(123rd General Assembly)
(Substitute Senate Bill Number 237)

AN ACT

To amend sections 3301.0710, 3301.0711, 3301.17, and 4508.01 to 4508.06 and to enact section 4508.09 of the Revised Code and to amend Section 4.18 of Am. Sub. H.B. 282 of the 123rd General Assembly to permit certain school districts to be licensed as driver training schools to instruct and train students other than regularly enrolled, full-time students in the operation of trucks, commercial cars, and commercial tractors, trailers, and semi-trailers; to make other changes in the laws governing driver training schools; to revise the guidelines for scheduling the state proficiency tests; to qualify teachers with elementary school certificates for the math and science teacher incentive grants; and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3301.0710, 3301.0711, 3301.17, 4508.01, 4508.02, 4508.03, 4508.04, 4508.05, and 4508.06 be amended and section 4508.09 of the Revised Code be enacted to read as follows:

Sec. 3301.0710. The state board of education shall adopt rules establishing a statewide program to test student proficiency for the purpose of ensuring that students who receive a high school diploma demonstrate at least high school levels of proficiency in reading, writing, mathematics, science, and citizenship. In order to determine this proficiency, the minimum standards shall be appropriate for tenth grade proficiency level in each of the specified areas.

(A)(1) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such

score has achieved at least a fourth grade level of proficiency in the measured skill.

(2) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and determine and designate the score on each such test that is deemed to demonstrate that any student attaining such score has achieved at least a sixth grade level of proficiency in the measured skill.

(3) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a twelfth grade level of proficiency in the measured skill.

(B) The state board shall prescribe five statewide high school proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least the level of proficiency in the measured skill appropriate for tenth grade.

The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide proficiency testing requirements for receiving high school diplomas, under which any student who has met a proficiency testing requirement of one state is recognized as having met the similar proficiency testing requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state and who has met a proficiency testing requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each test required by this division that is specified in the agreement.

(C) The state board shall annually designate as follows the dates on which the tests prescribed under this section shall be administered:

(1) For the test prescribed under division (A)(1) of this section to measure skill in reading, as follows:

(a) For students entering fourth grade in school years that start prior to July 1, 2001, the same dates prescribed under division (C)(2) of this section for the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship;

(b) For students entering fourth grade beginning with the school year

that starts July 1, 2001:

(i) One date prior to the thirty-first day of December each school year;

(ii) Any dates prescribed under division (C)(2) of this section for the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship;

(iii) One date during the summer for students receiving summer remediation services under division (B)(3) of section 3313.608 of the Revised Code.

(2) For the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship and the tests prescribed under division (A)(2) of this section, at least one date ~~subsequent to~~ of each school year that is not earlier than Monday of the week containing the fifteenth day of March ~~of each school year~~;

(3) For the tests prescribed under division (A)(3) of this section, at least one date subsequent to the thirty-first day of December but prior to the thirty-first day of March of each school year;

(4) For the tests prescribed under division (B) of this section, at least one date ~~subsequent to~~ in each school year that is not earlier than Monday of the week containing the fifteenth day of March ~~of each school year~~ for all tenth grade students and at least one date prior to the thirty-first day of December and at least one date subsequent to that date but prior to the thirty-first day of March of each school year for eleventh and twelfth grade students.

(D) In prescribing test dates pursuant to division (C)(4) of this section, the board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.

(E) In prescribing test dates pursuant to this section, the state board of education shall designate the dates in such a way as to allow a reasonable length of time between the administration of tests prescribed under this section and any administration of the National Assessment of Education Progress Test given to students in the same grade level pursuant to section 3301.27 of the Revised Code.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish, grade, and score all tests required by section 3301.0710 of the Revised Code to city, local, and exempted village school districts;

(2) Adopt rules for the ethical use of tests and prescribing the manner in which the tests prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J)(2) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the test prescribed under division (A)(1) of section 3301.0710 of the Revised Code to measure skill in reading as follows:

(a) For students entering fourth grade in school years that start prior to July 1, 2001, at least once annually to all students in the fourth grade;

(b) For students entering fourth grade beginning with the school year that starts July 1, 2001, twice annually to all students in the fourth grade who have not attained the score designated for that test under division (A)(1) of section 3301.0710 of the Revised Code and once each summer to students receiving summer remediation services under division (B)(3) of section 3313.608 of the Revised Code.

