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## *Conference Committee Synopsis*

*Legislative Service Commission*

### **Sub. H.B. 79** 126th General Assembly

*The Conference Committee recommends the bill as passed by the Senate with the following changes:*

<b>Topic</b>	<b>House Version</b>	<b>Senate Version</b>	<b>Conference Committee Recommendation</b>
<b>Effect of reporting requirements on collective bargaining agreements and employment contracts</b>	No provision.	Specifies that the requirements for school districts, educational service centers, community schools, chartered nonpublic schools, county MR/DD boards, and public children services agencies to report misconduct committed by persons licensed by the State Board of Education to the Superintendent of Public Instruction and to keep investigation reports in employees' personnel files prevail over any conflicting provisions of collective bargaining agreements or employment contracts entered into after the bill's effective	Senate version.

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		date ( <i>R.C. 3314.03(A)(11)(d), 3319.315, 5126.255, and 5153.176(G)</i> ).	
<b>Removal of investigation report from employee's personnel file</b>	Permits school districts, educational service centers, community schools, chartered nonpublic schools, and county MR/DD boards to move a report of an investigation into a licensed employee's misconduct from the employee's personnel file to a separate public file if the Superintendent of Public Instruction determines that the report does not warrant taking action against the licensee ( <i>R.C. 3314.03(A)(11)(d), 3319.314, and 5126.254</i> ).	Same as House, except the provision is mandatory ( <i>R.C. 3314.03(A)(11)(d), 3319.314, and 5126.254</i> ).	Senate version.
<b>When PCSA must report alleged child abuse or neglect committed by State Board licensees</b>	Requires a public children services agency (PCSA) to report to the Superintendent of Public Instruction about a report of child abuse or neglect involving a person licensed by the State Board of Education when the PCSA determines that evidence of child abuse or neglect exists ( <i>R.C. 5153.176</i> ).	Requires a PCSA to report to the Superintendent of Public Instruction when the PCSA determines that child abuse or neglect has occurred and is related to the person's duties and responsibilities under the State Board's license ( <i>R.C. 5153.176(A)</i> ).	Senate version.



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<p><b>Content of information reported by PCSA</b></p>	<p>Limits the information provided by a PCSA to the Superintendent of Public Instruction to information the PCSA deems relevant and that pertains to the licensee's duties and responsibilities under the license, including (1) a summary of the chronology of child abuse and neglect reports made about the licensee and the final disposition or status of follow-up investigations and (2) any underlying documentation concerning those reports (<i>R.C. 5153.176</i>).</p>	<p>Specifies that the PCSA must provide the Superintendent of Public Instruction with a summary of the nature of the allegations contained in the child abuse or neglect report and the final disposition or status of the follow-up investigation. Upon written request from the Superintendent, the PCSA must provide the following additional information:</p> <p>(1) About the alleged child victim:</p> <p>(a) Name and contact information of the child and the child's parent;</p> <p>(b) Date of birth;</p> <p>(c) Grade level;</p> <p>(d) Name and contact information of any medical facility that provided treatment related to the abuse or neglect;</p> <p>(e) A summary of interviews with the child; and</p> <p>(f) Copies of written correspondence between the</p>	<p>Senate version.</p>



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		<p>child and the alleged perpetrator.</p> <p>(2) About the alleged perpetrator:</p> <p>(a) Name and contact information;</p> <p>(b) Date of birth;</p> <p>(c) Name of school district and school that employed the person at the time of the report;</p> <p>(d) Name and contact information of any medical facility that provided treatment related to the abuse or neglect;</p> <p>(e) A summary of interviews with the person;</p> <p>(f) Copies of written correspondence between the person and the alleged child victim; and</p> <p>(g) If the person has been the subject of previous substantiated reports of physical or sexual child abuse, a summary of the chronology of those reports, the final disposition or status of follow-</p>	



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		<p>up investigations, and any underlying documentation concerning those reports.</p> <p>(3) About other persons considered important to the investigation:</p> <p>(a) Name and contact information; and</p> <p>(b) A summary of interviews with the person. <i>(R.C. 5153.176(A) and (C).)</i></p>	
<b>Approval of prosecutor to release information</b>	No provision.	Requires the county prosecutor to approve the release of the information in (1) to (3) above if the prosecutor intends to file criminal charges against the licensee <i>(R.C. 5153.176(B)).</i>	Senate version.
<b>Confidentiality of person making the report</b>	Prohibits a PCSA from providing the Superintendent of Public Instruction with the name of the person who made the report of child abuse or neglect involving a licensee <i>(R.C. 5153.176).</i>	Same as House, but creates an exception if the reporter grants permission for the information to be released <i>(R.C. 5153.176(C)(3)).</i>	Senate version.



