

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 353

Senator LaRose

Cosponsors: Senators Manning, Beagle

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A B I L L

To amend section 3301.0714 of the Revised Code to 1
require the Education Management Information 2
System to include information regarding persons at 3
whom a student's violent behavior that resulted in 4
discipline was directed and to require the 5
Department of Education to submit a one-time 6
report to the General Assembly regarding that 7
information. 8

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

Section 1. That section 3301.0714 of the Revised Code be 9
amended to read as follows: 10

Sec. 3301.0714. (A) The state board of education shall adopt 11
rules for a statewide education management information system. The 12
rules shall require the state board to establish guidelines for 13
the establishment and maintenance of the system in accordance with 14
this section and the rules adopted under this section. The 15
guidelines shall include: 16

(1) Standards identifying and defining the types of data in 17
the system in accordance with divisions (B) and (C) of this 18
section; 19

(2) Procedures for annually collecting and reporting the data	20
to the state board in accordance with division (D) of this	21
section;	22
(3) Procedures for annually compiling the data in accordance	23
with division (G) of this section;	24
(4) Procedures for annually reporting the data to the public	25
in accordance with division (H) of this section.	26
(B) The guidelines adopted under this section shall require	27
the data maintained in the education management information system	28
to include at least the following:	29
(1) Student participation and performance data, for each	30
grade in each school district as a whole and for each grade in	31
each school building in each school district, that includes:	32
(a) The numbers of students receiving each category of	33
instructional service offered by the school district, such as	34
regular education instruction, vocational education instruction,	35
specialized instruction programs or enrichment instruction that is	36
part of the educational curriculum, instruction for gifted	37
students, instruction for students with disabilities, and remedial	38
instruction. The guidelines shall require instructional services	39
under this division to be divided into discrete categories if an	40
instructional service is limited to a specific subject, a specific	41
type of student, or both, such as regular instructional services	42
in mathematics, remedial reading instructional services,	43
instructional services specifically for students gifted in	44
mathematics or some other subject area, or instructional services	45
for students with a specific type of disability. The categories of	46
instructional services required by the guidelines under this	47
division shall be the same as the categories of instructional	48
services used in determining cost units pursuant to division	49
(C)(3) of this section.	50

(b) The numbers of students receiving support or 51
extracurricular services for each of the support services or 52
extracurricular programs offered by the school district, such as 53
counseling services, health services, and extracurricular sports 54
and fine arts programs. The categories of services required by the 55
guidelines under this division shall be the same as the categories 56
of services used in determining cost units pursuant to division 57
(C)(4)(a) of this section. 58

(c) Average student grades in each subject in grades nine 59
through twelve; 60

(d) Academic achievement levels as assessed under sections 61
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 62

(e) The number of students designated as having a disabling 63
condition pursuant to division (C)(1) of section 3301.0711 of the 64
Revised Code; 65

(f) The numbers of students reported to the state board 66
pursuant to division (C)(2) of section 3301.0711 of the Revised 67
Code; 68

(g) Attendance rates and the average daily attendance for the 69
year. For purposes of this division, a student shall be counted as 70
present for any field trip that is approved by the school 71
administration. 72

(h) Expulsion rates; 73

(i) Suspension rates; 74

(j) Dropout rates; 75

(k) Rates of retention in grade; 76

(l) For pupils in grades nine through twelve, the average 77
number of carnegie units, as calculated in accordance with state 78
board of education rules; 79

(m) Graduation rates, to be calculated in a manner specified 80

by the department of education that reflects the rate at which 81
students who were in the ninth grade three years prior to the 82
current year complete school and that is consistent with 83
nationally accepted reporting requirements; 84

(n) Results of diagnostic assessments administered to 85
kindergarten students as required under section 3301.0715 of the 86
Revised Code to permit a comparison of the academic readiness of 87
kindergarten students. However, no district shall be required to 88
report to the department the results of any diagnostic assessment 89
administered to a kindergarten student if the parent of that 90
student requests the district not to report those results. 91

(o) Beginning on the first day of July that next succeeds the 92
effective date of this amendment, for each disciplinary action 93
which is required to be reported under division (B)(4) of this 94
section, districts and schools also shall include an 95
identification of the person or persons, if any, at whom the 96
student's violent behavior that resulted in discipline was 97
directed. The person or persons shall be identified by the 98
respective classification at the district or school, such as 99
student, teacher, or nonteaching employee, but shall not be 100
identified by name. 101

Division (B)(1)(o) of this section does not apply after the 102
date that is two years following the submission of the report 103
required by Section 3 of this act. 104

