

As Introduced

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S. B. No. 168

Senator LaRose

Cosponsors: Senators Hughes, Manning, Beagle, Hite

A BILL

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

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

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

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;	19
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	20 21 22
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	23 24
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	25 26
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	27 28
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	29 30 31
(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:	32 33 34
(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 students gifted in mathematics or some other subject area, or	35 36 37 38 39 40 41 42 43 44 45 46 47

instructional services for students with a specific type of 48
disability. The categories of instructional services required by 49
the guidelines under this division shall be the same as the 50
categories of instructional services used in determining cost 51
units pursuant to division (C) (3) of this section. 52

(b) The numbers of students receiving support or 53
extracurricular services for each of the support services or 54
extracurricular programs offered by the school district, such as 55
counseling services, health services, and extracurricular sports 56
and fine arts programs. The categories of services required by 57
the guidelines under this division shall be the same as the 58
categories of services used in determining cost units pursuant 59
to division (C) (4) (a) of this section. 60

(c) Average student grades in each subject in grades nine 61
through twelve; 62

(d) Academic achievement levels as assessed under sections 63
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 64

(e) The number of students designated as having a 65
disabling condition pursuant to division (C) (1) of section 66
3301.0711 of the Revised Code; 67

(f) The numbers of students reported to the state board 68
pursuant to division (C) (2) of section 3301.0711 of the Revised 69
Code; 70

(g) Attendance rates and the average daily attendance for 71
the year. For purposes of this division, a student shall be 72
counted as present for any field trip that is approved by the 73
school administration. 74

(h) Expulsion rates; 75

(i) Suspension rates;	76
(j) Dropout rates;	77
(k) Rates of retention in grade;	78
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	79 80 81
(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;	82 83 84 85 86
(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.	87 88 89 90 91 92 93 94 95
<u>(o) Beginning on the first day of July that next succeeds</u> <u>the effective date of this amendment, for each disciplinary</u> <u>action which is required to be reported under division (B) (4) of</u> <u>this section, districts and schools also shall include an</u> <u>identification of the person or persons, if any, at whom the</u> <u>student's violent behavior that resulted in discipline was</u> <u>directed. The person or persons shall be identified by the</u> <u>respective classification at the district or school, such as</u> <u>student, teacher, or nonteaching employee, but shall not be</u>	96 97 98 99 100 101 102 103 104

identified by name. 105

Division (B) (1) (o) of this section does not apply after 106
the date that is two years following the submission of the 107
report required by Section 3 of this act. 108

(2) Personnel and classroom enrollment data for each 109
school district, including: 110

(a) The total numbers of licensed employees and 111
nonlicensed employees and the numbers of full-time equivalent 112
licensed employees and nonlicensed employees providing each 113
category of instructional service, instructional support 114
service, and administrative support service used pursuant to 115
division (C) (3) of this section. The guidelines adopted under 116
this section shall require these categories of data to be 117
maintained for the school district as a whole and, wherever 118
applicable, for each grade in the school district as a whole, 119
for each school building as a whole, and for each grade in each 120
school building. 121

(b) The total number of employees and the number of full- 122
time equivalent employees providing each category of service 123
used pursuant to divisions (C) (4) (a) and (b) of this section, 124
and the total numbers of licensed employees and nonlicensed 125
employees and the numbers of full-time equivalent licensed 126
employees and nonlicensed employees providing each category used 127
pursuant to division (C) (4) (c) of this section. The guidelines 128
adopted under this section shall require these categories of 129
data to be maintained for the school district as a whole and, 130
wherever applicable, for each grade in the school district as a 131
whole, for each school building as a whole, and for each grade 132
in each school building. 133

(c) The total number of regular classroom teachers 134
teaching classes of regular education and the average number of 135
pupils enrolled in each such class, in each of grades 136
kindergarten through five in the district as a whole and in each 137
school building in the school district. 138

(d) The number of lead teachers employed by each school 139
district and each school building. 140

(3) (a) Student demographic data for each school district, 141
including information regarding the gender ratio of the school 142
district's pupils, the racial make-up of the school district's 143
pupils, the number of limited English proficient students in the 144
district, and an appropriate measure of the number of the school 145
district's pupils who reside in economically disadvantaged 146
households. The demographic data shall be collected in a manner 147
to allow correlation with data collected under division (B) (1) 148
of this section. Categories for data collected pursuant to 149
division (B) (3) of this section shall conform, where 150
appropriate, to standard practices of agencies of the federal 151
government. 152

