313.672 of the Revised Code 610
informs the elementary or secondary school from which the 611
student's records are obtained that the student is under the care 612
of a shelter for victims of domestic violence, as defined in 613
section 3113.33 of the Revised Code. 614

(G) A principal or chief administrative officer of a public 615
school, or any employee of a public school who is authorized to 616
handle school records, shall comply with any order issued pursuant 617
to division (D)(1) of section 2151.14 of the Revised Code, any 618
request for records that is properly made pursuant to division 619
(D)(3)(a) of section 2151.14 or division (A) of section 2151.141 620
of the Revised Code, and any determination that is made by a court 621
pursuant to division (D)(3)(b) of section 2151.14 or division 622
(B)(1) of section 2151.141 of the Revised Code. 623

(H) Notwithstanding any provision of this section, a 624
principal of a public school, to the extent permitted by the 625
"Family Educational Rights and Privacy Act of 1974," shall make 626
the report required in section 3319.45 of the Revised Code that a 627
pupil committed any violation listed in division (A) of section 628
3313.662 of the Revised Code on property owned or controlled by, 629
or at an activity held under the auspices of, the board of 630
education, regardless of whether the pupil was sixteen years of 631
age or older. The principal is not required to obtain the consent 632

of the pupil who is the subject of the report or the consent of 633
the pupil's parent, guardian, or custodian before making a report 634
pursuant to section 3319.45 of the Revised Code. 635

Sec. 3326.11. Each science, technology, engineering, and 636
mathematics school established under this chapter and its 637
governing body shall comply with sections 9.90, 9.91, 109.65, 638
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 639
3301.0714, 3301.0715, 3301.945, 3313.14, 3313.15, 3313.16, 640
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 641
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 642
3313.6014, 3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 643
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 644
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 645
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 646
3313.814, 3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 647
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 648
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 649
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 650
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 651
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 652
school district. 653

Sec. 3328.24. A college-preparatory boarding school 654
established under this chapter and its board of trustees shall 655
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 656
3301.0714, 3301.945, 3313.6411, 3319.39, and 3319.391 of the 657
Revised Code as if the school were a school district and the 658
school's board of trustees were a district board of education. 659

Section 2. That existing sections 3314.03, 3319.321, 3326.11, 660
and 3328.24 of the Revised Code are hereby repealed. 661

Section 3. That the version of section 3326.11 of the Revised Code that is scheduled to take effect on July 1, 2014, be amended to read as follows:

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.945, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Section 4. That the existing version of section 3326.11 of the Revised Code that is scheduled to take effect on July 1, 2014, is hereby repealed.

Section 5. Sections 3 and 4 of this act shall take effect on July 1, 2014.