(2) Personnel and classroom enrollment data for each school 105
district, including: 106

(a) The total numbers of licensed employees and nonlicensed 107
employees and the numbers of full-time equivalent licensed 108
employees and nonlicensed employees providing each category of 109
instructional service, instructional support service, and 110
administrative support service used pursuant to division (C)(3) of 111

this section. The guidelines adopted under this section shall 112
require these categories of data to be maintained for the school 113
district as a whole and, wherever applicable, for each grade in 114
the school district as a whole, for each school building as a 115
whole, and for each grade in each school building. 116

(b) The total number of employees and the number of full-time 117
equivalent employees providing each category of service used 118
pursuant to divisions (C)(4)(a) and (b) of this section, and the 119
total numbers of licensed employees and nonlicensed employees and 120
the numbers of full-time equivalent licensed employees and 121
nonlicensed employees providing each category used pursuant to 122
division (C)(4)(c) of this section. The guidelines adopted under 123
this section shall require these categories of data to be 124
maintained for the school district as a whole and, wherever 125
applicable, for each grade in the school district as a whole, for 126
each school building as a whole, and for each grade in each school 127
building. 128

(c) The total number of regular classroom teachers teaching 129
classes of regular education and the average number of pupils 130
enrolled in each such class, in each of grades kindergarten 131
through five in the district as a whole and in each school 132
building in the school district. 133

(d) The number of lead teachers employed by each school 134
district and each school building. 135

(3)(a) Student demographic data for each school district, 136
including information regarding the gender ratio of the school 137
district's pupils, the racial make-up of the school district's 138
pupils, the number of limited English proficient students in the 139
district, and an appropriate measure of the number of the school 140
district's pupils who reside in economically disadvantaged 141
households. The demographic data shall be collected in a manner to 142
allow correlation with data collected under division (B)(1) of 143

this section. Categories for data collected pursuant to division 144
(B)(3) of this section shall conform, where appropriate, to 145
standard practices of agencies of the federal government. 146

(b) With respect to each student entering kindergarten, 147
whether the student previously participated in a public preschool 148
program, a private preschool program, or a head start program, and 149
the number of years the student participated in each of these 150
programs. 151

(4) Any data required to be collected pursuant to federal 152
law. 153

(C) The education management information system shall include 154
cost accounting data for each district as a whole and for each 155
school building in each school district. The guidelines adopted 156
under this section shall require the cost data for each school 157
district to be maintained in a system of mutually exclusive cost 158
units and shall require all of the costs of each school district 159
to be divided among the cost units. The guidelines shall require 160
the system of mutually exclusive cost units to include at least 161
the following: 162

(1) Administrative costs for the school district as a whole. 163
The guidelines shall require the cost units under this division 164
(C)(1) to be designed so that each of them may be compiled and 165
reported in terms of average expenditure per pupil in formula ADM 166
in the school district, as determined pursuant to section 3317.03 167
of the Revised Code. 168

(2) Administrative costs for each school building in the 169
school district. The guidelines shall require the cost units under 170
this division (C)(2) to be designed so that each of them may be 171
compiled and reported in terms of average expenditure per 172
full-time equivalent pupil receiving instructional or support 173
services in each building. 174

(3) Instructional services costs for each category of 175
instructional service provided directly to students and required 176
by guidelines adopted pursuant to division (B)(1)(a) of this 177
section. The guidelines shall require the cost units under 178
division (C)(3) of this section to be designed so that each of 179
them may be compiled and reported in terms of average expenditure 180
per pupil receiving the service in the school district as a whole 181
and average expenditure per pupil receiving the service in each 182
building in the school district and in terms of a total cost for 183
each category of service and, as a breakdown of the total cost, a 184
cost for each of the following components: 185

(a) The cost of each instructional services category required 186
by guidelines adopted under division (B)(1)(a) of this section 187
that is provided directly to students by a classroom teacher; 188

(b) The cost of the instructional support services, such as 189
services provided by a speech-language pathologist, classroom 190
aide, multimedia aide, or librarian, provided directly to students 191
in conjunction with each instructional services category; 192

(c) The cost of the administrative support services related 193
to each instructional services category, such as the cost of 194
personnel that develop the curriculum for the instructional 195
services category and the cost of personnel supervising or 196
coordinating the delivery of the instructional services category. 197

