

As Introduced

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H. B. No. 496

Representative Pillich

Cosponsors: Representatives Bishoff, Strahorn, Hagan, R.

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A B I L L

To amend section 3301.0714 of the Revised Code to 1
require the assignment of an additional identifier 2
in the statewide Education Management Information 3
System to each student who has a parent or 4
guardian who is a member of the Armed Services of 5
the United States, a reserve unit, or the Ohio 6
National Guard. 7

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

Section 1. That section 3301.0714 of the Revised Code be 8
amended to read as follows: 9

Sec. 3301.0714. (A) The state board of education shall adopt 10
rules for a statewide education management information system. The 11
rules shall require the state board to establish guidelines for 12
the establishment and maintenance of the system in accordance with 13
this section and the rules adopted under this section. The 14
guidelines shall include: 15

(1) Standards identifying and defining the types of data in 16
the system in accordance with divisions (B) and (C) of this 17
section; 18

(2) Procedures for annually collecting and reporting the data 19

to the state board in accordance with division (D) of this 20
section; 21

(3) Procedures for annually compiling the data in accordance 22
with division (G) of this section; 23

(4) Procedures for annually reporting the data to the public 24
in accordance with division (H) of this section. 25

(B) The guidelines adopted under this section shall require 26
the data maintained in the education management information system 27
to include at least the following: 28

(1) Student participation and performance data, for each 29
grade in each school district as a whole and for each grade in 30
each school building in each school district, that includes: 31

(a) The numbers of students receiving each category of 32
instructional service offered by the school district, such as 33
regular education instruction, vocational education instruction, 34
specialized instruction programs or enrichment instruction that is 35
part of the educational curriculum, instruction for gifted 36
students, instruction for students with disabilities, and remedial 37
instruction. The guidelines shall require instructional services 38
under this division to be divided into discrete categories if an 39
instructional service is limited to a specific subject, a specific 40
type of student, or both, such as regular instructional services 41
in mathematics, remedial reading instructional services, 42
instructional services specifically for students gifted in 43
mathematics or some other subject area, or instructional services 44
for students with a specific type of disability. The categories of 45
instructional services required by the guidelines under this 46
division shall be the same as the categories of instructional 47
services used in determining cost units pursuant to division 48
(C)(3) of this section. 49

(b) The numbers of students receiving support or 50

extracurricular services for each of the support services or 51
extracurricular programs offered by the school district, such as 52
counseling services, health services, and extracurricular sports 53
and fine arts programs. The categories of services required by the 54
guidelines under this division shall be the same as the categories 55
of services used in determining cost units pursuant to division 56
(C)(4)(a) of this section. 57

(c) Average student grades in each subject in grades nine 58
through twelve; 59

(d) Academic achievement levels as assessed under sections 60
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 61

(e) The number of students designated as having a disabling 62
condition pursuant to division (C)(1) of section 3301.0711 of the 63
Revised Code; 64

(f) The numbers of students reported to the state board 65
pursuant to division (C)(2) of section 3301.0711 of the Revised 66
Code; 67

(g) Attendance rates and the average daily attendance for the 68
year. For purposes of this division, a student shall be counted as 69
present for any field trip that is approved by the school 70
administration. 71

(h) Expulsion rates; 72

(i) Suspension rates; 73

(j) Dropout rates; 74

(k) Rates of retention in grade; 75

(l) For pupils in grades nine through twelve, the average 76
number of carnegie units, as calculated in accordance with state 77
board of education rules; 78

(m) Graduation rates, to be calculated in a manner specified 79
by the department of education that reflects the rate at which 80

students who were in the ninth grade three years prior to the 81
current year complete school and that is consistent with 82
nationally accepted reporting requirements; 83

(n) Results of diagnostic assessments administered to 84
kindergarten students as required under section 3301.0715 of the 85
Revised Code to permit a comparison of the academic readiness of 86
kindergarten students. However, no district shall be required to 87
report to the department the results of any diagnostic assessment 88
administered to a kindergarten student if the parent of that 89
student requests the district not to report those results. 90