(b) With respect to each student entering kindergarten, 153
whether the student previously participated in a public 154
preschool program, a private preschool program, or a head start 155
program, and the number of years the student participated in 156
each of these programs. 157

(4) Any data required to be collected pursuant to federal 158
law. 159

(C) The education management information system shall 160
include cost accounting data for each district as a whole and 161
for each school building in each school district. The guidelines 162

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; 223

(b) The cost of each such services category provided 224
directly to students by a nonlicensed employee, such as 225
janitorial services, cafeteria services, or services of a sports 226
trainer; 227

(c) The cost of the administrative services related to 228
each services category in division (C) (4) (a) or (b) of this 229
section, such as the cost of any licensed or nonlicensed 230
employees that develop, supervise, coordinate, or otherwise are 231
involved in administering or aiding the delivery of each 232
services category. 233

(D) (1) The guidelines adopted under this section shall 234
require school districts to collect information about individual 235
students, staff members, or both in connection with any data 236
required by division (B) or (C) of this section or other 237
reporting requirements established in the Revised Code. The 238
guidelines may also require school districts to report 239
information about individual staff members in connection with 240
any data required by division (B) or (C) of this section or 241
other reporting requirements established in the Revised Code. 242
The guidelines shall not authorize school districts to request 243
social security numbers of individual students. The guidelines 244
shall prohibit the reporting under this section of a student's 245
name, address, and social security number to the state board of 246
education or the department of education. The guidelines shall 247
also prohibit the reporting under this section of any personally 248
identifiable information about any student, except for the 249
purpose of assigning the data verification code required by 250
division (D) (2) of this section, to any other person unless such 251
person is employed by the school district or the information 252

technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2) (a) 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. The assignment of data verification codes for other entities, as described in division (D) (2) (c) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

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

Except as provided in sections 3301.941, 3310.11, 3310.42, 283
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 284
shall the state board or the department have access to 285
information that would enable any data verification code to be 286
matched to personally identifiable student data. 287

(b) Each school district and community school shall ensure 288
that the data verification code is included in the student's 289
records reported to any subsequent school district, community 290
school, or state institution of higher education, as defined in 291
section 3345.011 of the Revised Code, in which the student 292
enrolls. Any such subsequent district or school shall utilize 293
the same identifier in its reporting of data under this section. 294

(c) The director of any state agency that administers a 295
publicly funded program providing services to children who are 296
younger than compulsory school age, as defined in section 297
3321.01 of the Revised Code, including the directors of health, 298
job and family services, mental health and addiction services, 299
and developmental disabilities, shall request and receive, 300
pursuant to sections 3301.0723 and 3701.62 of the Revised Code, 301
a data verification code for a child who is receiving those 302
services. 303

(E) The guidelines adopted under this section may require 304
school districts to collect and report data, information, or 305
reports other than that described in divisions (A), (B), and (C) 306
of this section for the purpose of complying with other 307
reporting requirements established in the Revised Code. The 308
other data, information, or reports may be maintained in the 309
education management information system but are not required to 310
be compiled as part of the profile formats required under 311
division (G) of this section or the annual statewide report 312

required under division (H) of this section. 313

(F) Beginning with the school year that begins July 1, 314
1991, the board of education of each school district shall 315
annually collect and report to the state board, in accordance 316
with the guidelines established by the board, the data required 317
pursuant to this section. A school district may collect and 318
report these data notwithstanding section 2151.357 or 3319.321 319
of the Revised Code. 320

(G) The state board shall, in accordance with the 321
procedures it adopts, annually compile the data reported by each 322
school district pursuant to division (D) of this section. The 323
state board shall design formats for profiling each school 324
district as a whole and each school building within each 325
district and shall compile the data in accordance with these 326
formats. These profile formats shall: 327

(1) Include all of the data gathered under this section in 328
a manner that facilitates comparison among school districts and 329
among school buildings within each school district; 330

(2) Present the data on academic achievement levels as 331
assessed by the testing of student achievement maintained 332
pursuant to division (B)(1)(d) of this section. 333

(H)(1) The state board shall, in accordance with the 334
procedures it adopts, annually prepare a statewide report for 335
all school districts and the general public that includes the 336
profile of each of the school districts developed pursuant to 337
division (G) of this section. Copies of the report shall be sent 338
to each school district. 339

