

As Introduced

**130th General Assembly
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S. B. No. 237

Senator Jordan

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A B I L L

To amend sections 3301.07 and 3301.0714 and to enact 1
section 3301.078 of the Revised Code with respect 2
to the Common Core Initiative academic standards, 3
powers of the State Board of Education, and the 4
distribution of student information. 5

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

Section 1. That sections 3301.07 and 3301.0714 be amended and 6
section 3301.078 of the Revised Code be enacted to read as 7
follows: 8

Sec. 3301.07. The state board of education shall exercise 9
under the acts of the general assembly general supervision of the 10
system of public education in the state. In addition to the powers 11
otherwise imposed on the state board under the provisions of law, 12
the board shall have the powers described in this section. 13

(A) The state board shall exercise policy forming, planning, 14
and evaluative functions for the public schools of the state 15
except as otherwise provided by law. 16

(B)(1) The state board shall exercise leadership in the 17
improvement of public education in this state, and administer the 18
educational policies of this state relating to public schools, and 19
relating to instruction and instructional material, building and 20

equipment, transportation of pupils, administrative 21
responsibilities of school officials and personnel, and finance 22
and organization of school districts, educational service centers, 23
and territory. Consultative and advisory services in such matters 24
shall be provided by the board to school districts and educational 25
service centers of this state. 26

(2) The state board also shall develop a standard of 27
financial reporting which shall be used by each school district 28
board of education and each governing board of an educational 29
service center, each governing authority of a community school 30
established under Chapter 3314., each governing body of a STEM 31
school established under Chapter 3328., and each board of trustees 32
of a college-preparatory boarding school established under Chapter 33
3328. of the Revised Code to make its financial information and 34
annual budgets for each school building under its control 35
available to the public in a format understandable by the average 36
citizen. The format shall show, both at the district and at the 37
school building level, revenue by source; expenditures for 38
salaries, wages, and benefits of employees, showing such amounts 39
separately for classroom teachers, other employees required to 40
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 41
the Revised Code, and all other employees; expenditures other than 42
for personnel, by category, including utilities, textbooks and 43
other educational materials, equipment, permanent improvements, 44
pupil transportation, extracurricular athletics, and other 45
extracurricular activities; and per pupil expenditures. The format 46
shall also include information on total revenue and expenditures, 47
per pupil revenue, and expenditures for both classroom and 48
nonclassroom purposes, as defined by the standards adopted under 49
section 3302.20 of the Revised Code in the aggregate and for each 50
subgroup of students, as defined by section 3317.40 of the Revised 51
Code, that receives services provided for by state or federal 52
funding. 53

(3) Each school district board, governing authority, 54
governing body, or board of trustees, or its respective designee, 55
shall annually report, to the department of education, all 56
financial information required by the standards for financial 57
reporting, as prescribed by division (B)(2) of this section and 58
adopted by the state board. The department shall make all reports 59
submitted pursuant to this division available in such a way that 60
allows for comparison between financial information included in 61
these reports and financial information included in reports 62
produced prior to July 1, 2013. The department shall post these 63
reports in a prominent location on its web site and shall notify 64
each school when reports are made available. 65

(C) The state board shall administer and supervise the 66
allocation and distribution of all state and federal funds for 67
public school education under the provisions of law, and may 68
prescribe such systems of accounting as are necessary and proper 69
to this function. It may require county auditors and treasurers, 70
boards of education, educational service center governing boards, 71
treasurers of such boards, teachers, and other school officers and 72
employees, or other public officers or employees, to file with it 73
such reports as it may prescribe relating to such funds, or to the 74
management and condition of such funds. 75

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 76
XLVII, and LI of the Revised Code a reference is made to standards 77
prescribed under this section or division (D) of this section, 78
that reference shall be construed to refer to the standards 79
prescribed under division (D)(2) of this section, unless the 80
context specifically indicates a different meaning or intent. 81

