

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 163**

**Senator Jordan**

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**A BILL**

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

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

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

**Sec. 3301.07.** The state board of education shall exercise 8  
under the acts of the general assembly general supervision of 9  
the system of public education in the state. In addition to the 10  
powers otherwise imposed on the state board under the provisions 11  
of law, the board shall have the powers described in this 12  
section. 13

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

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

schools, and relating to instruction and instructional material, 20  
building and equipment, transportation of pupils, administrative 21  
responsibilities of school officials and personnel, and finance 22  
and organization of school districts, educational service 23  
centers, and territory. Consultative and advisory services in 24  
such matters shall be provided by the board to school districts 25  
and educational service centers of this state. 26

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

the aggregate and for each subgroup of students, as defined by 51  
section 3317.40 of the Revised Code, that receives services 52  
provided for by state or federal funding. 53

(3) Each school district board, governing authority, 54  
governing body, or board of trustees, or its respective 55  
designee, shall annually report, to the department of education, 56  
all financial information required by the standards for 57  
financial reporting, as prescribed by division (B) (2) of this 58  
section and adopted by the state board. The department shall 59  
make all reports submitted pursuant to this division available 60  
in such a way that allows for comparison between financial 61  
information included in these reports and financial information 62  
included in reports produced prior to July 1, 2013. The 63  
department shall post these reports in a prominent location on 64  
its web site and shall notify each school when reports are made 65  
available. 66

(C) The state board shall administer and supervise the 67  
allocation and distribution of all state and federal funds for 68  
public school education under the provisions of law, and may 69  
prescribe such systems of accounting as are necessary and proper 70  
to this function. It may require county auditors and treasurers, 71  
boards of education, educational service center governing 72  
boards, treasurers of such boards, teachers, and other school 73  
officers and employees, or other public officers or employees, 74  
to file with it such reports as it may prescribe relating to 75  
such funds, or to the management and condition of such funds. 76

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 77  
XLVII, and LI of the Revised Code a reference is made to 78  
standards prescribed under this section or division (D) of this 79  
section, that reference shall be construed to refer to the 80

standards prescribed under division (D) (2) of this section, 81  
unless the context specifically indicates a different meaning or 82  
intent. 83

(2) The state board shall formulate and prescribe minimum 84  
standards to be applied to all elementary and secondary schools 85  
in this state for the purpose of providing children access to a 86  
general education of high quality according to the learning 87  
needs of each individual, including students with disabilities, 88  
economically disadvantaged students, limited English proficient 89  
students, and students identified as gifted. Such standards 90  
shall provide adequately for: the licensing of teachers, 91  
administrators, and other professional personnel and their 92  
assignment according to training and qualifications; efficient 93  
and effective instructional materials and equipment, including 94  
library facilities; the proper organization, administration, and 95  
supervision of each school, including regulations for preparing 96  
all necessary records and reports and the preparation of a 97  
statement of policies and objectives for each school; the 98  
provision of safe buildings, grounds, health and sanitary 99  
facilities and services; admission of pupils, and such 100  
requirements for their promotion from grade to grade as will 101  
assure that they are capable and prepared for the level of study 102  
to which they are certified; and requirements for graduation, ~~and~~ 103  
~~and such other factors as the board finds necessary.~~ 104

The state board shall base any standards governing the 105  
promotion of students or requirements for graduation on the 106  
ability of students, at any grade level, to earn credits or 107  
advance upon demonstration of mastery of knowledge and skills 108  
through competency-based learning models. Credits of grade level 109  
advancement shall not require a minimum number of days or hours 110  
in a classroom. 111

The state board shall base any standards governing the 112  
assignment of staff on ensuring each school has a sufficient 113  
number of teachers to ensure a student has an appropriate level 114  
of interaction to meet each student's personal learning goals. 115

In the formulation and administration of such standards 116  
for nonpublic schools the board shall also consider the 117  
particular needs, methods and objectives of those schools, 118  
provided they do not conflict with the provision of a general 119  
education of a high quality and provided that regular procedures 120  
shall be followed for promotion from grade to grade of pupils 121  
who have met the educational requirements prescribed. 122

(3) In addition to the minimum standards required by 123  
division (D)(2) of this section, the state board may formulate 124  
and prescribe the following additional minimum operating 125  
standards for school districts: 126

