

**As Reported by the House Education Committee**

**130th General Assembly**

**Regular Session**

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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 employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

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

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

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

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

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

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

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

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.