(4) Support or extracurricular services costs for each 198
category of service directly provided to students and required by 199
guidelines adopted pursuant to division (B)(1)(b) of this section. 200
The guidelines shall require the cost units under division (C)(4) 201
of this section to be designed so that each of them may be 202
compiled and reported in terms of average expenditure per pupil 203
receiving the service in the school district as a whole and 204
average expenditure per pupil receiving the service in each 205
building in the school district and in terms of a total cost for 206

each category of service and, as a breakdown of the total cost, a 207
cost for each of the following components: 208

(a) The cost of each support or extracurricular services 209
category required by guidelines adopted under division (B)(1)(b) 210
of this section that is provided directly to students by a 211
licensed employee, such as services provided by a guidance 212
counselor or any services provided by a licensed employee under a 213
supplemental contract; 214

(b) The cost of each such services category provided directly 215
to students by a nonlicensed employee, such as janitorial 216
services, cafeteria services, or services of a sports trainer; 217

(c) The cost of the administrative services related to each 218
services category in division (C)(4)(a) or (b) of this section, 219
such as the cost of any licensed or nonlicensed employees that 220
develop, supervise, coordinate, or otherwise are involved in 221
administering or aiding the delivery of each services category. 222

(D)(1) The guidelines adopted under this section shall 223
require school districts to collect information about individual 224
students, staff members, or both in connection with any data 225
required by division (B) or (C) of this section or other reporting 226
requirements established in the Revised Code. The guidelines may 227
also require school districts to report information about 228
individual staff members in connection with any data required by 229
division (B) or (C) of this section or other reporting 230
requirements established in the Revised Code. The guidelines shall 231
not authorize school districts to request social security numbers 232
of individual students. The guidelines shall prohibit the 233
reporting under this section of a student's name, address, and 234
social security number to the state board of education or the 235
department of education. The guidelines shall also prohibit the 236
reporting under this section of any personally identifiable 237
information about any student, except for the purpose of assigning 238

the data verification code required by division (D)(2) of this 239
section, to any other person unless such person is employed by the 240
school district or the information technology center operated 241
under section 3301.075 of the Revised Code and is authorized by 242
the district or technology center to have access to such 243
information or is employed by an entity with which the department 244
contracts for the scoring or the development of state assessments. 245
The guidelines may require school districts to provide the social 246
security numbers of individual staff members and the county of 247
residence for a student. Nothing in this section prohibits the 248
state board of education or department of education from providing 249
a student's county of residence to the department of taxation to 250
facilitate the distribution of tax revenue. 251

(2)(a) The guidelines shall provide for each school district 252
or community school to assign a data verification code that is 253
unique on a statewide basis over time to each student whose 254
initial Ohio enrollment is in that district or school and to 255
report all required individual student data for that student 256
utilizing such code. The guidelines shall also provide for 257
assigning data verification codes to all students enrolled in 258
districts or community schools on the effective date of the 259
guidelines established under this section. The assignment of data 260
verification codes for other entities, as described in division 261
(D)(2)(c) of this section, the use of those codes, and the 262
reporting and use of associated individual student data shall be 263
coordinated by the department in accordance with state and federal 264
law. 265

School districts shall report individual student data to the 266
department through the information technology centers utilizing 267
the code. The entities described in division (D)(2)(c) of this 268
section shall report individual student data to the department in 269
the manner prescribed by the department. 270

Except as provided in sections 3301.941, 3310.11, 3310.42, 271
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 272
shall the state board or the department have access to information 273
that would enable any data verification code to be matched to 274
personally identifiable student data. 275

(b) Each school district and community school shall ensure 276
that the data verification code is included in the student's 277
records reported to any subsequent school district, community 278
school, or state institution of higher education, as defined in 279
section 3345.011 of the Revised Code, in which the student 280
enrolls. Any such subsequent district or school shall utilize the 281
same identifier in its reporting of data under this section. 282

(c) The director of any state agency that administers a 283
publicly funded program providing services to children who are 284
younger than compulsory school age, as defined in section 3321.01 285
of the Revised Code, including the directors of health, job and 286
family services, mental health and addiction services, and 287
developmental disabilities, shall request and receive, pursuant to 288
sections 3301.0723 and 3701.62 of the Revised Code, a data 289
verification code for a child who is receiving those services. 290

(E) The guidelines adopted under this section may require 291
school districts to collect and report data, information, or 292
reports other than that described in divisions (A), (B), and (C) 293
of this section for the purpose of complying with other reporting 294
requirements established in the Revised Code. The other data, 295
information, or reports may be maintained in the education 296
management information system but are not required to be compiled 297
as part of the profile formats required under division (G) of this 298
section or the annual statewide report required under division (H) 299
of this section. 300