(a) Standards for the effective and efficient 127  
organization, administration, and supervision of each school 128  
district with a commitment to high expectations for every 129  
student based on the learning needs of each individual, 130  
including students with disabilities, economically disadvantaged 131  
students, limited English proficient students, and students 132  
identified as gifted, and commitment to closing the achievement 133  
gap without suppressing the achievement levels of higher 134  
achieving students so that all students achieve core knowledge 135  
and skills in accordance with the statewide academic standards 136  
adopted under section 3301.079 of the Revised Code; 137

(b) Standards for the establishment of business advisory 138  
councils under section 3313.82 of the Revised Code; 139

(c) Standards for school district buildings that may 140

require the effective and efficient organization, 141  
administration, and supervision of each school district building 142  
with a commitment to high expectations for every student based 143  
on the learning needs of each individual, including students 144  
with disabilities, economically disadvantaged students, limited 145  
English proficient students, and students identified as gifted, 146  
and commitment to closing the achievement gap without 147  
suppressing the achievement levels of higher achieving students 148  
so that all students achieve core knowledge and skills in 149  
accordance with the statewide academic standards adopted under 150  
section 3301.079 of the Revised Code. 151

(E) The state board may require as part of the health 152  
curriculum information developed under section 2108.34 of the 153  
Revised Code promoting the donation of anatomical gifts pursuant 154  
to Chapter 2108. of the Revised Code and may provide the 155  
information to high schools, educational service centers, and 156  
joint vocational school district boards of education; 157

(F) The state board shall prepare and submit annually to 158  
the governor and the general assembly a report on the status, 159  
needs, and major problems of the public schools of the state, 160  
with recommendations for necessary legislative action and a ten- 161  
year projection of the state's public and nonpublic school 162  
enrollment, by year and by grade level. 163

(G) The state board shall prepare and submit to the 164  
director of budget and management the biennial budgetary 165  
requests of the state board of education, for its agencies and 166  
for the public schools of the state. 167

(H) The state board shall cooperate with federal, state, 168  
and local agencies concerned with the health and welfare of 169  
children and youth of the state. 170

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

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

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

(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the

teaching of energy and resource conservation as recommended to 201  
each district board of education by leading business persons 202  
involved in energy production and conservation, beginning in the 203  
primary grades. 204

(M) The state board shall formulate and prescribe minimum 205  
standards requiring the use of phonics as a technique in the 206  
teaching of reading in grades kindergarten through three. In 207  
addition, the state board shall provide in-service training 208  
programs for teachers on the use of phonics as a technique in 209  
the teaching of reading in grades kindergarten through three. 210

(N) The state board may adopt rules necessary for carrying 211  
out any function imposed on it by law, and may provide rules as 212  
are necessary for its government and the government of its 213  
employees, and may delegate to the superintendent of public 214  
instruction the management and administration of any function 215  
imposed on it by law. It may provide for the appointment of 216  
board members to serve on temporary committees established by 217  
the board for such purposes as are necessary. Permanent or 218  
standing committees shall not be created. 219

(O) Upon application from the board of education of a 220  
school district, the superintendent of public instruction may 221  
issue a waiver exempting the district from compliance with the 222  
standards adopted under divisions (B) (2) and (D) of this 223  
section, as they relate to the operation of a school operated by 224  
the district. The state board shall adopt standards for the 225  
approval or disapproval of waivers under this division. The 226  
state superintendent shall consider every application for a 227  
waiver, and shall determine whether to grant or deny a waiver in 228  
accordance with the state board's standards. For each waiver 229  
granted, the state superintendent shall specify the period of 230

time during which the waiver is in effect, which shall not 231  
exceed five years. A district board may apply to renew a waiver. 232

Sec. 3301.078. (A) The state board of education shall not 233  
adopt, and the department of education shall not implement, the 234  
academic content standards for English language arts and 235  
mathematics developed by the common core state standards 236  
initiative or any similar initiative process or program. Nor 237  
shall the state board use the partnership for assessment of 238  
readiness for college and careers (PARCC), the smarter balanced 239  
assessment, or any other assessments related to or based on the 240  
common core standards. 241

Any actions taken to adopt or implement the common core 242  
state standards as of the effective date of this section are 243  
void. 244

(B) (1) A school district board of education shall be the 245  
sole authority for adopting academic content standards that 246  
exceed the standards adopted by the state board under section 247  
3301.079 of the Revised Code. No official or board of this 248  
state, whether appointed or elected, shall enter into any 249  
agreement or memorandum of understanding with any federal or 250  
private entity that would require the state or a school district 251  
board of education to cede any measure of control over the 252  
development, adoption, or revision of academic content standards 253  
or over the assessments based on those standards. 254

