

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**WEDNESDAY, JANUARY 28, 2004**

ONE HUNDRED FORTY-FIRST DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, January 28, 2004 at 12:00 o'clock p.m.**

The House met pursuant to adjournment.

The hour having arrived for the meeting of the two houses in joint convention for the purpose of listening to the address of The Honorable Bob Taft, Governor of the State of Ohio, before the joint convention.

The members of the Senate preceded by the president, clerk and sergeant-at-arms thereof, appeared within the bar of the House.

The President of the Senate called the joint convention to order.

Representative Cates and Senator Randy Gardner announced a quorum of each house, respectively, was present.

The Governor's Color Guard, Colonel White High School Color Guard presented the colors, followed by the Pledge of Allegiance to the Flag and the posting of the colors.

The Governor was escorted to the rostrum by the committee appointed where he addressed the joint convention.

On motion of Senator Randy Gardner, the joint convention was dissolved.

Prayer was offered by Dr. William E. Brown of Cedarville University in Cedarville, Ohio.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Householder prior to the commencement of business:

David Kormanik, a guest of Representative Wolpert - 23rd district.

Zach Boshatz, a guest of Representative Oelslager - 51st district.

Mark Daniels and Pam Humphries, guests of Representative Niehaus - 88th district.

George Essman, a guest of Representative Book - 89th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 385**-Representatives Distel, Wagner, Cirelli, G. Smith, S. Smith, Wolpert, Beatty, Hollister, Perry, Jerse, Olman, Book, DeGeeter, Schmidt, Collier, Key, Ujvagi, Williams, Gibbs, Harwood, Reidelbach, Webster, Seaver, Price, Allen, Barrett, Strahorn, Hartnett.

To enact section 2907.312 of the Revised Code to prohibit displaying within one mile of any school building any advertising device that advertises a sexually oriented business.

**H. B. No. 386**-Representatives Kilbane, Williams, Olman, Martin, Hollister, S. Smith, Ujvagi, Hagan.

To amend sections 3703.01, 3781.01, 3781.10, 3781.11, and 3781.18 of the Revised Code to specify that the building code adopted by the Board of Building Standards is a statewide uniform building code.

**H. B. No. 387**-Representatives Trakas, Jerse, Fessler, Aslanides, Collier, Reidelbach, Seaver, Peterson.

To enact sections 2919.221, 3301.561, 5104.016, 5104.041, and 5104.111 of the Revised Code to prohibit the administration of medication to a child in a day care setting without authorization from the child's parents.

**H. B. No. 388**-Representatives Latta, Kearns, Willamowski, Hughes.

To enact section 2503.45 of the Revised Code to authorize the Supreme Court to create a board, commission, or other entity to operate and maintain the facilities and attendant exterior grounds of the state-owned real estate located in Franklin County that this act conveys, to exempt that real estate from taxation and assessments, to authorize the conveyance of that real estate to the Supreme Court, and to declare an emergency.

**H. B. No. 389**-Representative Hughes.

To amend section 2913.49 and to enact section 2913.491 of the Revised Code to increase the penalty for identity fraud against an elderly person or disabled adult, and to create the Identity Fraud Passport.

**H. B. No. 390**-Representatives Sykes, Key, Woodard, Price, Beatty, Skindell, Otterman, Sferra, Strahorn, Miller, Koziura, Hagan, Ujvagi, Olman, Barrett, Allen.

To amend sections 3302.07, 3313.814, and 3314.03 and to enact sections 3313.816 and 3313.817 of the Revised Code to establish nutritional standards for food sold to students in public elementary schools and to prohibit the sale of certain beverages to students in all public schools except under specified conditions.

Said bills were considered the first time.