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<b>Notification of confidentiality of information</b>	No provision.	Specifies that when a PCSA provides information about a licensee to the Superintendent of Public Instruction, the PCSA must notify the Superintendent that the information is confidential and that unauthorized dissemination of the information is a crime. Furthermore, the PCSA must inform the county prosecutor if it determines that any person involved in a State Board investigation of the licensee's misconduct causes unauthorized dissemination of the information. (R.C. 5153.176(D).)	Senate version.
<b>Documentation of information provided by PCSA</b>	No provision.	Requires a PCSA to maintain documentation of information provided to the Superintendent of Public Instruction in its investigative record (R.C. 5153.176(E)).	Senate version.
<b>Immunity from liability for PCSA employees</b>	No provision.	Grants immunity from civil and criminal liability to PCSA employees who provide information to the Superintendent of Public Instruction about child abuse or	Senate version.



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		neglect committed by State Board licensees ( <i>R.C. 5153.176(F)</i> ).	
<b>Reporting of information about operators of family day-care homes</b>	No provision; retains current law.	Modifies the requirement in current law for a PCSA to provide information to the Department of Job and Family Services about reports of child abuse or neglect involving persons applying for licensure or certification to operate a type A or type B family day-care home to specify that the requirement applies only when those reports are substantiated. The bill also requires the PCSA to notify the Department of the confidentiality of the information and that unauthorized dissemination of the information is a crime. ( <i>R.C. 5153.175.</i> )	Senate version.
<b>Certification of formula ADM</b>	No provision.	Requires school districts to certify their formula ADMs twice annually beginning in fiscal year 2007, rather than fiscal year 2006 ( <i>R.C. 3317.01, 3317.02, and 3317.03</i> ). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th</b>	No provision.



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		<b>General Assembly, effective June 30, 2006.</b>	
<b>Penalty for reporting inaccurate attendance data</b>	No provision.	Requires the Department of Education to propose to the General Assembly a penalty for school districts and community schools that intentionally report inaccurate attendance data and to make legislative recommendations regarding existing penalties ( <i>Section 6</i> ). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th General Assembly, effective June 30, 2006.</b>	No provision.
<b>Effective date of provisions regarding confidentiality of achievement test scores</b>	No provision.	Accelerates the effective date of the following provisions from July 1, 2006, to this bill's effective date: (1) authorization for the State Board of Education to require the use of student data verification codes to protect student confidentiality, (2) the requirement to include student data verification codes on achievement tests, and (3) the provision prohibiting entities hired to score the achievement tests from releasing test scores,	No provision.



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		<p>except to students' school districts (<i>Sections 3, 4, and 5</i>). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th General Assembly, effective March 30, 2006.</b></p>	
<p><b>Administration of Educational Choice Scholarship Pilot Program</b></p>	<p>No provision.</p>	<p>Allows the Department of Education to have access to the data verification codes of students who apply for Educational Choice Scholarships. The Department must provide the data verification codes to chartered nonpublic schools that enroll scholarship students so that the schools can include the codes on the students' achievement tests (<i>R.C. 3301.0714(D)(2) and 3310.11(A), (B), and (C)</i>). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th General Assembly, effective March 30, 2006.</b></p>	<p>No provision.</p>
<p><b>Public records status of Scholarship Program documents</b></p>	<p>No provision.</p>	<p>Specifies that the Department of Education's documents relative to the Educational Choice Scholarship Pilot Program are public records, unless they contain both a</p>	<p>No provision.</p>