(2) Personnel and classroom enrollment data for each school 91
district, including: 92

(a) The total numbers of licensed employees and nonlicensed 93
employees and the numbers of full-time equivalent licensed 94
employees and nonlicensed employees providing each category of 95
instructional service, instructional support service, and 96
administrative support service used pursuant to division (C)(3) of 97
this section. The guidelines adopted under this section shall 98
require these categories of data to be maintained for the school 99
district as a whole and, wherever applicable, for each grade in 100
the school district as a whole, for each school building as a 101
whole, and for each grade in each school building. 102

(b) The total number of employees and the number of full-time 103
equivalent employees providing each category of service used 104
pursuant to divisions (C)(4)(a) and (b) of this section, and the 105
total numbers of licensed employees and nonlicensed employees and 106
the numbers of full-time equivalent licensed employees and 107
nonlicensed employees providing each category used pursuant to 108
division (C)(4)(c) of this section. The guidelines adopted under 109
this section shall require these categories of data to be 110
maintained for the school district as a whole and, wherever 111
applicable, for each grade in the school district as a whole, for 112

each school building as a whole, and for each grade in each school building. 113
114

(c) The total number of regular classroom teachers teaching 115
classes of regular education and the average number of pupils 116
enrolled in each such class, in each of grades kindergarten 117
through five in the district as a whole and in each school 118
building in the school district. 119

(d) The number of lead teachers employed by each school 120
district and each school building. 121

(3)(a) Student demographic data for each school district, 122
including information regarding the gender ratio of the school 123
district's pupils, the racial make-up of the school district's 124
pupils, the number of limited English proficient students in the 125
district, and an appropriate measure of the number of the school 126
district's pupils who reside in economically disadvantaged 127
households. The demographic data shall be collected in a manner to 128
allow correlation with data collected under division (B)(1) of 129
this section. Categories for data collected pursuant to division 130
(B)(3) of this section shall conform, where appropriate, to 131
standard practices of agencies of the federal government. 132

(b) With respect to each student entering kindergarten, 133
whether the student previously participated in a public preschool 134
program, a private preschool program, or a head start program, and 135
the number of years the student participated in each of these 136
programs. 137

(4) Any data required to be collected pursuant to federal 138
law. 139

(C) The education management information system shall include 140
cost accounting data for each district as a whole and for each 141
school building in each school district. The guidelines adopted 142
under this section shall require the cost data for each school 143

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:

(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.

(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.

(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 each category of service and, as a breakdown of the total cost, a cost for each of the following components:

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

(b) The cost of the instructional support services, such as 175
services provided by a speech-language pathologist, classroom 176
aide, multimedia aide, or librarian, provided directly to students 177
in conjunction with each instructional services category; 178

(c) The cost of the administrative support services related 179
to each instructional services category, such as the cost of 180
personnel that develop the curriculum for the instructional 181
services category and the cost of personnel supervising or 182
coordinating the delivery of the instructional services category. 183

(4) Support or extracurricular services costs for each 184
category of service directly provided to students and required by 185
guidelines adopted pursuant to division (B)(1)(b) of this section. 186
The guidelines shall require the cost units under division (C)(4) 187
of this section to be designed so that each of them may be 188
compiled and reported in terms of average expenditure per pupil 189
receiving the service in the school district as a whole and 190
average expenditure per pupil receiving the service in each 191
building in the school district and in terms of a total cost for 192
each category of service and, as a breakdown of the total cost, a 193
cost for each of the following components: 194

(a) The cost of each support or extracurricular services 195
category required by guidelines adopted under division (B)(1)(b) 196
of this section that is provided directly to students by a 197
licensed employee, such as services provided by a guidance 198
counselor or any services provided by a licensed employee under a 199
supplemental contract; 200

(b) The cost of each such services category provided directly 201
to students by a nonlicensed employee, such as janitorial 202
services, cafeteria services, or services of a sports trainer; 203