(F) Beginning with the school year that begins July 1, 1991, 301
the board of education of each school district shall annually 302

collect and report to the state board, in accordance with the 303
guidelines established by the board, the data required pursuant to 304
this section. A school district may collect and report these data 305
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 306

(G) The state board shall, in accordance with the procedures 307
it adopts, annually compile the data reported by each school 308
district pursuant to division (D) of this section. The state board 309
shall design formats for profiling each school district as a whole 310
and each school building within each district and shall compile 311
the data in accordance with these formats. These profile formats 312
shall: 313

(1) Include all of the data gathered under this section in a 314
manner that facilitates comparison among school districts and 315
among school buildings within each school district; 316

(2) Present the data on academic achievement levels as 317
assessed by the testing of student achievement maintained pursuant 318
to division (B)(1)(d) of this section. 319

(H)(1) The state board shall, in accordance with the 320
procedures it adopts, annually prepare a statewide report for all 321
school districts and the general public that includes the profile 322
of each of the school districts developed pursuant to division (G) 323
of this section. Copies of the report shall be sent to each school 324
district. 325

(2) The state board shall, in accordance with the procedures 326
it adopts, annually prepare an individual report for each school 327
district and the general public that includes the profiles of each 328
of the school buildings in that school district developed pursuant 329
to division (G) of this section. Copies of the report shall be 330
sent to the superintendent of the district and to each member of 331
the district board of education. 332

(3) Copies of the reports received from the state board under 333

divisions (H)(1) and (2) of this section shall be made available 334
to the general public at each school district's offices. Each 335
district board of education shall make copies of each report 336
available to any person upon request and payment of a reasonable 337
fee for the cost of reproducing the report. The board shall 338
annually publish in a newspaper of general circulation in the 339
school district, at least twice during the two weeks prior to the 340
week in which the reports will first be available, a notice 341
containing the address where the reports are available and the 342
date on which the reports will be available. 343

(I) Any data that is collected or maintained pursuant to this 344
section and that identifies an individual pupil is not a public 345
record for the purposes of section 149.43 of the Revised Code. 346

(J) As used in this section: 347

(1) "School district" means any city, local, exempted 348
village, or joint vocational school district and, in accordance 349
with section 3314.17 of the Revised Code, any community school. As 350
used in division (L) of this section, "school district" also 351
includes any educational service center or other educational 352
entity required to submit data using the system established under 353
this section. 354

(2) "Cost" means any expenditure for operating expenses made 355
by a school district excluding any expenditures for debt 356
retirement except for payments made to any commercial lending 357
institution for any loan approved pursuant to section 3313.483 of 358
the Revised Code. 359

(K) Any person who removes data from the information system 360
established under this section for the purpose of releasing it to 361
any person not entitled under law to have access to such 362
information is subject to section 2913.42 of the Revised Code 363
prohibiting tampering with data. 364

(L)(1) In accordance with division (L)(2) of this section and 365
the rules adopted under division (L)(10) of this section, the 366
department of education may sanction any school district that 367
reports incomplete or inaccurate data, reports data that does not 368
conform to data requirements and descriptions published by the 369
department, fails to report data in a timely manner, or otherwise 370
does not make a good faith effort to report data as required by 371
this section. 372

(2) If the department decides to sanction a school district 373
under this division, the department shall take the following 374
sequential actions: 375

(a) Notify the district in writing that the department has 376
determined that data has not been reported as required under this 377
section and require the district to review its data submission and 378
submit corrected data by a deadline established by the department. 379
The department also may require the district to develop a 380
corrective action plan, which shall include provisions for the 381
district to provide mandatory staff training on data reporting 382
procedures. 383

(b) Withhold up to ten per cent of the total amount of state 384
funds due to the district for the current fiscal year and, if not 385
previously required under division (L)(2)(a) of this section, 386
require the district to develop a corrective action plan in 387
accordance with that division; 388

(c) Withhold an additional amount of up to twenty per cent of 389
the total amount of state funds due to the district for the 390
current fiscal year; 391

(d) Direct department staff or an outside entity to 392
investigate the district's data reporting practices and make 393
recommendations for subsequent actions. The recommendations may 394
include one or more of the following actions: 395