(2) The state board shall provide a minimum of ninety days 255  
public notice of any proposed adoption or revision of academic 256  
content standards on the department of education's web site. The 257  
state board shall request comments on the proposed changes from 258  
the general public, including parents, teachers, experts on 259  
academic content standards, representatives of political, 260

educational, and faith-based organizations, and nonpartisan 261  
policy institutes. 262

The state board shall not adopt or revise any statewide 263  
academic content standards until the state board holds a public 264  
hearing in each congressional district in the state. The state 265  
board shall post notice of each hearing on the department's web 266  
site and in a newspaper of general circulation in the respective 267  
congressional district. 268

(3) Any academic content standards adopted by the state 269  
board shall be limited to the subject areas prescribed under 270  
division (A) of section 3301.079 of the Revised Code. 271

(C) Notwithstanding anything in the Revised Code to the 272  
contrary, no state funds shall be withheld from a school 273  
district or school for failure to adopt or use the state 274  
academic content standards or the state assessments. 275

(D) If the United States department of education requires 276  
as a condition of a federal education grant that the grant 277  
recipient provide personally identifiable information of 278  
students or teachers, the grant recipient shall provide 279  
aggregate data only. The grant recipient shall not release 280  
personally identifiable information without informed written 281  
consent of the student's parent or guardian or of the teacher. 282

**Sec. 3301.0714.** (A) The state board of education shall 283  
adopt rules for a statewide education management information 284  
system. The rules shall require the state board to establish 285  
guidelines for the establishment and maintenance of the system 286  
in accordance with this section and the rules adopted under this 287  
section. The guidelines shall include: 288

(1) Standards identifying and defining the types of data 289

in the system in accordance with divisions (B) and (C) of this section;	290 291
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	292 293 294
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	295 296
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	297 298
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	299 300
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	301 302 303
(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:	304 305 306
(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 students with disabilities, 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	307 308 309 310 311 312 313 314 315 316 317 318

students gifted in mathematics or some other subject area, or 319  
instructional services for students with a specific type of 320  
disability. The categories of instructional services required by 321  
the guidelines under this division shall be the same as the 322  
categories of instructional services used in determining cost 323  
units pursuant to division (C) (3) of this section. 324

(b) The numbers of students receiving support or 325  
extracurricular services for each of the support services or 326  
extracurricular programs offered by the school district, such as 327  
counseling services, health services, and extracurricular sports 328  
and fine arts programs. The categories of services required by 329  
the guidelines under this division shall be the same as the 330  
categories of services used in determining cost units pursuant 331  
to division (C) (4) (a) of this section. 332

(c) Average student grades in each subject in grades nine 333  
through twelve; 334

(d) Academic achievement levels as assessed under sections 335  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 336

(e) The number of students designated as having a 337  
disabling condition pursuant to division (C) (1) of section 338  
3301.0711 of the Revised Code; 339

(f) The numbers of students reported to the state board 340  
pursuant to division (C) (2) of section 3301.0711 of the Revised 341  
Code; 342

(g) Attendance rates and the average daily attendance for 343  
the year. For purposes of this division, a student shall be 344  
counted as present for any field trip that is approved by the 345  
school administration. 346

(h) Expulsion rates; 347

(i) Suspension rates;	348
(j) Dropout rates;	349
(k) Rates of retention in grade;	350
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	351 352 353
(m) 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;	354 355 356 357 358
(n) 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, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	359 360 361 362 363 364 365 366 367
(2) Personnel and classroom enrollment data for each school district, including:	368 369
(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	370 371 372 373 374 375 376

maintained for the school district as a whole and, wherever 377  
applicable, for each grade in the school district as a whole, 378  
for each school building as a whole, and for each grade in each 379  
school building. 380

(b) The total number of employees and the number of full- 381  
time equivalent employees providing each category of service 382  
used pursuant to divisions (C) (4) (a) and (b) of this section, 383  
and the total numbers of licensed employees and nonlicensed 384  
employees and the numbers of full-time equivalent licensed 385  
employees and nonlicensed employees providing each category used 386  
pursuant to division (C) (4) (c) of this section. The guidelines 387  
adopted under this section shall require these categories of 388  
data to be maintained for the school district as a whole and, 389  
wherever applicable, for each grade in the school district as a 390  
whole, for each school building as a whole, and for each grade 391  
in each school building. 392