(2) The state board shall formulate and prescribe minimum 82
standards to be applied to all elementary and secondary schools in 83
this state for the purpose of providing children access to a 84
general education of high quality according to the learning needs 85

of each individual, including students with disabilities, 86
economically disadvantaged students, limited English proficient 87
students, and students identified as gifted. Such standards shall 88
provide adequately for: the licensing of teachers, administrators, 89
and other professional personnel and their assignment according to 90
training and qualifications; efficient and effective instructional 91
materials and equipment, including library facilities; the proper 92
organization, administration, and supervision of each school, 93
including regulations for preparing all necessary records and 94
reports and the preparation of a statement of policies and 95
objectives for each school; the provision of safe buildings, 96
grounds, health and sanitary facilities and services; admission of 97
pupils, and such requirements for their promotion from grade to 98
grade as will assure that they are capable and prepared for the 99
level of study to which they are certified; and requirements for 100
graduation; ~~and such other factors as the board finds necessary.~~ 101

The state board shall base any standards governing the 102
promotion of students or requirements for graduation on the 103
ability of students, at any grade level, to earn credits or 104
advance upon demonstration of mastery of knowledge and skills 105
through competency-based learning models. Credits of grade level 106
advancement shall not require a minimum number of days or hours in 107
a classroom. 108

The state board shall base any standards governing the 109
assignment of staff on ensuring each school has a sufficient 110
number of teachers to ensure a student has an appropriate level of 111
interaction to meet each student's personal learning goals. 112

In the formulation and administration of such standards for 113
nonpublic schools the board shall also consider the particular 114
needs, methods and objectives of those schools, provided they do 115
not conflict with the provision of a general education of a high 116
quality and provided that regular procedures shall be followed for 117

promotion from grade to grade of pupils who have met the 118
educational requirements prescribed. 119

(3) In addition to the minimum standards required by division 120
(D)(2) of this section, the state board may formulate and 121
prescribe the following additional minimum operating standards for 122
school districts: 123

(a) Standards for the effective and efficient organization, 124
administration, and supervision of each school district with a 125
commitment to high expectations for every student based on the 126
learning needs of each individual, including students with 127
disabilities, economically disadvantaged students, limited English 128
proficient students, and students identified as gifted, and 129
commitment to closing the achievement gap without suppressing the 130
achievement levels of higher achieving students so that all 131
students achieve core knowledge and skills in accordance with the 132
statewide academic standards adopted under section 3301.079 of the 133
Revised Code; 134

(b) Standards for the establishment of business advisory 135
councils under section 3313.82 of the Revised Code; 136

(c) Standards for school district buildings that may require 137
the effective and efficient organization, administration, and 138
supervision of each school district building with a commitment to 139
high expectations for every student based on the learning needs of 140
each individual, including students with disabilities, 141
economically disadvantaged students, limited English proficient 142
students, and students identified as gifted, and commitment to 143
closing the achievement gap without suppressing the achievement 144
levels of higher achieving students so that all students achieve 145
core knowledge and skills in accordance with the statewide 146
academic standards adopted under section 3301.079 of the Revised 147
Code. 148

(E) The state board may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;

(F) The state board shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.

(G) The state board shall prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for its agencies and for the public schools of the state.

(H) The state board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The state board shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the

state board shall adopt procedures, standards, and guidelines for 180
the education of children with disabilities pursuant to Chapter 181
3323. of the Revised Code, including procedures, standards, and 182
guidelines governing programs and services operated by county 183
boards of developmental disabilities pursuant to section 3323.09 184
of the Revised Code. 185

(K) For the purpose of encouraging the development of special 186
programs of education for academically gifted children, the state 187
board shall employ competent persons to analyze and publish data, 188
promote research, advise and counsel with boards of education, and 189
encourage the training of teachers in the special instruction of 190
gifted children. The board may provide financial assistance out of 191
any funds appropriated for this purpose to boards of education and 192
educational service center governing boards for developing and 193
conducting programs of education for academically gifted children. 194

(L) The state board shall require that all public schools 195
emphasize and encourage, within existing units of study, the 196
teaching of energy and resource conservation as recommended to 197
each district board of education by leading business persons 198
involved in energy production and conservation, beginning in the 199
primary grades. 200