(2) Administer the tests prescribed under division (A)(1) of section 3301.0710 of the Revised Code to measure skill in writing, mathematics, science, and citizenship at least once annually to all students in the fourth grade.

(3) Administer the tests prescribed under division (A)(2) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(4) Administer any tests prescribed under division (A)(3) of section 3301.0710 of the Revised Code at least once annually to any student in the twelfth grade who, on all the tests prescribed under division (B) of that section, has attained the applicable scores designated under such division prior to the first day of January of that year.

(5) Administer any test prescribed under division (B) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually~~, subsequent to the fifteenth day of March,~~ to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that test designated under that division;

(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such test, at any time such test is administered in the district.

(C)(1) Any student receiving special education services under Chapter

3323. of the Revised Code shall be excused from taking any particular test required to be administered under this section if the individualized education program developed for the student pursuant to section 3323.08 of the Revised Code excuses the student from taking that test. In the case of any student so excused from taking a test, the school district board of education shall not prohibit the student from taking the test. Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular test required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that test. In the case of any student so excused from taking a test, the chartered nonpublic school shall not prohibit the student from taking the test.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking a test administered under this section on the date scheduled, but any such test shall be administered to such excused student not later than ~~fifteen~~ nine days following the scheduled date. The board shall annually report the number of students who have not taken one or more of the tests required by this section to the state board of education not later than the thirtieth day of June.

(3) As used in this division, "English-limited student" means a student whose primary language is not English and who has been enrolled in United States schools for less than two full school years.

No English-limited student shall be required to take any test administered under this section. However, no district board or governing authority of a chartered nonpublic school shall prohibit an English-limited student from taking a test.

(D) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) of section 3301.0710 of the Revised Code are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide intervention services to the student in any skill in which the student failed on those tests to demonstrate at least fourth-grade levels of literacy and basic competency. This division does not apply to any student receiving services pursuant to an individualized education program developed for the student pursuant to section 3323.08 of the Revised Code.

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall

t any student to be denied promotion to a higher grade level solely because of the student's failure to attain a specified score on any test administered under this section. However, a district board may choose not to promote to the next grade level any student who does not take any proficiency test administered under this section or make up such test as provided by division (C)(2) of this section and who is not exempted from the requirement to take the test under division (C)(1) or (3) of this section.

(F) No person shall be charged a fee for taking any test administered under this section.

(G) Not later than sixty days after any administration of any test prescribed by section 3301.0710 of the Revised Code, the department shall send to each school district board a list of the individual test scores of all persons taking the test.

(H) Individual test scores on any tests administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate test results in any manner that conflicts with rules for the ethical use of tests adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department shall not release any individual test scores on any test administered under this section and shall adopt rules to ensure the protection of student confidentiality at all times.

(J) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any joint vocational or cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a joint vocational school district or a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the joint vocational or cooperative education school district for administering any test prescribed under this section to students of the city, exempted village, or local school district who are attending school in the joint vocational or cooperative education school district.

(2) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an

agreement with the cooperative district that provides for the administration of any test prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(5)(b) of this section.

Any testing of students pursuant to such an agreement shall be in lieu of any testing of such students or persons pursuant to this section.

(K)(1) Any chartered nonpublic school may participate in the testing program by administering any of the tests prescribed by section 3301.0710 of the Revised Code if the chief administrator of the school specifies which tests the school wishes to administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which tests are administered and shall include a pledge that the nonpublic school will administer the specified tests in the same manner as public schools are required to do under this section and rules adopted by the department.

(2) The department of education shall furnish the tests prescribed by section 3301.0710 of the Revised Code to any chartered nonpublic school electing to participate under this division.