**REPORTS OF CONFERENCE COMMITTEES**

Representative Cates moved that Joint Rule No. 20, pertaining to reports of Conference Committee, be suspended and that the Conference Committee report on **Am. Sub. S. B. No. 2**-Senator Robert Gardner, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Setzer submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. S.B. 2, Senator Robert Gardner - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House with the following amendments:

In line 30, after "3301.0712," insert "3301.0714,"; after "3301.0715," insert "3302.03,"; after "3313.28," insert "3313.33,"

In line 202, reinsert "Monday of the week containing"; reinsert "eighth"; delete "first"; reinsert "March"

In line 203, delete "May"

In line 211, reinsert "Monday of the"

In line 212, reinsert "week containing"; reinsert "eighth"; delete "first"; reinsert "March"; delete "May"

In line 215, reinsert "Monday of the week containing"; reinsert "fifteenth"; delete "first"

In line 216, reinsert "March"; delete "May"

In line 437, reinsert everything after "(G)"

In line 438, reinsert "test prescribed by"; after "by" insert "division (A)(1) or (B) of"; reinsert "section 3301.0710 of the Revised Code, the"; delete "The"

In line 440, reinsert "the"; delete "any"

Delete lines 441 through 443

In line 444, delete everything before the period

Between lines 604 and 605, insert:

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

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

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

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

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

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

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

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

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

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

(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;

(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised

Code;

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

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

(h) Expulsion rates;

(i) Suspension rates;

(j) The percentage of students receiving corporal punishment;

(k) Dropout rates;

(l) Rates of retention in grade;

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

(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

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

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

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

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines

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

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

(d) The number of master teachers employed by each school district and each school building, once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (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 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 services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

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

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) 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 support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

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

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



(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the data acquisition site operated under section 3301.075 of the Revised Code and is authorized by the district or acquisition site to have access to such information. The guidelines may require school districts to provide the social security numbers of individual staff members.

(2) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section.

Individual student data shall be reported to the department through the data acquisition sites utilizing the code but at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district or community school in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

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

(F) Beginning with the school year that begins July 1, 1991, the board

of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.358 or 3319.321 of the Revised Code.

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

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

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

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

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

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

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

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint

vocational school district.

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

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

(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:

(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;

(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;

(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.

Any report made under this division shall include recommendations for corrective action by the school district.

Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within forty-five days of the date upon which the report was made by the department.

(M) No data acquisition site or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as

defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

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

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

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division."

Between lines 668 and 669, insert:

**"Sec. 3302.03.** (A) Annually the department of education shall report for each school district and each school building in a district all of the following:

(1) The extent to which the school district or building meets each of the applicable performance indicators created by the state board of education under section 3302.02 of the Revised Code and the number of applicable performance indicators that have been achieved;

(2) The performance index score of the school district or building;

(3) Whether the school district or building has made adequate yearly progress;

(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

(B)(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:

(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(2) A school district or building shall be declared effective if it fulfills

one of the following requirements:

(a) It makes adequate yearly progress and either meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(b) It does not make adequate yearly progress and either meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for three consecutive years, it shall be declared in need of continuous improvement.

(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:

(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department.

(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department.

(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department.

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department.

(C)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code, the performance index score, and adequate yearly progress.

(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator.

(3) When reporting data on student performance, the department shall disaggregate that data according to the following categories:

(a) Performance of students by age group;

(b) Performance of students by race and ethnic group;

- (c) Performance of students by gender;
- (d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;
- (e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;
- (f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;
- (g) Performance of students grouped by those who are economically disadvantaged;
- (h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;
- (i) Performance of students grouped by those who are classified as limited English proficient;
- (j) Performance of students grouped by those who have disabilities;
- (k) Performance of students grouped by those who are classified as migrants;
- (l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.

In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.

(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(5) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The

report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(6) For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued for the district.

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 7801, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(8) The department shall include on the report card the number of master teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code.

(D)(1) In calculating reading, writing, mathematics, social studies, or science proficiency or achievement test passage rates used to determine school district or building performance under this section, the department shall include all students taking a test with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and adequate yearly progress for school districts and buildings under this section, the department shall do both of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any test prescribed by section 3301.0710 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade reading achievement test."

Between lines 1159 and 1160, insert:

"**Sec. 3313.33. (A)** Conveyances made by a board of education shall be executed by the president and treasurer thereof. ~~Ne~~

(B) Except as provided in division (C) of this section, nomember of the

board shall have, directly or indirectly, any pecuniary interest in any contract of the board or be employed in any manner for compensation by the board of which ~~he~~the person is a member. No contract shall be binding upon any board unless it is made or authorized at a regular or special meeting of such board.