(M) The state board shall formulate and prescribe minimum 201
standards requiring the use of phonics as a technique in the 202
teaching of reading in grades kindergarten through three. In 203
addition, the state board shall provide in-service training 204
programs for teachers on the use of phonics as a technique in the 205
teaching of reading in grades kindergarten through three. 206

(N) The state board may adopt rules necessary for carrying 207
out any function imposed on it by law, and may provide rules as 208
are necessary for its government and the government of its 209
employees, and may delegate to the superintendent of public 210
instruction the management and administration of any function 211

imposed on it by law. It may provide for the appointment of board 212
members to serve on temporary committees established by the board 213
for such purposes as are necessary. Permanent or standing 214
committees shall not be created. 215

(O) Upon application from the board of education of a school 216
district, the superintendent of public instruction may issue a 217
waiver exempting the district from compliance with the standards 218
adopted under divisions (B)(2) and (D) of this section, as they 219
relate to the operation of a school operated by the district. The 220
state board shall adopt standards for the approval or disapproval 221
of waivers under this division. The state superintendent shall 222
consider every application for a waiver, and shall determine 223
whether to grant or deny a waiver in accordance with the state 224
board's standards. For each waiver granted, the state 225
superintendent shall specify the period of time during which the 226
waiver is in effect, which shall not exceed five years. A district 227
board may apply to renew a waiver. 228

Sec. 3301.078. (A) The state board of education shall not 229
adopt, and the department of education shall not implement, the 230
academic content standards for English language arts and 231
mathematics developed by the common core standards initiative or 232
any similar initiative process or program. Nor shall the state 233
board use the partnership for assessment of readiness for college 234
and careers (PARCC), the smarter balanced assessment, or any other 235
assessments related to or based on the common core standards. 236

Any actions taken to adopt or implement the common core state 237
standards as of the effective date of this section are void. 238

(B)(1) A school district board of education shall be the sole 239
authority for adopting academic content standards that exceed the 240
standards adopted by the state board under section 3301.079 of the 241
Revised Code. No official of this state, whether appointed or 242

elected, shall join on behalf of the state or a state agency any 243
consortium, association, or other entity when such membership 244
would require the state or a school district board to cede any 245
measure of control over education, including academic content 246
standards and assessments of such standards. 247

(2) The state board shall provide a minimum of ninety days 248
public notice of any proposed adoption or revision of academic 249
content standards on the department of education's web site. The 250
state board shall request comments on the proposed changes from 251
the general public, including parents, teachers, experts on 252
academic content standards, representatives of political, 253
educational, and faith-based organizations, and nonpartisan policy 254
institutes. 255

The state board shall not adopt or revise any statewide 256
academic content standards until the state board holds a public 257
hearing in each congressional district in the state. The state 258
board shall post notice of each hearing on the department's web 259
site and in a newspaper of general circulation in the respective 260
congressional district. 261

(3) Any academic content standards adopted by the state board 262
shall be limited to the subject areas prescribed under division 263
(A) of section 3301.079 of the Revised Code. 264

(C) Notwithstanding anything in the Revised Code to the 265
contrary, no state funds shall be withheld from a school district 266
or school for failure to adopt or use the state academic content 267
standards or the state assessments. 268

(D) If the United States department of education requires as 269
a condition of a federal education grant that the grant recipient 270
provide personally identifiable information of students or 271
teachers, the grant recipient shall provide aggregate data only. 272
The grant recipient shall not release personally identifiable 273

information without informed written consent of the student's 274
parent or guardian or of the teacher. 275

Sec. 3301.0714. (A) The state board of education shall adopt 276
rules for a statewide education management information system. The 277
rules shall require the state board to establish guidelines for 278
the establishment and maintenance of the system in accordance with 279
this section and the rules adopted under this section. The 280
guidelines shall include: 281

(1) Standards identifying and defining the types of data in 282
the system in accordance with divisions (B) and (C) of this 283
section; 284