(2) The state board shall, in accordance with the 340
procedures it adopts, annually prepare an individual report for 341

each school district and the general public that includes the 342
profiles of each of the school buildings in that school district 343
developed pursuant to division (G) of this section. Copies of 344
the report shall be sent to the superintendent of the district 345
and to each member of the district board of education. 346

(3) Copies of the reports received from the state board 347
under divisions (H) (1) and (2) of this section shall be made 348
available to the general public at each school district's 349
offices. Each district board of education shall make copies of 350
each report available to any person upon request and payment of 351
a reasonable fee for the cost of reproducing the report. The 352
board shall annually publish in a newspaper of general 353
circulation in the school district, at least twice during the 354
two weeks prior to the week in which the reports will first be 355
available, a notice containing the address where the reports are 356
available and the date on which the reports will be available. 357

(I) Any data that is collected or maintained pursuant to 358
this section and that identifies an individual pupil is not a 359
public record for the purposes of section 149.43 of the Revised 360
Code. 361

(J) As used in this section: 362

(1) "School district" means any city, local, exempted 363
village, or joint vocational school district and, in accordance 364
with section 3314.17 of the Revised Code, any community school. 365
As used in division (L) of this section, "school district" also 366
includes any educational service center or other educational 367
entity required to submit data using the system established 368
under this section. 369

(2) "Cost" means any expenditure for operating expenses 370

made by a school district excluding any expenditures for debt 371
retirement except for payments made to any commercial lending 372
institution for any loan approved pursuant to section 3313.483 373
of the Revised Code. 374

(K) Any person who removes data from the information 375
system established under this section for the purpose of 376
releasing it to any person not entitled under law to have access 377
to such information is subject to section 2913.42 of the Revised 378
Code prohibiting tampering with data. 379

(L) (1) In accordance with division (L) (2) of this section 380
and the rules adopted under division (L) (10) of this section, 381
the department of education may sanction any school district 382
that reports incomplete or inaccurate data, reports data that 383
does not conform to data requirements and descriptions published 384
by the department, fails to report data in a timely manner, or 385
otherwise does not make a good faith effort to report data as 386
required by this section. 387

(2) If the department decides to sanction a school 388
district under this division, the department shall take the 389
following sequential actions: 390

(a) Notify the district in writing that the department has 391
determined that data has not been reported as required under 392
this section and require the district to review its data 393
submission and submit corrected data by a deadline established 394
by the department. The department also may require the district 395
to develop a corrective action plan, which shall include 396
provisions for the district to provide mandatory staff training 397
on data reporting procedures. 398

(b) Withhold up to ten per cent of the total amount of 399

state funds due to the district for the current fiscal year and, 400
if not previously required under division (L) (2) (a) of this 401
section, require the district to develop a corrective action 402
plan in accordance with that division; 403

(c) Withhold an additional amount of up to twenty per cent 404
of the total amount of state funds due to the district for the 405
current fiscal year; 406

(d) Direct department staff or an outside entity to 407
investigate the district's data reporting practices and make 408
recommendations for subsequent actions. The recommendations may 409
include one or more of the following actions: 410

(i) Arrange for an audit of the district's data reporting 411
practices by department staff or an outside entity; 412

(ii) Conduct a site visit and evaluation of the district; 413

(iii) Withhold an additional amount of up to thirty per 414
cent of the total amount of state funds due to the district for 415
the current fiscal year; 416

(iv) Continue monitoring the district's data reporting; 417

(v) Assign department staff to supervise the district's 418
data management system; 419

(vi) Conduct an investigation to determine whether to 420
suspend or revoke the license of any district employee in 421
accordance with division (N) of this section; 422

(vii) If the district is issued a report card under 423
section 3302.03 of the Revised Code, indicate on the report card 424
that the district has been sanctioned for failing to report data 425
as required by this section; 426

(viii) If the district is issued a report card under 427
section 3302.03 of the Revised Code and incomplete or inaccurate 428
data submitted by the district likely caused the district to 429
receive a higher performance rating than it deserved under that 430
section, issue a revised report card for the district; 431

(ix) Any other action designed to correct the district's 432
data reporting problems. 433

(3) Any time the department takes an action against a 434
school district under division (L)(2) of this section, the 435
department shall make a report of the circumstances that 436
prompted the action. The department shall send a copy of the 437
report to the district superintendent or chief administrator and 438
maintain a copy of the report in its files. 439