(L)(1) Except as provided in division (L)(3) of this section, the superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the tests described by section 3301.0710 of the Revised Code. Each superintendent shall administer the tests in the same manner as district boards are required to do under this section and rules adopted by the department of education.

(2) The department of education shall furnish the tests described by section 3301.0710 of the Revised Code to each superintendent.

(3) Any student enrolled in the state school for the blind or the state school for the deaf shall be excused from taking any particular test required to be administered under division (L)(1) of this section if the individualized education program developed for the student pursuant to section 3323.08 of the Revised Code excuses the student from taking that test. In the case of any student so excused from taking a test, the superintendent of the school shall not prohibit the student from taking the test.

(M) Notwithstanding division (E) of this section, beginning July 1, 1999, a school district may retain any student for an additional year in such student's current grade level if such student has failed to attain the designated scores on three or more of the five tests described by division

(A)(1) or (2) of section 3301.0710 of the Revised Code.

This division does not supersede the requirements of section 3313.608 of the Revised Code.

(N)(1) All proficiency tests required by section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the first day of July following the school year that the test was administered.

(2) The department may field test proposed proficiency test questions with samples of students to determine the validity, reliability, or appropriateness of test questions for possible inclusion in a future year's proficiency test.

Field test questions shall not be considered in computing test scores for individual students. Field test questions may be included as part of the administration of any proficiency test required by section 3301.0710 of the Revised Code.

(3) Any field test question administered under division (N)(2) of this section shall not be a public record. Such field test questions shall be redacted from any proficiency tests which are released as a public record pursuant to division (N)(1) of this section.

Sec. 3301.17. The board of education of each city, exempted village, local, and joint vocational school district may make a driver education course available to high school students enrolled in the district in accordance with rules adopted by the state board of education. No school district making such a course available shall require any pupil to enroll in the course in lieu of taking a training course from a ~~commercial~~ driver training school licensed under Chapter 4508. of the Revised Code. The department of education may contract for the use of public school and educational service center governing board facilities to provide technical assistance for driver education courses where practicable or may provide such assistance at facilities established and operated by the department under the supervision of transportation coordinators.

The principal of each high school shall annually give written notice to the pupils enrolled in the high school that they may elect, under a procedure that shall be described in the notice, to take a training course from a licensed ~~commercial~~ driver training school or, if available, enroll in a driver education course made available by the pupil's school district of attendance.

Sec. 4508.01. As used in ~~sections 4508.01 to 4508.07, inclusive, of the Revised Code~~ this chapter:

(A) "~~Commercial~~ Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to

drive that motor vehicle by any state or country.

(B) "Disabled person" means a person who, in the opinion of the registrar of motor vehicles, is afflicted with or suffering from a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Disabled person" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle.

(C) "Driver training school" or "school" means ~~a~~ both of the following:

(1) A business enterprise conducted by an individual, association, partnership, or corporation~~,~~ for the education and training of persons~~, either practically or theoretically, or both,~~ to operate or drive motor vehicles, that uses public streets or highways to provide training, and ~~charging~~ that charges a consideration or tuition for such services;

(2) A lead school district as provided in section 4508.09 of the Revised Code.

~~(B)~~(D) "Instructor" means any person, whether acting for ~~himself~~ self as operator of a ~~commercial~~ driver training school or for such a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

(E) "Lead school district" means a school district, including a joint vocational school district, designated by the department of education as either a vocational education planning district itself or as responsible for providing primary vocational education leadership within a vocational education planning district that is composed of a group of districts. A "vocational education planning district" is a school district or group of school districts designated by the department as responsible for planning and providing vocational education services to students within the district or group of districts.

Sec. 4508.02. (A) The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt and prescribe such rules concerning the administration and enforcement of ~~sections 4508.01 to 4508.08 of the Revised Code~~ this chapter as are necessary to protect the public. The director shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.