(c) The cost of the administrative services related to each 204
services category in division (C)(4)(a) or (b) of this section, 205

such as the cost of any licensed or nonlicensed employees that 206
develop, supervise, coordinate, or otherwise are involved in 207
administering or aiding the delivery of each services category. 208

(D)(1) The guidelines adopted under this section shall 209
require school districts to collect information about individual 210
students, staff members, or both in connection with any data 211
required by division (B) or (C) of this section or other reporting 212
requirements established in the Revised Code. The guidelines may 213
also require school districts to report information about 214
individual staff members in connection with any data required by 215
division (B) or (C) of this section or other reporting 216
requirements established in the Revised Code. The guidelines shall 217
not authorize school districts to request social security numbers 218
of individual students. The guidelines shall prohibit the 219
reporting under this section of a student's name, address, and 220
social security number to the state board of education or the 221
department of education. The guidelines shall also prohibit the 222
reporting under this section of any personally identifiable 223
information about any student, except for the purpose of assigning 224
the data verification code required by division (D)(2) of this 225
section, to any other person unless such person is employed by the 226
school district or the information technology center operated 227
under section 3301.075 of the Revised Code and is authorized by 228
the district or technology center to have access to such 229
information or is employed by an entity with which the department 230
contracts for the scoring or the development of state assessments. 231
The guidelines may require school districts to provide the social 232
security numbers of individual staff members and the county of 233
residence for a student. Nothing in this section prohibits the 234
state board of education or department of education from providing 235
a student's county of residence to the department of taxation to 236
facilitate the distribution of tax revenue. 237

(2)(a) The guidelines shall provide for each school district 238
or community school to assign a data verification code that is 239
unique on a statewide basis over time to each student whose 240
initial Ohio enrollment is in that district or school and to 241
report all required individual student data for that student 242
utilizing such code. The guidelines shall also provide for 243
assigning data verification codes to all students enrolled in 244
districts or community schools on the effective date of the 245
guidelines established under this section. The assignment of data 246
verification codes for other entities, as described in division 247
(D)(2)(c) of this section, the use of those codes, and the 248
reporting and use of associated individual student data shall be 249
coordinated by the department in accordance with state and federal 250
law. 251

School districts shall report individual student data to the 252
department through the information technology centers utilizing 253
the code. The entities described in division (D)(2)(c) of this 254
section shall report individual student data to the department in 255
the manner prescribed by the department. 256

Except as provided in sections 3301.941, 3310.11, 3310.42, 257
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 258
shall the state board or the department have access to information 259
that would enable any data verification code to be matched to 260
personally identifiable student data. 261

(b) Each school district and community school shall ensure 262
that the data verification code is included in the student's 263
records reported to any subsequent school district, community 264
school, or state institution of higher education, as defined in 265
section 3345.011 of the Revised Code, in which the student 266
enrolls. Any such subsequent district or school shall utilize the 267
same identifier in its reporting of data under this section. 268

(c) The director of any state agency that administers a 269

publicly funded program providing services to children who are 270
younger than compulsory school age, as defined in section 3321.01 271
of the Revised Code, including the directors of health, job and 272
family services, mental health and addiction services, and 273
developmental disabilities, shall request and receive, pursuant to 274
sections 3301.0723 and 3701.62 of the Revised Code, a data 275
verification code for a child who is receiving those services. 276

(3) The guidelines adopted under this section shall provide 277
for the assignment of an additional identifier that indicates 278
whether a student has at least one parent or guardian who is 279
serving in the armed services of the United States, a reserve unit 280
of the armed services, or the Ohio national guard. 281

(E) The guidelines adopted under this section may require 282
school districts to collect and report data, information, or 283
reports other than that described in divisions (A), (B), and (C) 284
of this section for the purpose of complying with other reporting 285
requirements established in the Revised Code. The other data, 286
information, or reports may be maintained in the education 287
management information system but are not required to be compiled 288
as part of the profile formats required under division (G) of this 289
section or the annual statewide report required under division (H) 290
of this section. 291