(C) A member of the board may have a pecuniary interest in a contract of the board if all of the following apply:

(1) The member's pecuniary interest in that contract is that the member is employed by a political subdivision, instrumentality, or agency of the state that is contracting with the board;

(2) The member does not participate in any discussion or debate regarding the contract or vote on the contract;

(3) The member files with the school district treasurer an affidavit stating the member's exact employment status with the political subdivision, instrumentality, or agency contracting with the board.

(D) This section does not apply where a member of the board, being a shareholder of a corporation but not being an officer or director thereof, owns not in excess of five per cent of the stock of such corporation. If a stockholder desires to avail ~~himself~~self of the exception, before entering upon such contract such person shall first file with the treasurer an affidavit stating ~~his~~the stockholder's exact status and connection with said corporation.

This section does not apply where a member of the board elects to be covered by a benefit plan of the school district under division (D) of section 3313.202 of the Revised Code."

In line 1364, after the underlined comma insert "and not"

In line 1366, delete "and" and insert an underlined comma

In line 1371, delete "No" and insert "On or after July 1, 2004, no"

In line 1376, delete "the effective date of this section" and insert "or after July 1, 2004"

In line 2653, after "(1)" insert "or (3)"

In line 2719, after "standards" insert "and other master teachers, as defined by the educator standards board pursuant to section 3319.61 of the Revised Code,"

In line 2721, after "certified" insert "and master"

In line 2794, delete "Seven" and insert "Eight"

In line 2798, after the underlined comma insert "one person shall be employed as a teacher in a pre-kindergarten classroom,"

Delete lines 2804 and 2805 and insert "shall submit a list of twelve nominees for these appointments and the state board shall appoint six members to the educator standards board from that list. The Ohio federation



of teachers shall submit a list of four nominees for these appointments and the state board shall appoint two members to the educator standards board from that list. If there is an insufficient number of nominees from both lists to satisfy the membership requirements of this division, the state board shall request additional nominees who satisfy those requirements."

In line 2815, delete everything after "The"

In line 2816, delete everything before "buckeye"

In line 2817, after "administrators" insert "shall submit a list of two nominees for the school district superintendent"

In line 2818, after "administrators" insert "shall submit a list of two nominees for the elementary school principal"

In line 2819, after "administrators" insert "shall submit a list of two nominees for the middle school principal and a list of two nominees for the secondary school principal"

In line 2823, delete "Five" and insert "Three"

In line 2826, delete "in the education department of" and insert "by"

In line 2829, delete "in the education department of" and insert "by"

In line 2831, after the underlined semicolon insert "and"; delete "in the education"

In line 2832, delete "department of" and insert "by"

In line 2833, delete everything after "college"

Delete lines 2834 and 2835

In line 2836, delete everything before the underlined period and insert ". Of the two persons appointed under this division from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch, one shall be employed in a college of education and one shall be employed in a college of arts and sciences"

In line 2837, delete "six" and insert "two"

In line 2838, after "for" insert "each of"

In line 2845, delete "nine" and insert "eight"

Between lines 2862 and 2863, insert:

"(D) The board shall establish guidelines for its operation. These guidelines shall permit the creation of standing subcommittees when necessary. The board shall determine the membership of any subcommittee it creates. The board may select persons who are not members of the board to participate in the deliberations of any subcommittee as representatives of stakeholder groups, but no such person shall vote on any issue before the

subcommittee."

In line 2936, after "subgroups" insert ":

(5) Define a "master teacher" in a manner that can be used uniformly by all school districts. It is the intent of the general assembly that when defining "master teacher," the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a master teacher. Such criteria may include, but shall not be limited to, attainment of a master's degree in an appropriate subject area, completion of other educational levels or professional development courses, certification by the national board for professional teaching standards, or demonstration of a leadership role in the teacher's school building. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a master teacher, which shall not be the total number of criteria adopted by the board"

In line 2941, delete everything after "review"

Delete lines 2942 through 2947 and insert "those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider its recommendations if the state board of education so requests, may revise the recommendations, and shall resubmit the recommendations, whether revised or not, to the state board not later than two weeks prior to the state board's regular meeting that next succeeds the meeting at which the state board requested reconsideration of the initial recommendations. The state board of education shall review the recommendations as resubmitted by the educator standards board at the state board's regular meeting that next succeeds the meeting at which the state board requested reconsideration of the initial recommendations and may adopt the standards as resubmitted or, if the resubmitted standards have not addressed the state board's concerns, the state board may modify the standards prior to adopting them."