(B) The director shall administer and enforce ~~sections 4508.01 to 4508.08 of the Revised Code~~ this chapter, and may call upon the state

superintendent of public instruction for assistance in developing and formulating the rules for training beginning drivers. ~~The~~

(C) the rules shall require twenty-four hours of classroom instruction, and eight hours of actual behind-the-wheel instruction conducted on public streets and highways of this state for all beginning drivers of noncommercial motor vehicles who are under age eighteen.

(D) The rules shall state the minimum hours for classroom and behind-the-wheel instruction required for beginning drivers of commercial trucks, commercial cars, buses, and commercial tractors, trailers, and semi-trailers.

Sec. 4508.03. (A) No ~~commercial~~ driver training school shall be established nor any such existing school continued unless the school applies for and obtains from the director of public safety a license in the manner and form prescribed by the director.

The rules shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance in such sum and with such provisions as the director considers necessary to protect adequately the interests of the public, and such other matters as the director may prescribe for the protection of the public. The rules also shall require financial responsibility information as part of the driver education curriculum.

(B) Any school that offers a driver training program for ~~handicapped~~ disabled persons shall provide specially trained instructors for the driver training of such persons. No school shall operate a driver training program for ~~handicapped~~ disabled persons after June 30, 1978, unless it has been licensed for such operation by the director. No person shall act as a specially trained instructor in a driver training program for ~~handicapped~~ disabled persons operated by a school after June 30, 1978, unless that person has been licensed by the director.

(C) The director ~~may arrange with state universities to provide driver training of handicapped persons and training of driving instructors for handicapped persons.~~

~~(D) As used in this section, "handicapped" means having lost the use of one or both legs, one or both arms, or any combination thereof, or being deaf or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair~~ shall certify instructors to teach driver training to disabled persons in accordance with training program requirements established by the department of public safety.

Sec. 4508.04. No person shall act as a driver training instructor and on and after June 30, 1978, no person shall act as a driver training instructor for ~~handicapped~~ disabled persons unless such person applies for and obtains from the director of public safety a license in the manner and form prescribed by the director. The director shall provide by rule for instructors' license requirements including moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and such other matters as the director may prescribe for the protection of the public. Driver training instructors for ~~the handicapped~~ disabled persons shall meet such additional requirements and receive such additional classroom and practical instruction as the director shall prescribe by rule.

Sec. 4508.05. All licenses shall expire on the last day of the calendar year and may be renewed upon application to the director of public safety as prescribed ~~by his regulations~~ in rules adopted by the director. Each application for an original ~~or~~ school license shall be accompanied by a fee of two hundred fifty dollars, and each application for a renewal school license shall be accompanied by a fee of fifty dollars~~, and each~~. Each application for an original ~~or~~ instructor's license shall be accompanied by a fee of twenty-five dollars, and each application for a renewal instructor's license shall be accompanied by a fee of ten dollars. Such fees shall be payable to the treasurer of state and credited to the state highway safety fund established in section 4501.06 of the Revised Code. No license fees shall be refunded in the event any license is rejected, suspended, or revoked.

Sec. 4508.06. The director of public safety may refuse to issue, or may suspend or revoke a license in any case where ~~he~~ the director finds the applicant or licensee has violated any of the provisions of ~~sections 4508.01 to 4508.07 of the Revised Code~~ this chapter, or the regulations adopted by the director. A suspended or revoked license shall be returned to the director by the licensee.

Sec. 4508.09. (A) A lead school district may apply for a driver training school license for the purpose of providing instruction and training to individuals other than regularly enrolled, full-time high school students in the operation of trucks, commercial cars, and commercial tractors, trailers, and semi-trailers. Except as provided in division (B) of this section, upon the district's compliance with all provisions that govern the issuance of a license to a driver training school to offer instruction and training in the operation of trucks, commercial cars, and commercial tractors, trailers, and semi-trailers, the director of public safety shall issue a license to the district in the form and manner the director prescribes. Upon the issuance of the

license, the district may offer instruction and training in the operation of trucks, commercial cars, and commercial tractors, trailers, and semi-trailers and may charge and retain a fee for that instruction and training.