(4) If any action taken under division (L)(2) of this 440
section resolves a school district's data reporting problems to 441
the department's satisfaction, the department shall not take any 442
further actions described by that division. If the department 443
withheld funds from the district under that division, the 444
department may release those funds to the district, except that 445
if the department withheld funding under division (L)(2)(c) of 446
this section, the department shall not release the funds 447
withheld under division (L)(2)(b) of this section and, if the 448
department withheld funding under division (L)(2)(d) of this 449
section, the department shall not release the funds withheld 450
under division (L)(2)(b) or (c) of this section. 451

(5) Notwithstanding anything in this section to the 452
contrary, the department may use its own staff or an outside 453
entity to conduct an audit of a school district's data reporting 454
practices any time the department has reason to believe the 455
district has not made a good faith effort to report data as 456

required by this section. If any audit conducted by an outside 457
entity under division (L) (2) (d) (i) or (5) of this section 458
confirms that a district has not made a good faith effort to 459
report data as required by this section, the district shall 460
reimburse the department for the full cost of the audit. The 461
department may withhold state funds due to the district for this 462
purpose. 463

(6) Prior to issuing a revised report card for a school 464
district under division (L) (2) (d) (viii) of this section, the 465
department may hold a hearing to provide the district with an 466
opportunity to demonstrate that it made a good faith effort to 467
report data as required by this section. The hearing shall be 468
conducted by a referee appointed by the department. Based on the 469
information provided in the hearing, the referee shall recommend 470
whether the department should issue a revised report card for 471
the district. If the referee affirms the department's contention 472
that the district did not make a good faith effort to report 473
data as required by this section, the district shall bear the 474
full cost of conducting the hearing and of issuing any revised 475
report card. 476

(7) If the department determines that any inaccurate data 477
reported under this section caused a school district to receive 478
excess state funds in any fiscal year, the district shall 479
reimburse the department an amount equal to the excess funds, in 480
accordance with a payment schedule determined by the department. 481
The department may withhold state funds due to the district for 482
this purpose. 483

(8) Any school district that has funds withheld under 484
division (L) (2) of this section may appeal the withholding in 485
accordance with Chapter 119. of the Revised Code. 486

(9) In all cases of a disagreement between the department 487
and a school district regarding the appropriateness of an action 488
taken under division (L) (2) of this section, the burden of proof 489
shall be on the district to demonstrate that it made a good 490
faith effort to report data as required by this section. 491

(10) The state board of education shall adopt rules under 492
Chapter 119. of the Revised Code to implement division (L) of 493
this section. 494

(M) No information technology center or school district 495
shall acquire, change, or update its student administration 496
software package to manage and report data required to be 497
reported to the department unless it converts to a student 498
software package that is certified by the department. 499

(N) The state board of education, in accordance with 500
sections 3319.31 and 3319.311 of the Revised Code, may suspend 501
or revoke a license as defined under division (A) of section 502
3319.31 of the Revised Code that has been issued to any school 503
district employee found to have willfully reported erroneous, 504
inaccurate, or incomplete data to the education management 505
information system. 506

(O) No person shall release or maintain any information 507
about any student in violation of this section. Whoever violates 508
this division is guilty of a misdemeanor of the fourth degree. 509

(P) The department shall disaggregate the data collected 510
under division (B) (1) (n) of this section according to the race 511
and socioeconomic status of the students assessed. 512

(Q) If the department cannot compile any of the 513
information required by division (H) of section 3302.03 of the 514
Revised Code based upon the data collected under this section, 515

the department shall develop a plan and a reasonable timeline 516
for the collection of any data necessary to comply with that 517
division. 518

Section 2. That existing section 3301.0714 of the Revised 519
Code is hereby repealed. 520

Section 3. The Department of Education shall prepare a 521
report of the information maintained in the Education Management 522
Information System that relates to persons at whom violent 523
student behavior resulting in reported disciplinary actions was 524
directed as required by division (B) (1) (o) of section 3301.0714 525
of the Revised Code, as amended by this act, for the first two 526
school years following the effective date of this section. Not 527
later than the first day of October that next succeeds the final 528
day of the second school year following the effective date of 529
this section, the Department shall submit the report prepared 530
under this section to the President and Minority Leader of the 531
Senate, Speaker and Minority Leader of the House of 532
Representatives, and the chairpersons and ranking minority 533
members of the standing committees on education of the Senate 534
and House of Representatives. 535