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		<p>student's data verification code and personally identifiable student data (<i>R.C. 3310.11(D) and 3310.12</i>). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th General Assembly, effective March 30, 2006.</b></p>	
<p><b>Application for tuition reimbursement for special education students</b></p>	<p>No provision.</p>	<p>Requires state institutions that serve special education students to use a student's data verification code, rather than the student's name, when applying for tuition reimbursement from the student's resident school district (<i>R.C. 3323.091</i>). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th General Assembly, effective June 30, 2006.</b></p>	<p>No provision.</p>
<p><b>Reporting of handicapped preschool children</b></p>	<p>No provision.</p>	<p>Requires the Department of Education to disaggregate the number of handicapped preschool children served in the previous fiscal year by developmental deficiency, rather than the six categories used to calculate special education weighted funding for</p>	<p>No provision.</p>



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		K-12 students, when reporting that number to the General Assembly ( <i>R.C. 3323.20</i> ). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th General Assembly, effective June 30, 2006.</b>	
<b>Timelines for value-added analyses</b>	No provision.	Requires contracting entities to complete value-added analyses of student data commissioned by the Department of Education in accordance with timelines established by the Superintendent of Public Instruction ( <i>R.C. 3302.021(C)</i> ). <b>This provision was enacted in Am. Sub. H.B. 530 of the 126th General Assembly, effective June 30, 2006.</b>	No provision.
<b>Limit on the number of Educational Choice Scholarships that may be awarded each year</b>	No provision.	No provision.	Sets a permanent limit of 14,000 scholarships per year, which is the same number currently prescribed for fiscal year 2007 under uncodified law. ( <i>R.C. 3310.01 and 3310.16 (renumbered as new R.C. 3310.17) repealed R.C. 3310.17.</i> )



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<b>Eligibility for Educational Choice Scholarships</b>	No provision.	No provision.	Qualifies a student for a scholarship if the school district building to which the student is or would be assigned was in academic watch or emergency for two of the three previous years and was not declared excellent or effective for the previous year (instead of academic watch or emergency for all three previous years as under current law). (R.C. 3310.03.)
<b>Eligibility for Educational Choice Scholarships --look ahead</b>	No provision.	No provision.	Qualifies a student for a scholarship based on the rating of the building in which the student will be assigned for the year in which the scholarship is sought, as well as based on the building in which the student is currently assigned or would be assigned as under current law. (R.C. 3310.03.)
<b>Continued eligibility for Educational Choice Scholarships --attendance</b>	No provision.	No provision.	Provides that a student is not eligible for continued scholarship payments if the student is absent from school for more than 20 days, not including "excused absences" (instead of 20 absences due to



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			illness or injury confirmed by a physician as under current law). Requires the State Board of Education to adopt rules for defining "excused absences" for determining if a student exceeds the limit of 20 unexcused absences. (R.C. 3310.03.)
<b>Continued eligibility for Educational Choice Scholarships --transfers</b>	No provision.	No provision.	Provides that a student who has received a scholarship may continue to receive them in subsequent years even if the student transfers to a new resident district, as long as the building to which the student would be assigned in the new district is a qualifying building. (R.C. 3310.03.)
<b>Counting Educational Choice Scholarship students in a school district's formula ADM</b>	No provision.	No provision.	Provides that if a scholarship student is not included in the formula ADM of the student's resident school district, as provided under current law, the Department of Education is required to adjust the district's formula ADM to include that student. (R.C. 3317.03.)



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<b>Serving on multiple governing authorities</b>	No provision.	No provision.	Prohibits a person from serving on the governing authorities of more than two start-up community schools at the same time ( <i>R.C. 3314.02(E)(2)</i> ).
<b>Payment to governing authority members</b>	No provision.	No provision.	Authorizes start-up community schools to compensate each governing authority member up to \$125 for each meeting of the governing authority the person attends, but limits a person to \$125 per month from each governing authority of which the person is a member. If a person is a member of more than one governing authority and those governing authorities hold meetings at the same place on the same day, the person's compensation for the meetings cannot exceed the highest per-member per-meeting amount specified by those governing authorities and must be divided evenly among the governing authorities of which the person is a member. ( <i>R.C. 3314.025.</i> )