(B) The director shall issue a new license to a lead school district under division (A) of this section if the district complies with all provisions that govern the issuance of a license to a driver training school to offer instruction and training in the operation of trucks, commercial cars, and commercial tractors, trailers, and semi-trailers other than any provision of a rule requiring insurance coverage. If a district complies with all provisions governing the issuance of a license other than the insurance coverage provisions, the director shall issue the new license on the condition that the district obtain the required insurance coverage and submit proof of the insurance coverage to the director not later than sixty days after the date of issuance of the license.

SECTION 2. That existing sections 3301.0710, 3301.0711, 3301.17, 4508.01, 4508.02, 4508.03, 4508.04, 4508.05, and 4508.06 of the Revised Code are hereby repealed.

SECTION 3. An educational institution that, on the effective date of this act, is acting as a driver training school licensed under Chapter 4508. of the Revised Code shall retain its license and be eligible to renew its license so long as the educational institution meets all the requirements for retaining and renewing its license.

SECTION 4. That Section 4.18 of Am. Sub. H.B. 282 of the 123rd General Assembly be amended to read as follows:

" Sec. 4.18. OhioReads Grants

Of the foregoing appropriation item 200-566, OhioReads Grants, $20,000,000 each year shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council, to provide classroom grants to public schools in city, local, and exempted village school districts; community schools; and educational service centers serving kindergarten through fourth grade students.

Of the foregoing appropriation item 200-566, OhioReads Grants, $5,000,000 each year shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council, to provide community matching grants to community organizations and

associations, libraries, and others for tutoring, tutor recruitment and training, and parental involvement.

Grants awarded by the OhioReads Council are intended to improve reading outcomes, especially on the fourth grade reading proficiency test.

School Improvement Incentive Grants

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, $2,000,000 in each fiscal year shall be used to provide grants of $25,000 per building for improvements in reading performance based on selection criteria developed by the OhioReads Council.

Of the foregoing appropriation ~~items~~ item 200-570, School Improvement Incentive Grants, $6,500,000 in each fiscal year shall be used to provide grants of $25,000 each to elementary schools and $50,000 each to middle schools, junior high schools, and high schools that demonstrate significant improvement on proficiency tests, attendance rates, and graduation rates based on standards developed by the Department of Education.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, $500,000 in each fiscal year shall be used to provide grants of $50,000 each to educational service centers and joint vocational school districts for exemplary programs or that demonstrate significant improvement on proficiency tests, attendance rates, and graduation rates based on standards developed by the Department of Education.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, $1,000,000 in each fiscal year shall be used to provide grants of $25,000 each to schools selected for superior performance by BEST, Building Excellent Schools for Today and the 21st Century.

Teacher Incentive Grants

The foregoing appropriation item 200-572, Teacher Incentive Grants, shall be used by the Department of Education to pay one-time stipends to qualified teachers of reading, mathematics, and science. To be eligible, teacher applicants must hold a valid teaching certificate; be employed by a city, local, exempted village, or joint vocational school district or by a chartered nonpublic school; and be certified by the district or the nonpublic school as necessary to meet an existing need for teachers with a reading, mathematics, or science credential.

Individuals with an elementary school teaching certificate that successfully complete a program for a reading endorsement, and who successfully complete the examination prescribed by the State Board of Education, shall be paid a stipend of $1,000. Individuals with ~~a~~ an elementary or high school teaching certificate that successfully complete a

program required to add mathematics or science to that certificate, and who successfully complete the mathematics or science examination prescribed by the State Board of Education, shall be paid a stipend of $1,500. The variance in stipend amounts reflects the variance in requirements to secure the different credentials.

Character Education

Of the foregoing appropriation item 200-573, Character Education, up to $50,000 in each fiscal year shall be used to develop, produce, or otherwise obtain a distance learning program, a video presentation, or other method of offering instruction in character education to multiple school districts. The program, presentation, or other method of instruction shall be made available to all school districts.