(F) Beginning with the school year that begins July 1, 1991, 292
the board of education of each school district shall annually 293
collect and report to the state board, in accordance with the 294
guidelines established by the board, the data required pursuant to 295
this section. A school district may collect and report these data 296
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 297

(G) The state board shall, in accordance with the procedures 298
it adopts, annually compile the data reported by each school 299
district pursuant to division (D) of this section. The state board 300
shall design formats for profiling each school district as a whole 301

and each school building within each district and shall compile 302
the data in accordance with these formats. These profile formats 303
shall: 304

(1) Include all of the data gathered under this section in a 305
manner that facilitates comparison among school districts and 306
among school buildings within each school district; 307

(2) Present the data on academic achievement levels as 308
assessed by the testing of student achievement maintained pursuant 309
to division (B)(1)(d) of this section. 310

(H)(1) The state board shall, in accordance with the 311
procedures it adopts, annually prepare a statewide report for all 312
school districts and the general public that includes the profile 313
of each of the school districts developed pursuant to division (G) 314
of this section. Copies of the report shall be sent to each school 315
district. 316

(2) The state board shall, in accordance with the procedures 317
it adopts, annually prepare an individual report for each school 318
district and the general public that includes the profiles of each 319
of the school buildings in that school district developed pursuant 320
to division (G) of this section. Copies of the report shall be 321
sent to the superintendent of the district and to each member of 322
the district board of education. 323

(3) Copies of the reports received from the state board under 324
divisions (H)(1) and (2) of this section shall be made available 325
to the general public at each school district's offices. Each 326
district board of education shall make copies of each report 327
available to any person upon request and payment of a reasonable 328
fee for the cost of reproducing the report. The board shall 329
annually publish in a newspaper of general circulation in the 330
school district, at least twice during the two weeks prior to the 331
week in which the reports will first be available, a notice 332

containing the address where the reports are available and the 333
date on which the reports will be available. 334

(I) Any data that is collected or maintained pursuant to this 335
section and that identifies an individual pupil is not a public 336
record for the purposes of section 149.43 of the Revised Code. 337

(J) As used in this section: 338

(1) "School district" means any city, local, exempted 339
village, or joint vocational school district and, in accordance 340
with section 3314.17 of the Revised Code, any community school. As 341
used in division (L) of this section, "school district" also 342
includes any educational service center or other educational 343
entity required to submit data using the system established under 344
this section. 345

(2) "Cost" means any expenditure for operating expenses made 346
by a school district excluding any expenditures for debt 347
retirement except for payments made to any commercial lending 348
institution for any loan approved pursuant to section 3313.483 of 349
the Revised Code. 350

(K) Any person who removes data from the information system 351
established under this section for the purpose of releasing it to 352
any person not entitled under law to have access to such 353
information is subject to section 2913.42 of the Revised Code 354
prohibiting tampering with data. 355

(L)(1) In accordance with division (L)(2) of this section and 356
the rules adopted under division (L)(10) of this section, the 357
department of education may sanction any school district that 358
reports incomplete or inaccurate data, reports data that does not 359
conform to data requirements and descriptions published by the 360
department, fails to report data in a timely manner, or otherwise 361
does not make a good faith effort to report data as required by 362
this section. 363

(2) If the department decides to sanction a school district 364
under this division, the department shall take the following 365
sequential actions: 366

(a) Notify the district in writing that the department has 367
determined that data has not been reported as required under this 368
section and require the district to review its data submission and 369
submit corrected data by a deadline established by the department. 370
The department also may require the district to develop a 371
corrective action plan, which shall include provisions for the 372
district to provide mandatory staff training on data reporting 373
procedures. 374

(b) Withhold up to ten per cent of the total amount of state 375
funds due to the district for the current fiscal year and, if not 376
previously required under division (L)(2)(a) of this section, 377
require the district to develop a corrective action plan in 378
accordance with that division; 379

(c) Withhold an additional amount of up to twenty per cent of 380
the total amount of state funds due to the district for the 381
current fiscal year; 382

(d) Direct department staff or an outside entity to 383
investigate the district's data reporting practices and make 384
recommendations for subsequent actions. The recommendations may 385
include one or more of the following actions: 386