(2) Procedures for annually collecting and reporting the data 285
to the state board in accordance with division (D) of this 286
section; 287

(3) Procedures for annually compiling the data in accordance 288
with division (G) of this section; 289

(4) Procedures for annually reporting the data to the public 290
in accordance with division (H) of this section. 291

(B) The guidelines adopted under this section shall require 292
the data maintained in the education management information system 293
to include at least the following: 294

(1) Student participation and performance data, for each 295
grade in each school district as a whole and for each grade in 296
each school building in each school district, that includes: 297

(a) The numbers of students receiving each category of 298
instructional service offered by the school district, such as 299
regular education instruction, vocational education instruction, 300
specialized instruction programs or enrichment instruction that is 301
part of the educational curriculum, instruction for gifted 302
students, instruction for students with disabilities, and remedial 303

instruction. The guidelines shall require instructional services 304
under this division to be divided into discrete categories if an 305
instructional service is limited to a specific subject, a specific 306
type of student, or both, such as regular instructional services 307
in mathematics, remedial reading instructional services, 308
instructional services specifically for students gifted in 309
mathematics or some other subject area, or instructional services 310
for students with a specific type of disability. The categories of 311
instructional services required by the guidelines under this 312
division shall be the same as the categories of instructional 313
services used in determining cost units pursuant to division 314
(C)(3) of this section. 315

(b) The numbers of students receiving support or 316
extracurricular services for each of the support services or 317
extracurricular programs offered by the school district, such as 318
counseling services, health services, and extracurricular sports 319
and fine arts programs. The categories of services required by the 320
guidelines under this division shall be the same as the categories 321
of services used in determining cost units pursuant to division 322
(C)(4)(a) of this section. 323

(c) Average student grades in each subject in grades nine 324
through twelve; 325

(d) Academic achievement levels as assessed under sections 326
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 327

(e) The number of students designated as having a disabling 328
condition pursuant to division (C)(1) of section 3301.0711 of the 329
Revised Code; 330

(f) The numbers of students reported to the state board 331
pursuant to division (C)(2) of section 3301.0711 of the Revised 332
Code; 333

(g) Attendance rates and the average daily attendance for the 334

year. For purposes of this division, a student shall be counted as	335
present for any field trip that is approved by the school	336
administration.	337
(h) Expulsion rates;	338
(i) Suspension rates;	339
(j) Dropout rates;	340
(k) Rates of retention in grade;	341
(1) For pupils in grades nine through twelve, the average	342
number of carnegie units, as calculated in accordance with state	343
board of education rules;	344
(m) Graduation rates, to be calculated in a manner specified	345
by the department of education that reflects the rate at which	346
students who were in the ninth grade three years prior to the	347
current year complete school and that is consistent with	348
nationally accepted reporting requirements;	349
(n) Results of diagnostic assessments administered to	350
kindergarten students as required under section 3301.0715 of the	351
Revised Code to permit a comparison of the academic readiness of	352
kindergarten students. However, no district shall be required to	353
report to the department the results of any diagnostic assessment	354
administered to a kindergarten student if the parent of that	355
student requests the district not to report those results.	356
(2) Personnel and classroom enrollment data for each school	357
district, including:	358
(a) The total numbers of licensed employees and nonlicensed	359
employees and the numbers of full-time equivalent licensed	360
employees and nonlicensed employees providing each category of	361
instructional service, instructional support service, and	362
administrative support service used pursuant to division (C)(3) of	363
this section. The guidelines adopted under this section shall	364

require these categories of data to be maintained for the school 365
district as a whole and, wherever applicable, for each grade in 366
the school district as a whole, for each school building as a 367
whole, and for each grade in each school building. 368

(b) The total number of employees and the number of full-time 369
equivalent employees providing each category of service used 370
pursuant to divisions (C)(4)(a) and (b) of this section, and the 371
total numbers of licensed employees and nonlicensed employees and 372
the numbers of full-time equivalent licensed employees and 373
nonlicensed employees providing each category used pursuant to 374
division (C)(4)(c) of this section. The guidelines adopted under 375
this section shall require these categories of data to be 376
maintained for the school district as a whole and, wherever 377
applicable, for each grade in the school district as a whole, for 378
each school building as a whole, and for each grade in each school 379
building. 380