(c) The total number of regular classroom teachers 393  
teaching classes of regular education and the average number of 394  
pupils enrolled in each such class, in each of grades 395  
kindergarten through five in the district as a whole and in each 396  
school building in the school district. 397

(d) The number of lead teachers employed by each school 398  
district and each school building. 399

(3) (a) Student demographic data for each school district, 400  
including information regarding the gender ratio of the school 401  
district's pupils, the racial make-up of the school district's 402  
pupils, the number of limited English proficient students in the 403  
district, and an appropriate measure of the number of the school 404  
district's pupils who reside in economically disadvantaged 405  
households. The demographic data shall be collected in a manner 406

to allow correlation with data collected under division (B) (1) 407  
of this section. Categories for data collected pursuant to 408  
division (B) (3) of this section shall conform, where 409  
appropriate, to standard practices of agencies of the federal 410  
government. 411

(b) With respect to each student entering kindergarten, 412  
whether the student previously participated in a public 413  
preschool program, a private preschool program, or a head start 414  
program, and the number of years the student participated in 415  
each of these programs. 416

(4) Any data required to be collected pursuant to federal 417  
law. 418

(C) The education management information system shall 419  
include cost accounting data for each district as a whole and 420  
for each school building in each school district. The guidelines 421  
adopted under this section shall require the cost data for each 422  
school district to be maintained in a system of mutually 423  
exclusive cost units and shall require all of the costs of each 424  
school district to be divided among the cost units. The 425  
guidelines shall require the system of mutually exclusive cost 426  
units to include at least the following: 427

(1) Administrative costs for the school district as a 428  
whole. The guidelines shall require the cost units under this 429  
division (C) (1) to be designed so that each of them may be 430  
compiled and reported in terms of average expenditure per pupil 431  
in formula ADM in the school district, as determined pursuant to 432  
section 3317.03 of the Revised Code. 433

(2) Administrative costs for each school building in the 434  
school district. The guidelines shall require the cost units 435

under this division (C) (2) to be designed so that each of them 436  
may be compiled and reported in terms of average expenditure per 437  
full-time equivalent pupil receiving instructional or support 438  
services in each building. 439

(3) Instructional services costs for each category of 440  
instructional service provided directly to students and required 441  
by guidelines adopted pursuant to division (B) (1) (a) of this 442  
section. The guidelines shall require the cost units under 443  
division (C) (3) of this section to be designed so that each of 444  
them may be compiled and reported in terms of average 445  
expenditure per pupil receiving the service in the school 446  
district as a whole and average expenditure per pupil receiving 447  
the service in each building in the school district and in terms 448  
of a total cost for each category of service and, as a breakdown 449  
of the total cost, a cost for each of the following components: 450

(a) The cost of each instructional services category 451  
required by guidelines adopted under division (B) (1) (a) of this 452  
section that is provided directly to students by a classroom 453  
teacher; 454

(b) The cost of the instructional support services, such 455  
as services provided by a speech-language pathologist, classroom 456  
aide, multimedia aide, or librarian, provided directly to 457  
students in conjunction with each instructional services 458  
category; 459

(c) The cost of the administrative support services 460  
related to each instructional services category, such as the 461  
cost of personnel that develop the curriculum for the 462  
instructional services category and the cost of personnel 463  
supervising or coordinating the delivery of the instructional 464  
services category. 465

(4) Support or extracurricular services costs for each 466  
category of service directly provided to students and required 467  
by guidelines adopted pursuant to division (B) (1) (b) of this 468  
section. The guidelines shall require the cost units under 469  
division (C) (4) of this section to be designed so that each of 470  
them may be compiled and reported in terms of average 471  
expenditure per pupil receiving the service in the school 472  
district as a whole and average expenditure per pupil receiving 473  
the service in each building in the school district and in terms 474  
of a total cost for each category of service and, as a breakdown 475  
of the total cost, a cost for each of the following components: 476

(a) The cost of each support or extracurricular services 477  
category required by guidelines adopted under division (B) (1) (b) 478  
of this section that is provided directly to students by a 479  
licensed employee, such as services provided by a guidance 480  
counselor or any services provided by a licensed employee under 481  
a supplemental contract; 482