The remainder of appropriation item 200-573, Character Education, shall be used by the Department of Education to provide matching grants of up to $50,000 each to school districts to develop pilot character education programs.

Substance Abuse Prevention

Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to $2,000,000 in fiscal year 2000 and up to $2,120,000 in fiscal year 2001 shall be used for the Safe and Drug Free Schools Coordinators Program. Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to $300,000 in each fiscal year of the biennium shall be used for the Substance Abuse Prevention Student Assistance Program. The Department of Education and the Department of Alcohol and Drug Addiction Services shall jointly develop and approve a plan for the expenditure of these funds including, but not limited to, the development of position descriptions and training specifications for safe and drug free schools coordinators. Safe and drug free schools coordinators shall possess or be in the process of obtaining credentials issued by the Ohio Credentialing Board for Chemical Dependency Professionals or other credentials recognized by that board.

12th Grade Proficiency Stipend

The foregoing appropriation item 200-575, 12th Grade Proficiency Stipend, shall be used to fund a $500 scholarship to each student who meets the requirements of section 3365.15 of the Revised Code.

Within thirty days of the effective date of this section, the Director of Budget and Management shall transfer the appropriation for this program to the Ohio Board of Regents for its administration.

River Valley School Environmental Issues

The foregoing appropriation item 200-580, River Valley School

Environmental Issues, shall be used to assist with costs arising from environmental assessment and clean-up of potential environmental contamination of school facilities of the River Valley Local School District.

Auxiliary Services Mobile Repair

Notwithstanding section 3317.064 of the Revised Code, if the unobligated cash balance is sufficient, the Treasurer of State shall transfer $1,500,000 in fiscal year 2000 within thirty days of the effective date of this section and $1,500,000 in fiscal year 2001 by August 1, 2000, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Department of Education's Auxiliary Services Mobile Repair Fund (Fund 598).

Within 30 days after the effective date of this section, the Superintendent of Public Instruction shall certify to the Director of Budget and Management the amount of cash to be transferred from the Miscellaneous Revenue Fund, Fund 452, to the Educational Grants Fund, Fund 620.

Coordinated School Health and AIDS Education

The Department of Education shall not commit or spend any moneys from appropriation item 200-625, Coordinated School Health, or appropriation item 200-668, AIDS Education, for activities in preparation for or during the 1999-2000 school year or for the 2000-2001 school year until the General Assembly has approved program plans for these purposes through the adoption of a concurrent resolution. Before the House of Representatives or the Senate votes on a concurrent resolution approving program plans, its standing committee having principal jurisdiction over primary and secondary education legislation shall conduct at least one public hearing on the program plans. Tobacco use prevention programs and dental health programs are exempt from these requirements."

SECTION 5. That existing Section 4.18 of Am. Sub. H.B. 282 of the 123rd General Assembly is hereby repealed.

SECTION 6. Notwithstanding the requirement of division (B) of Section 4 of Am. Sub. S.B. 55 of the 122nd General Assembly that the ninth grade proficiency tests administered through the 2003-2004 school year under that section be administered as required by the version of sections 3301.0710 and 3301.0711 of the Revised Code in effect prior to July 1, 1998:

(A) Ninth grade proficiency tests shall be administered to ninth, tenth, eleventh, and twelfth grade students eligible to take them under Section 4 of

Am. Sub. S.B. 55 of the 122nd General Assembly as prescribed in division (C)(4) of section 3301.0710 of the Revised Code, as amended by this act, for eleventh and twelfth grade students taking tenth grade proficiency tests.

(B) The nine-day make-up period prescribed by this act's amendment of section (C)(2) of section 3301.0711 of the Revised Code also applies to the ninth grade proficiency tests administered under Section 4 of Am. Sub. S.B. 55 of the 122nd General Assembly.

SECTION 6. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity lies in the fact that school district and joint vocational school district boards of education need as much lead time as possible to plan for and to implement the programs authorized under this act for the school year that begins in 2000. Therefore, this act shall go into immediate effect.

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

File No. _____ Effective Date _____