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	396 397
(ii) Conduct a site visit and evaluation of the district;	398
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	399 400 401
(iv) Continue monitoring the district's data reporting;	402
(v) Assign department staff to supervise the district's data management system;	403 404
(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;	405 406 407
(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;	408 409 410 411
(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;	412 413 414 415 416
(ix) Any other action designed to correct the district's data reporting problems.	417 418
(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.	419 420 421 422 423 424
(4) If any action taken under division (L)(2) of this section	425

resolves a school district's data reporting problems to the 426
department's satisfaction, the department shall not take any 427
further actions described by that division. If the department 428
withheld funds from the district under that division, the 429
department may release those funds to the district, except that if 430
the department withheld funding under division (L)(2)(c) of this 431
section, the department shall not release the funds withheld under 432
division (L)(2)(b) of this section and, if the department withheld 433
funding under division (L)(2)(d) of this section, the department 434
shall not release the funds withheld under division (L)(2)(b) or 435
(c) of this section. 436

(5) Notwithstanding anything in this section to the contrary, 437
the department may use its own staff or an outside entity to 438
conduct an audit of a school district's data reporting practices 439
any time the department has reason to believe the district has not 440
made a good faith effort to report data as required by this 441
section. If any audit conducted by an outside entity under 442
division (L)(2)(d)(i) or (5) of this section confirms that a 443
district has not made a good faith effort to report data as 444
required by this section, the district shall reimburse the 445
department for the full cost of the audit. The department may 446
withhold state funds due to the district for this purpose. 447

(6) Prior to issuing a revised report card for a school 448
district under division (L)(2)(d)(viii) of this section, the 449
department may hold a hearing to provide the district with an 450
opportunity to demonstrate that it made a good faith effort to 451
report data as required by this section. The hearing shall be 452
conducted by a referee appointed by the department. Based on the 453
information provided in the hearing, the referee shall recommend 454
whether the department should issue a revised report card for the 455
district. If the referee affirms the department's contention that 456
the district did not make a good faith effort to report data as 457

required by this section, the district shall bear the full cost of 458
conducting the hearing and of issuing any revised report card. 459

(7) If the department determines that any inaccurate data 460
reported under this section caused a school district to receive 461
excess state funds in any fiscal year, the district shall 462
reimburse the department an amount equal to the excess funds, in 463
accordance with a payment schedule determined by the department. 464
The department may withhold state funds due to the district for 465
this purpose. 466

(8) Any school district that has funds withheld under 467
division (L)(2) of this section may appeal the withholding in 468
accordance with Chapter 119. of the Revised Code. 469

(9) In all cases of a disagreement between the department and 470
a school district regarding the appropriateness of an action taken 471
under division (L)(2) of this section, the burden of proof shall 472
be on the district to demonstrate that it made a good faith effort 473
to report data as required by this section. 474

(10) The state board of education shall adopt rules under 475
Chapter 119. of the Revised Code to implement division (L) of this 476
section. 477

(M) No information technology center or school district shall 478
acquire, change, or update its student administration software 479
package to manage and report data required to be reported to the 480
department unless it converts to a student software package that 481
is certified by the department. 482

(N) The state board of education, in accordance with sections 483
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 484
license as defined under division (A) of section 3319.31 of the 485
Revised Code that has been issued to any school district employee 486
found to have willfully reported erroneous, inaccurate, or 487
incomplete data to the education management information system. 488

(O) No person shall release or maintain any information about 489
any student in violation of this section. Whoever violates this 490
division is guilty of a misdemeanor of the fourth degree. 491

(P) The department shall disaggregate the data collected 492
under division (B)(1)(n) of this section according to the race and 493
socioeconomic status of the students assessed. No data collected 494
under that division shall be included on the report cards required 495
by section 3302.03 of the Revised Code. 496

(Q) If the department cannot compile any of the information 497
required by division (H) of section 3302.03 of the Revised Code 498
based upon the data collected under this section, the department 499
shall develop a plan and a reasonable timeline for the collection 500
of any data necessary to comply with that division. 501

Section 2. That existing section 3301.0714 of the Revised 502
Code is hereby repealed. 503

Section 3. The Department of Education shall prepare a report 504
of the information maintained in the Education Management 505
Information System that relates to persons at whom violent student 506
behavior resulting in reported disciplinary actions was directed 507
as required by division (B)(1)(o) of section 3301.0714 of the 508
Revised Code, as amended by this act, for the first two school 509
years following the effective date of this section. Not later than 510
the first day of October that next succeeds the final day of the 511
second school year following the effective date of this section, 512
the Department shall submit the report prepared under this section 513
to the President and Minority Leader of the Senate, Speaker and 514
Minority Leader of the House of Representatives, and the 515
chairpersons and ranking minority members of the standing 516
committees on education of the Senate and House of 517
Representatives. 518