(b) The cost of each such services category provided 483  
directly to students by a nonlicensed employee, such as 484  
janitorial services, cafeteria services, or services of a sports 485  
trainer; 486

(c) The cost of the administrative services related to 487  
each services category in division (C) (4) (a) or (b) of this 488  
section, such as the cost of any licensed or nonlicensed 489  
employees that develop, supervise, coordinate, or otherwise are 490  
involved in administering or aiding the delivery of each 491  
services category. 492

(D) (1) The guidelines adopted under this section shall 493  
require school districts to collect information about individual 494  
students, staff members, or both in connection with any data 495

required by division (B) or (C) of this section or other 496  
reporting requirements established in the Revised Code. The 497  
guidelines may also require school districts to report 498  
information about individual staff members in connection with 499  
any data required by division (B) or (C) of this section or 500  
other reporting requirements established in the Revised Code. 501  
The guidelines shall not authorize school districts to request 502  
social security numbers of individual students. The guidelines 503  
shall prohibit the reporting under this section of a student's 504  
name, address, and social security number to the state board of 505  
education or the department of education. The guidelines shall 506  
also prohibit the reporting under this section of any personally 507  
identifiable information about any student, except for the 508  
purpose of assigning the data verification code required by 509  
division (D) (2) of this section, to any other person unless such 510  
person is employed by the school district or the information 511  
technology center operated under section 3301.075 of the Revised 512  
Code and is authorized by the district or technology center to 513  
have access to such information or is employed by an entity with 514  
which the department contracts for the scoring or the 515  
development of state assessments. Access to the information 516  
shall be restricted to the fulfillment of contractual 517  
obligations to process data on behalf of the school district. 518  
Such contract shall include a stipulation that the personally 519  
identifiable information shall not be shared with additional 520  
parties. The guidelines may require school districts to provide 521  
the social security numbers of individual staff members and the 522  
county of residence for a student. Nothing in this section 523  
prohibits the state board of education or department of 524  
education from providing a student's county of residence to the 525  
department of taxation to facilitate the distribution of tax 526  
revenue. 527

(2) (a) The guidelines shall provide for each school 528  
district or community school to assign a data verification code 529  
that is unique on a statewide basis over time to each student 530  
whose initial Ohio enrollment is in that district or school and 531  
to report all required individual student data for that student 532  
utilizing such code. The guidelines shall also provide for 533  
assigning data verification codes to all students enrolled in 534  
districts or community schools on the effective date of the 535  
guidelines established under this section. The assignment of 536  
data verification codes for other entities, as described in 537  
division (D) (2) (c) of this section, the use of those codes, and 538  
the reporting and use of associated individual student data 539  
shall be coordinated by the department in accordance with state 540  
and federal law. 541

School districts shall report individual student data to 542  
the department through the information technology centers 543  
utilizing the code. The entities described in division (D) (2) (c) 544  
of this section shall report individual student data to the 545  
department in the manner prescribed by the department. 546

Except as provided in sections 3301.941, 3310.11, 3310.42, 547  
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 548  
shall the state board or the department have access to 549  
information that would enable any data verification code to be 550  
matched to personally identifiable student data. 551

(b) Each school district and community school shall ensure 552  
that the data verification code is included in the student's 553  
records reported to any subsequent school district, community 554  
school, or state institution of higher education, as defined in 555  
section 3345.011 of the Revised Code, in which the student 556  
enrolls. Any such subsequent district or school shall utilize 557

the same identifier in its reporting of data under this section. 558

(c) The director of any state agency that administers a 559  
publicly funded program providing services to children who are 560  
younger than compulsory school age, as defined in section 561  
3321.01 of the Revised Code, including the directors of health, 562  
job and family services, mental health and addiction services, 563  
and developmental disabilities, shall request and receive, 564  
pursuant to sections 3301.0723 and 3701.62 of the Revised Code, 565  
a data verification code for a child who is receiving those 566  
services. 567

(E) The guidelines adopted under this section may require 568  
school districts to collect and report data, information, or 569  
reports other than that described in divisions (A), (B), and (C) 570  
of this section for the purpose of complying with other 571  
reporting requirements established in the Revised Code. The 572  
other data, information, or reports may be maintained in the 573  
education management information system but are not required to 574  
be compiled as part of the profile formats required under 575  
division (G) of this section or the annual statewide report 576  
required under division (H) of this section. 577