In line 3111, after "3301.0712," insert "3301.0714,"; after "3301.0715," insert "3302.03,"; after "3313.28," insert "3313.33,"

In line 3116, after "3301.801" insert ", 3314.12,"

In line 3234, delete everything after "**9**."

Delete lines 3235 through 3239 and insert "Section 3314.034 of the Revised Code, as enacted by this act, shall not affect any investigation by the Department of Education into the alleged improper enrollment of students by an Internet- or computer-based community school that is pending on the effective date of this section. If the Department concludes after any such investigation that no improper enrollment of students has occurred, the

Department shall make any necessary payments to the Internet- or computer-based community school so that the Internet- or computer-based community school receives the full amount calculated for it for the 2003-2004 school year under section 3314.08 of the Revised Code. If the Department concludes that an improper enrollment of students has occurred, all provisions of law regarding the recovery of funds owed to the state shall apply."

In line 3832, strike through "or" and insert an underlined comma; strike through everything after "entity"

In line 3833, strike through everything before the comma

Between lines 4284 and 4285, insert:

"Section 20. Section 3301.0714 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

In line 4285, delete "20" and insert "21"

In line 4293, delete "21" and insert "22"

In line 2 of the title, after "3301.0712," insert "3301.0714,"; after "3301.0715," insert "3302.03,"; after "3313.28," insert "3313.33,"

In line 11 of the title, after "3301.801" insert ", 3314.12,"

Managers on the Part of the Senate

Managers on the Part of the House of Representatives

/s/ ROBERT A. GARDNER  
ROBERT A. GARDNER

/s/ ARLENE J. SETZER  
ARLENE J. SETZER

/s/ LARRY A. MUMPER  
LARRY A. MUMPER

/s/ CLYDE EVANS  
CLYDE EVANS

/s/ C.J. PRENTISS  
C.J. PRENTISS

/s/ WILLIAM J. HARTNETT  
WILLIAM J. HARTNETT

The question being, "Shall the report of the committee of Conference be agreed to?"

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

The yeas and nays were taken and resulted - yeas 88, nays 9, as follows:

Those who voted in the affirmative were: Representatives

- |         |           |         |           |
|---------|-----------|---------|-----------|
| Allen   | Aslanides | Barrett | Beatty    |
| Blasdel | Book      | Brown   | Callender |

Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Evans D.	Faber
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Redfern	Reinhard	Schaffer
Schlichter	Schmidt	Seitz	Setzer
Sferra	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Walcher
Webster	White	Widener	Widowfield
Williamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-88.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Fessler	McGregor
Raussen	Reidelbach	Schneider	Seaver
			Wagner-9.

The report of the committee of Conference was agreed to.

#### **REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION**

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H.C.R. No. 36** - Representative Schaffer, having had the same under consideration, reports it back and recommends its adoption.

RE: LANCASTER - PRESSED GLASS CAPITAL OF OHIO

Representative Carmichael moved to amend the title as follows:

Add the name: "Clancy"

JON M. PETERSON  
STEPHEN BUEHRER  
PATRICIA M. CLANCY  
JIM CARMICHAEL

JAMES PETER TRAKAS  
KEVIN DEWINE  
ANNIE L. KEY

The report was agreed to.

The concurrent resolution was ordered to be engrossed and placed on the calendar.