(c) The total number of regular classroom teachers teaching 381
classes of regular education and the average number of pupils 382
enrolled in each such class, in each of grades kindergarten 383
through five in the district as a whole and in each school 384
building in the school district. 385

(d) The number of lead teachers employed by each school 386
district and each school building. 387

(3)(a) Student demographic data for each school district, 388
including information regarding the gender ratio of the school 389
district's pupils, the racial make-up of the school district's 390
pupils, the number of limited English proficient students in the 391
district, and an appropriate measure of the number of the school 392
district's pupils who reside in economically disadvantaged 393
households. The demographic data shall be collected in a manner to 394
allow correlation with data collected under division (B)(1) of 395
this section. Categories for data collected pursuant to division 396

(B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

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

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

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(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 428
by guidelines adopted pursuant to division (B)(1)(a) of this 429
section. The guidelines shall require the cost units under 430
division (C)(3) of this section to be designed so that each of 431
them may be compiled and reported in terms of average expenditure 432
per pupil receiving the service in the school district as a whole 433
and average expenditure per pupil receiving the service in each 434
building in the school district and in terms of a total cost for 435
each category of service and, as a breakdown of the total cost, a 436
cost for each of the following components: 437

(a) The cost of each instructional services category required 438
by guidelines adopted under division (B)(1)(a) of this section 439
that is provided directly to students by a classroom teacher; 440

(b) The cost of the instructional support services, such as 441
services provided by a speech-language pathologist, classroom 442
aide, multimedia aide, or librarian, provided directly to students 443
in conjunction with each instructional services category; 444

(c) The cost of the administrative support services related 445
to each instructional services category, such as the cost of 446
personnel that develop the curriculum for the instructional 447
services category and the cost of personnel supervising or 448
coordinating the delivery of the instructional services category. 449

(4) Support or extracurricular services costs for each 450
category of service directly provided to students and required by 451
guidelines adopted pursuant to division (B)(1)(b) of this section. 452
The guidelines shall require the cost units under division (C)(4) 453
of this section to be designed so that each of them may be 454
compiled and reported in terms of average expenditure per pupil 455
receiving the service in the school district as a whole and 456
average expenditure per pupil receiving the service in each 457
building in the school district and in terms of a total cost for 458
each category of service and, as a breakdown of the total cost, a 459

cost for each of the following components: 460

(a) The cost of each support or extracurricular services 461
category required by guidelines adopted under division (B)(1)(b) 462
of this section that is provided directly to students by a 463
licensed employee, such as services provided by a guidance 464
counselor or any services provided by a licensed employee under a 465
supplemental contract; 466

(b) The cost of each such services category provided directly 467
to students by a nonlicensed employee, such as janitorial 468
services, cafeteria services, or services of a sports trainer; 469

(c) The cost of the administrative services related to each 470
services category in division (C)(4)(a) or (b) of this section, 471
such as the cost of any licensed or nonlicensed employees that 472
develop, supervise, coordinate, or otherwise are involved in 473
administering or aiding the delivery of each services category. 474

(D)(1) The guidelines adopted under this section shall 475
require school districts to collect information about individual 476
students, staff members, or both in connection with any data 477
required by division (B) or (C) of this section or other reporting 478
requirements established in the Revised Code. The guidelines may 479
also require school districts to report information about 480
individual staff members in connection with any data required by 481
division (B) or (C) of this section or other reporting 482
requirements established in the Revised Code. The guidelines shall 483
not authorize school districts to request social security numbers 484
of individual students. The guidelines shall prohibit the 485
reporting under this section of a student's name, address, and 486
social security number to the state board of education or the 487
department of education. The guidelines shall also prohibit the 488
reporting under this section of any personally identifiable 489
information about any student, except for the purpose of assigning 490
the data verification code required by division (D)(2) of this 491