(F) Beginning with the school year that begins July 1, 578  
1991, the board of education of each school district shall 579  
annually collect and report to the state board, in accordance 580  
with the guidelines established by the board, the data required 581  
pursuant to this section. A school district may collect and 582  
report these data notwithstanding section 2151.357 or 3319.321 583  
of the Revised Code. 584

(G) The state board shall, in accordance with the 585  
procedures it adopts, annually compile the data reported by each 586  
school district pursuant to division (D) of this section. The 587

state board shall design formats for profiling each school 588  
district as a whole and each school building within each 589  
district and shall compile the data in accordance with these 590  
formats. These profile formats shall: 591

(1) Include all of the data gathered under this section in 592  
a manner that facilitates comparison among school districts and 593  
among school buildings within each school district; 594

(2) Present the data on academic achievement levels as 595  
assessed by the testing of student achievement maintained 596  
pursuant to division (B)(1)(d) of this section. 597

(H)(1) The state board shall, in accordance with the 598  
procedures it adopts, annually prepare a statewide report for 599  
all school districts and the general public that includes the 600  
profile of each of the school districts developed pursuant to 601  
division (G) of this section. Copies of the report shall be sent 602  
to each school district. 603

(2) The state board shall, in accordance with the 604  
procedures it adopts, annually prepare an individual report for 605  
each school district and the general public that includes the 606  
profiles of each of the school buildings in that school district 607  
developed pursuant to division (G) of this section. Copies of 608  
the report shall be sent to the superintendent of the district 609  
and to each member of the district board of education. 610

(3) Copies of the reports received from the state board 611  
under divisions (H)(1) and (2) of this section shall be made 612  
available to the general public at each school district's 613  
offices. Each district board of education shall make copies of 614  
each report available to any person upon request and payment of 615  
a reasonable fee for the cost of reproducing the report. The 616

board shall annually publish in a newspaper of general 617  
circulation in the school district, at least twice during the 618  
two weeks prior to the week in which the reports will first be 619  
available, a notice containing the address where the reports are 620  
available and the date on which the reports will be available. 621

(I) Any data that is collected or maintained pursuant to 622  
this section and that identifies an individual pupil is not a 623  
public record for the purposes of section 149.43 of the Revised 624  
Code. 625

(J) As used in this section: 626

(1) "School district" means any city, local, exempted 627  
village, or joint vocational school district and, in accordance 628  
with section 3314.17 of the Revised Code, any community school. 629  
As used in division (L) of this section, "school district" also 630  
includes any educational service center or other educational 631  
entity required to submit data using the system established 632  
under this section. 633

(2) "Cost" means any expenditure for operating expenses 634  
made by a school district excluding any expenditures for debt 635  
retirement except for payments made to any commercial lending 636  
institution for any loan approved pursuant to section 3313.483 637  
of the Revised Code. 638

(K) Any person who removes data from the information 639  
system established under this section for the purpose of 640  
releasing it to any person not entitled under law to have access 641  
to such information is subject to section 2913.42 of the Revised 642  
Code prohibiting tampering with data. 643

(L) (1) In accordance with division (L) (2) of this section 644  
and the rules adopted under division (L) (10) of this section, 645

the department of education may sanction any school district 646  
that reports incomplete or inaccurate data, reports data that 647  
does not conform to data requirements and descriptions published 648  
by the department, fails to report data in a timely manner, or 649  
otherwise does not make a good faith effort to report data as 650  
required by this section. 651

(2) If the department decides to sanction a school 652  
district under this division, the department shall take the 653  
following sequential actions: 654

(a) Notify the district in writing that the department has 655  
determined that data has not been reported as required under 656  
this section and require the district to review its data 657  
submission and submit corrected data by a deadline established 658  
by the department. The department also may require the district 659  
to develop a corrective action plan, which shall include 660  
provisions for the district to provide mandatory staff training 661  
on data reporting procedures. 662

(b) Withhold up to ten per cent of the total amount of 663  
state funds due to the district for the current fiscal year and, 664  
if not previously required under division (L) (2) (a) of this 665  
section, require the district to develop a corrective action 666  
plan in accordance with that division; 667

(c) Withhold an additional amount of up to twenty per cent 668  
of the total amount of state funds due to the district for the 669  
current fiscal year; 670

(d) Direct department staff or an outside entity to 671  
investigate the district's data reporting practices and make 672  
recommendations for subsequent actions. The recommendations may 673  
include one or more of the following actions: 674