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration:

**H.B. No. 376 - Representative Latta, et al**

TO CREATE THREE DIFFERENT "SPORTSMEN'S LICENSE PLATES," FEATURING EITHER THE WALLEYE, WHITE-TAILED DEER, OR WILD TURKEY

To the committee on Transportation and Public Safety

**H.B. No. 377 - Representative Raga**

TO REQUIRE THE STATE BOARD OF PHARMACY TO ESTABLISH AND MAINTAIN A DANGEROUS DRUGS DATABASE TO MONITOR THE USE, MISUSE, AND DIVERSION OF DANGEROUS DRUGS

To the committee on Health

**H.B. No. 378 - Representatives Latta, et al**

TO AUTHORIZE A COUNTY PROSECUTING ATTORNEY TO APPOINT PERSONS WHO HAVE RECEIVED PEACE OFFICER TRAINING AND CERTIFICATION AS SECRET SERVICE OFFICERS, TO GRANT THOSE OFFICERS ARREST POWERS AND OTHER POWERS AS PEACE OFFICERS WITHIN THE COUNTY, TO REQUIRE THOSE OFFICERS TO HAVE ANNUAL FIREARMS REQUALIFICATION, AND TO AMEND THE VERSION OF SECTION 2935.03 OF THE REVISED CODE THAT IS SCHEDULED TO TAKE EFFECT JANUARY 1, 2004, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE

To the committee on County and Township Government

**H.B. No. 379 - Representative Schaffer, et al**

TO REDUCE INCOME TAXES BY THE AMOUNT OF ADDITIONAL REVENUE GENERATED BY A STATE SALES TAX RATE ABOVE 5%, TO INCREASE TAX-DEDUCTIBILITY OF UNREIMBURSED MEDICAL EXPENSES, AND TO EXPRESSLY INCORPORATE FAVORABLE TAX TREATMENT OF NEW HEALTH SAVINGS ACCOUNTS

To the committee on Ways and Means

**H.B. No. 380 - Representatives Grendell, Distel**

TO EXEMPT SNOW REMOVAL FROM THE SALES TAX

To the committee on Ways and Means

LARRY HOUSEHOLDER  
CHARLES CALVERT  
PATRICIA M. CLANCY  
JIM HUGHES  
JON M. PETERSON  
JAMES PETER TRAKAS  
CHRIS REDFERN

GARY W. CATES  
JIM CARMICHAEL  
LARRY L. FLOWERS  
THOMAS F. PATTON  
JOHN SCHLICHTER  
KATHLEEN WALCHER  
DIXIE J. ALLEN

KENNETH A. CARANO  
ROBERT J. OTTERMAN

EDWARD JERSE  
CHARLES A. WILSON

Representative Cates moved that the House and constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills were considered a second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

Representative Wilson reported for the Rules and Reference Committee recommending that the following Senate Concurrent Resolution be introduced and referred to the following committee for consideration:

**S. Con. R. No. 18 - Senators Spada, Hagan, Fingerhut, Robert Gardner, Carey, Armbruster, Blessing, DiDonato, Padgett**

TO URGE CONGRESS TO REAUTHORIZE ABANDONED MINE LAND FEE COLLECTION AUTHORITY, TO DISPERSE SHARES OF THAT FEE WITHOUT AN APPROPRIATION, TO RELEASE THE UNAPPROPRIATED BALANCE IN THE ABANDONED MINE LAND FUND, AND TO CONSIDER REEVALUATING THE ADMINISTRATION OF THE ABANDONED MINE LAND RECLAMATION PROGRAM AND THE FUND

To the committee on Energy and Environment

/s/ LARRY HOUSEHOLDER  
Larry Householder, Chair

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, January 27, 2004, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, January 27, 2004, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

### BILLS FOR THIRD CONSIDERATION

**Sub. H. B. No. 323**-Representatives Hoops, Wolpert, Daniels, Chandler, Cirelli, Collier, Domenick, C. Evans, Fessler, Flowers, Martin, McGregor, Olman, Price, Schlichter, Sferra, Skindell, Ujvagi, Wagner, Walcher.

To amend sections 307.12 and 505.10 of the Revised Code to allow boards of county commissioners and boards of township trustees to donate certain personal property to eligible nonprofit organizations located in Ohio, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fessler	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The bill passed.

Representative Hoops moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Brown, Buehrer, Calvert, Carano, Carmichael, Combs, DeBose, DeGeeter, D. Evans, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hughes, Jerse, Key, Latta, Miller, Niehaus,

Otterman, S. Patton, T. Patton, Perry, Peterson, Reidelbach, Schmidt, Seaver, Seitz, Setzer, D. Stewart, Strahorn, Taylor, Webster, Widener, Wilson, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Cates, the House adjourned until Thursday, January 29, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.