section, to any other person unless such person is employed by the 492
school district or the information technology center operated 493
under section 3301.075 of the Revised Code and is authorized by 494
the district or technology center to have access to such 495
information or is employed by an entity with which the department 496
contracts for the scoring or the development of state assessments. 497
Access to the information shall be restricted to the fulfillment 498
of contractual obligations to process data on behalf of the school 499
district. Such contract shall include a stipulation that the 500
personally identifiable information shall not be shared with 501
additional parties. The guidelines may require school districts to 502
provide the social security numbers of individual staff members 503
and the county of residence for a student. Nothing in this section 504
prohibits the state board of education or department of education 505
from providing a student's county of residence to the department 506
of taxation to facilitate the distribution of tax revenue. 507

(2)(a) The guidelines shall provide for each school district 508
or community school to assign a data verification code that is 509
unique on a statewide basis over time to each student whose 510
initial Ohio enrollment is in that district or school and to 511
report all required individual student data for that student 512
utilizing such code. The guidelines shall also provide for 513
assigning data verification codes to all students enrolled in 514
districts or community schools on the effective date of the 515
guidelines established under this section. The assignment of data 516
verification codes for other entities, as described in division 517
(D)(2)(c) of this section, the use of those codes, and the 518
reporting and use of associated individual student data shall be 519
coordinated by the department in accordance with state and federal 520
law. 521

School districts shall report individual student data to the 522
department through the information technology centers utilizing 523

the code. The entities described in division (D)(2)(c) of this 524
section shall report individual student data to the department in 525
the manner prescribed by the department. 526

Except as provided in sections 3301.941, 3310.11, 3310.42, 527
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 528
shall the state board or the department have access to information 529
that would enable any data verification code to be matched to 530
personally identifiable student data. 531

(b) Each school district and community school shall ensure 532
that the data verification code is included in the student's 533
records reported to any subsequent school district, community 534
school, or state institution of higher education, as defined in 535
section 3345.011 of the Revised Code, in which the student 536
enrolls. Any such subsequent district or school shall utilize the 537
same identifier in its reporting of data under this section. 538

(c) The director of any state agency that administers a 539
publicly funded program providing services to children who are 540
younger than compulsory school age, as defined in section 3321.01 541
of the Revised Code, including the directors of health, job and 542
family services, mental health and addiction services, and 543
developmental disabilities, shall request and receive, pursuant to 544
sections 3301.0723 and 3701.62 of the Revised Code, a data 545
verification code for a child who is receiving those services. 546

(E) The guidelines adopted under this section may require 547
school districts to collect and report data, information, or 548
reports other than that described in divisions (A), (B), and (C) 549
of this section for the purpose of complying with other reporting 550
requirements established in the Revised Code. The other data, 551
information, or reports may be maintained in the education 552
management information system but are not required to be compiled 553
as part of the profile formats required under division (G) of this 554
section or the annual statewide report required under division (H) 555

of this section. 556

(F) Beginning with the school year that begins July 1, 1991, 557
the board of education of each school district shall annually 558
collect and report to the state board, in accordance with the 559
guidelines established by the board, the data required pursuant to 560
this section. A school district may collect and report these data 561
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 562

(G) The state board shall, in accordance with the procedures 563
it adopts, annually compile the data reported by each school 564
district pursuant to division (D) of this section. The state board 565
shall design formats for profiling each school district as a whole 566
and each school building within each district and shall compile 567
the data in accordance with these formats. These profile formats 568
shall: 569

(1) Include all of the data gathered under this section in a 570
manner that facilitates comparison among school districts and 571
among school buildings within each school district; 572

(2) Present the data on academic achievement levels as 573
assessed by the testing of student achievement maintained pursuant 574
to division (B)(1)(d) of this section. 575

(H)(1) The state board shall, in accordance with the 576
procedures it adopts, annually prepare a statewide report for all 577
school districts and the general public that includes the profile 578
of each of the school districts developed pursuant to division (G) 579
of this section. Copies of the report shall be sent to each school 580
district. 581