(i) Arrange for an audit of the district's data reporting 387
practices by department staff or an outside entity; 388

(ii) Conduct a site visit and evaluation of the district; 389

(iii) Withhold an additional amount of up to thirty per cent 390
of the total amount of state funds due to the district for the 391
current fiscal year; 392

(iv) Continue monitoring the district's data reporting; 393

(v) Assign department staff to supervise the district's data management system;	394 395
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	396 397 398
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	399 400 401 402
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	403 404 405 406 407
(ix) Any other action designed to correct the district's data reporting problems.	408 409
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	410 411 412 413 414 415
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld	416 417 418 419 420 421 422 423 424

funding under division (L)(2)(d) of this section, the department 425
shall not release the funds withheld under division (L)(2)(b) or 426
(c) of this section. 427

(5) Notwithstanding anything in this section to the contrary, 428
the department may use its own staff or an outside entity to 429
conduct an audit of a school district's data reporting practices 430
any time the department has reason to believe the district has not 431
made a good faith effort to report data as required by this 432
section. If any audit conducted by an outside entity under 433
division (L)(2)(d)(i) or (5) of this section confirms that a 434
district has not made a good faith effort to report data as 435
required by this section, the district shall reimburse the 436
department for the full cost of the audit. The department may 437
withhold state funds due to the district for this purpose. 438

(6) Prior to issuing a revised report card for a school 439
district under division (L)(2)(d)(viii) of this section, the 440
department may hold a hearing to provide the district with an 441
opportunity to demonstrate that it made a good faith effort to 442
report data as required by this section. The hearing shall be 443
conducted by a referee appointed by the department. Based on the 444
information provided in the hearing, the referee shall recommend 445
whether the department should issue a revised report card for the 446
district. If the referee affirms the department's contention that 447
the district did not make a good faith effort to report data as 448
required by this section, the district shall bear the full cost of 449
conducting the hearing and of issuing any revised report card. 450

(7) If the department determines that any inaccurate data 451
reported under this section caused a school district to receive 452
excess state funds in any fiscal year, the district shall 453
reimburse the department an amount equal to the excess funds, in 454
accordance with a payment schedule determined by the department. 455
The department may withhold state funds due to the district for 456

this purpose. 457

(8) Any school district that has funds withheld under 458
division (L)(2) of this section may appeal the withholding in 459
accordance with Chapter 119. of the Revised Code. 460

(9) In all cases of a disagreement between the department and 461
a school district regarding the appropriateness of an action taken 462
under division (L)(2) of this section, the burden of proof shall 463
be on the district to demonstrate that it made a good faith effort 464
to report data as required by this section. 465

(10) The state board of education shall adopt rules under 466
Chapter 119. of the Revised Code to implement division (L) of this 467
section. 468

(M) No information technology center or school district shall 469
acquire, change, or update its student administration software 470
package to manage and report data required to be reported to the 471
department unless it converts to a student software package that 472
is certified by the department. 473

(N) The state board of education, in accordance with sections 474
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 475
license as defined under division (A) of section 3319.31 of the 476
Revised Code that has been issued to any school district employee 477
found to have willfully reported erroneous, inaccurate, or 478
incomplete data to the education management information system. 479

(O) No person shall release or maintain any information about 480
any student in violation of this section. Whoever violates this 481
division is guilty of a misdemeanor of the fourth degree. 482

(P) The department shall disaggregate the data collected 483
under division (B)(1)(n) of this section according to the race and 484
socioeconomic status of the students assessed. No data collected 485
under that division shall be included on the report cards required 486
by section 3302.03 of the Revised Code. 487

(Q) If the department cannot compile any of the information 488
required by division (H) of section 3302.03 of the Revised Code 489
based upon the data collected under this section, the department 490
shall develop a plan and a reasonable timeline for the collection 491
of any data necessary to comply with that division. 492

Section 2. That existing section 3301.0714 of the Revised 493
Code is hereby repealed. 494