- (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 675  
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- (ii) Conduct a site visit and evaluation of the district; 677
- (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 678  
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- (iv) Continue monitoring the district's data reporting; 681
- (v) Assign department staff to supervise the district's data management system; 682  
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- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 684  
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- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 687  
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- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 691  
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- (ix) Any other action designed to correct the district's data reporting problems. 696  
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- (3) Any time the department takes an action against a school district under division (L) (2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and 698  
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maintain a copy of the report in its files. 703

(4) If any action taken under division (L) (2) of this 704  
section resolves a school district's data reporting problems to 705  
the department's satisfaction, the department shall not take any 706  
further actions described by that division. If the department 707  
withheld funds from the district under that division, the 708  
department may release those funds to the district, except that 709  
if the department withheld funding under division (L) (2) (c) of 710  
this section, the department shall not release the funds 711  
withheld under division (L) (2) (b) of this section and, if the 712  
department withheld funding under division (L) (2) (d) of this 713  
section, the department shall not release the funds withheld 714  
under division (L) (2) (b) or (c) of this section. 715

(5) Notwithstanding anything in this section to the 716  
contrary, the department may use its own staff or an outside 717  
entity to conduct an audit of a school district's data reporting 718  
practices any time the department has reason to believe the 719  
district has not made a good faith effort to report data as 720  
required by this section. If any audit conducted by an outside 721  
entity under division (L) (2) (d) (i) or (5) of this section 722  
confirms that a district has not made a good faith effort to 723  
report data as required by this section, the district shall 724  
reimburse the department for the full cost of the audit. The 725  
department may withhold state funds due to the district for this 726  
purpose. 727

(6) Prior to issuing a revised report card for a school 728  
district under division (L) (2) (d) (viii) of this section, the 729  
department may hold a hearing to provide the district with an 730  
opportunity to demonstrate that it made a good faith effort to 731  
report data as required by this section. The hearing shall be 732

conducted by a referee appointed by the department. Based on the 733  
information provided in the hearing, the referee shall recommend 734  
whether the department should issue a revised report card for 735  
the district. If the referee affirms the department's contention 736  
that the district did not make a good faith effort to report 737  
data as required by this section, the district shall bear the 738  
full cost of conducting the hearing and of issuing any revised 739  
report card. 740

(7) If the department determines that any inaccurate data 741  
reported under this section caused a school district to receive 742  
excess state funds in any fiscal year, the district shall 743  
reimburse the department an amount equal to the excess funds, in 744  
accordance with a payment schedule determined by the department. 745  
The department may withhold state funds due to the district for 746  
this purpose. 747

(8) Any school district that has funds withheld under 748  
division (L)(2) of this section may appeal the withholding in 749  
accordance with Chapter 119. of the Revised Code. 750

(9) In all cases of a disagreement between the department 751  
and a school district regarding the appropriateness of an action 752  
taken under division (L)(2) of this section, the burden of proof 753  
shall be on the district to demonstrate that it made a good 754  
faith effort to report data as required by this section. 755

(10) The state board of education shall adopt rules under 756  
Chapter 119. of the Revised Code to implement division (L) of 757  
this section. 758

(M) No information technology center or school district 759  
shall acquire, change, or update its student administration 760  
software package to manage and report data required to be 761

reported to the department unless it converts to a student 762  
software package that is certified by the department. 763

(N) The state board of education, in accordance with 764  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 765  
or revoke a license as defined under division (A) of section 766  
3319.31 of the Revised Code that has been issued to any school 767  
district employee found to have willfully reported erroneous, 768  
inaccurate, or incomplete data to the education management 769  
information system. 770

(O) No person shall release or maintain any information 771  
about any student in violation of this section. Whoever violates 772  
this division is guilty of a misdemeanor of the fourth degree. 773

(P) The department shall disaggregate the data collected 774  
under division (B) (1) (n) of this section according to the race 775  
and socioeconomic status of the students assessed. 776

(Q) If the department cannot compile any of the 777  
information required by division (H) of section 3302.03 of the 778  
Revised Code based upon the data collected under this section, 779  
the department shall develop a plan and a reasonable timeline 780  
for the collection of any data necessary to comply with that 781  
division. 782

**Section 2.** That existing sections 3301.07, 3301.078, and 783  
3301.0714 of the Revised Code are hereby repealed. 784