(2) The state board shall, in accordance with the procedures 582
it adopts, annually prepare an individual report for each school 583
district and the general public that includes the profiles of each 584
of the school buildings in that school district developed pursuant 585
to division (G) of this section. Copies of the report shall be 586

sent to the superintendent of the district and to each member of 587
the district board of education. 588

(3) Copies of the reports received from the state board under 589
divisions (H)(1) and (2) of this section shall be made available 590
to the general public at each school district's offices. Each 591
district board of education shall make copies of each report 592
available to any person upon request and payment of a reasonable 593
fee for the cost of reproducing the report. The board shall 594
annually publish in a newspaper of general circulation in the 595
school district, at least twice during the two weeks prior to the 596
week in which the reports will first be available, a notice 597
containing the address where the reports are available and the 598
date on which the reports will be available. 599

(I) Any data that is collected or maintained pursuant to this 600
section and that identifies an individual pupil is not a public 601
record for the purposes of section 149.43 of the Revised Code. 602

(J) As used in this section: 603

(1) "School district" means any city, local, exempted 604
village, or joint vocational school district and, in accordance 605
with section 3314.17 of the Revised Code, any community school. As 606
used in division (L) of this section, "school district" also 607
includes any educational service center or other educational 608
entity required to submit data using the system established under 609
this section. 610

(2) "Cost" means any expenditure for operating expenses made 611
by a school district excluding any expenditures for debt 612
retirement except for payments made to any commercial lending 613
institution for any loan approved pursuant to section 3313.483 of 614
the Revised Code. 615

(K) Any person who removes data from the information system 616
established under this section for the purpose of releasing it to 617

any person not entitled under law to have access to such 618
information is subject to section 2913.42 of the Revised Code 619
prohibiting tampering with data. 620

(L)(1) In accordance with division (L)(2) of this section and 621
the rules adopted under division (L)(10) of this section, the 622
department of education may sanction any school district that 623
reports incomplete or inaccurate data, reports data that does not 624
conform to data requirements and descriptions published by the 625
department, fails to report data in a timely manner, or otherwise 626
does not make a good faith effort to report data as required by 627
this section. 628

(2) If the department decides to sanction a school district 629
under this division, the department shall take the following 630
sequential actions: 631

(a) Notify the district in writing that the department has 632
determined that data has not been reported as required under this 633
section and require the district to review its data submission and 634
submit corrected data by a deadline established by the department. 635
The department also may require the district to develop a 636
corrective action plan, which shall include provisions for the 637
district to provide mandatory staff training on data reporting 638
procedures. 639

(b) Withhold up to ten per cent of the total amount of state 640
funds due to the district for the current fiscal year and, if not 641
previously required under division (L)(2)(a) of this section, 642
require the district to develop a corrective action plan in 643
accordance with that division; 644

(c) Withhold an additional amount of up to twenty per cent of 645
the total amount of state funds due to the district for the 646
current fiscal year; 647

(d) Direct department staff or an outside entity to 648

investigate the district's data reporting practices and make 649
recommendations for subsequent actions. The recommendations may 650
include one or more of the following actions: 651

(i) Arrange for an audit of the district's data reporting 652
practices by department staff or an outside entity; 653

(ii) Conduct a site visit and evaluation of the district; 654

(iii) Withhold an additional amount of up to thirty per cent 655
of the total amount of state funds due to the district for the 656
current fiscal year; 657

(iv) Continue monitoring the district's data reporting; 658

(v) Assign department staff to supervise the district's data 659
management system; 660

(vi) Conduct an investigation to determine whether to suspend 661
or revoke the license of any district employee in accordance with 662
division (N) of this section; 663

(vii) If the district is issued a report card under section 664
3302.03 of the Revised Code, indicate on the report card that the 665
district has been sanctioned for failing to report data as 666
required by this section; 667

(viii) If the district is issued a report card under section 668
3302.03 of the Revised Code and incomplete or inaccurate data 669
submitted by the district likely caused the district to receive a 670
higher performance rating than it deserved under that section, 671
issue a revised report card for the district; 672

(ix) Any other action designed to correct the district's data 673
reporting problems. 674

(3) Any time the department takes an action against a school 675
district under division (L)(2) of this section, the department 676
shall make a report of the circumstances that prompted the action. 677
The department shall send a copy of the report to the district 678

superintendent or chief administrator and maintain a copy of the 679
report in its files. 680

(4) If any action taken under division (L)(2) of this section 681
resolves a school district's data reporting problems to the 682
department's satisfaction, the department shall not take any 683
further actions described by that division. If the department 684
withheld funds from the district under that division, the 685
department may release those funds to the district, except that if 686
the department withheld funding under division (L)(2)(c) of this 687
section, the department shall not release the funds withheld under 688
division (L)(2)(b) of this section and, if the department withheld 689
funding under division (L)(2)(d) of this section, the department 690
shall not release the funds withheld under division (L)(2)(b) or 691
(c) of this section. 692

(5) Notwithstanding anything in this section to the contrary, 693
the department may use its own staff or an outside entity to 694
conduct an audit of a school district's data reporting practices 695
any time the department has reason to believe the district has not 696
made a good faith effort to report data as required by this 697
section. If any audit conducted by an outside entity under 698
division (L)(2)(d)(i) or (5) of this section confirms that a 699
district has not made a good faith effort to report data as 700
required by this section, the district shall reimburse the 701
department for the full cost of the audit. The department may 702
withhold state funds due to the district for this purpose. 703

(6) Prior to issuing a revised report card for a school 704
district under division (L)(2)(d)(viii) of this section, the 705
department may hold a hearing to provide the district with an 706
opportunity to demonstrate that it made a good faith effort to 707
report data as required by this section. The hearing shall be 708
conducted by a referee appointed by the department. Based on the 709
information provided in the hearing, the referee shall recommend 710

whether the department should issue a revised report card for the 711
district. If the referee affirms the department's contention that 712
the district did not make a good faith effort to report data as 713
required by this section, the district shall bear the full cost of 714
conducting the hearing and of issuing any revised report card. 715

(7) If the department determines that any inaccurate data 716
reported under this section caused a school district to receive 717
excess state funds in any fiscal year, the district shall 718
reimburse the department an amount equal to the excess funds, in 719
accordance with a payment schedule determined by the department. 720
The department may withhold state funds due to the district for 721
this purpose. 722

(8) Any school district that has funds withheld under 723
division (L)(2) of this section may appeal the withholding in 724
accordance with Chapter 119. of the Revised Code. 725

(9) In all cases of a disagreement between the department and 726
a school district regarding the appropriateness of an action taken 727
under division (L)(2) of this section, the burden of proof shall 728
be on the district to demonstrate that it made a good faith effort 729
to report data as required by this section. 730

(10) The state board of education shall adopt rules under 731
Chapter 119. of the Revised Code to implement division (L) of this 732
section. 733

(M) No information technology center or school district shall 734
acquire, change, or update its student administration software 735
package to manage and report data required to be reported to the 736
department unless it converts to a student software package that 737
is certified by the department. 738

(N) The state board of education, in accordance with sections 739
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 740
license as defined under division (A) of section 3319.31 of the 741

Revised Code that has been issued to any school district employee 742
found to have willfully reported erroneous, inaccurate, or 743
incomplete data to the education management information system. 744

(O) No person shall release or maintain any information about 745
any student in violation of this section. Whoever violates this 746
division is guilty of a misdemeanor of the fourth degree. 747

(P) The department shall disaggregate the data collected 748
under division (B)(1)(n) of this section according to the race and 749
socioeconomic status of the students assessed. No data collected 750
under that division shall be included on the report cards required 751
by section 3302.03 of the Revised Code. 752

(Q) If the department cannot compile any of the information 753
required by division (H) of section 3302.03 of the Revised Code 754
based upon the data collected under this section, the department 755
shall develop a plan and a reasonable timeline for the collection 756
of any data necessary to comply with that division. 757

Section 2. That existing sections 3301.07 and 3301.0714 of 758
the Revised Code are hereby repealed. 759