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<b>Governing authority conflicts of interest</b>	No provision.	No provision.	Prohibits present and former members of community school governing authorities, and their immediate relatives, from being owners, employees, or consultants of any community school operator until one year after their membership has ended ( <i>R.C. 3314.02(E)</i> ).
<b>Appeal of termination or nonrenewal of operator contract</b>	No provision.	No provision.	Allows the operator of a community school to appeal the termination or nonrenewal of its contract with the school to the school's sponsor or, if the sponsor has sponsored the school for less than 12 months, to the State Board of Education. If the sponsor or State Board decides that the operator should continue to manage the school, the operator must appoint a new governing authority for the school. ( <i>R.C. 3314.025.</i> )
<b>Repeal of community school sanctions</b>	No provision.	No provision.	Repeals the following (which are replaced by new provisions, described below): (1) a requirement to administer fall and spring reading and math assessments to students



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			enrolled in community schools that are rated continuous improvement or lower, have not been open for two years, or do not have a performance rating based on achievement test data and (2) sanctions, including permanent closure, for community schools that fail to make expected gains in student achievement and that are rated academic watch or academic emergency or do not have a rating based on achievement test data ( <i>repealed R.C. 3314.35 and 3314.36</i> ).
<b>Closing poorly performing community schools</b>	No provision.	No provision.	Requires a community school to permanently close if, after July 1, 2008, it (1) does not have a grade higher than 3 and has been in academic emergency for four consecutive years, (2) offers any of grades 4 to 8 but no higher than 9, has been in academic emergency for three consecutive years, and showed less than one year of academic growth in either reading or math for two of those years, or (3) offers any of



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			grades 10 to 12, has been in academic emergency for three consecutive years, and showed less than two years of academic growth in reading or math for two of those years (except that if the Department of Education determines it cannot measure yearly academic growth for high schools, a high school must close after four consecutive years of academic emergency). A school that closes may not contract with another sponsor. (R.C. 3314.35.)
<b>Exemption for dropout programs</b>	No provision.	No provision.	Exempts community schools in which a majority of the students are enrolled in a dropout prevention and recovery program operated by the school from the closing requirements described above, if the program: (1) serves only 16 to 21 year olds, (2) enrolls students who are one or more grades behind or experience crises that interfere with their academic progress, (3) requires students to pass the Ohio Graduation Tests, (4) develops



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			student career plans and provides related counseling, and (5) submits a plan to the Department of Education for teaching the academic content standards ( <i>R.C. 3314.35 and 3314.36</i> ).
<b>Recommendations for performance standards for dropout programs</b>	No provision.	No provision.	Requires the State Board of Education to make legislative recommendations for performance standards for community schools that operate dropout prevention and recovery programs ( <i>Section 7</i> ).
<b>Caps on sponsors</b>	No provision.	No provision.	Applies to all community school sponsors an existing provision that reduces by one the cap on the number of schools a sponsor may sponsor for each of its schools that closes and removes a provision specifying that a sponsor's cap cannot fall below 50 ( <i>R.C. 3314.015(B)(1)</i> ).
<b>School district sale of real property</b>	No provision.	No provision.	Requires school districts to offer real property suitable for classroom space for sale to start-up community schools in the district if the district has not used the property for academic



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			instruction, administration, storage, or any other educational purpose for one school year and has not adopted a plan for using that property for any of those purposes within the next three school years. Also, if a community school that buys such property closes or wishes to sell the property, the school must first offer the property to the school district from which it was acquired before otherwise disposing of it. (R.C. 3313.41(G)(2) and 3314.051.)
<b>Assignment to Educational Regional Service System (ERSS) regions</b>	No provision.	No provision.	Eliminates provisions assigning an educational service center (and its constituent local school districts) or a city or exempted village school district that has territory in multiple ERSS regions to the region in which it has the most territory (R.C. 3312.02).



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<b>Renaming data acquisition sites</b>	No provision.	No provision.	Renames data acquisition sites as "information technology centers" ( <i>R.C. 3301.075, 3312.01, 3312.03, 3312.04, 3312.05, 3312.08, and 3312.10</i> ).
<b>Membership of ERSS regional advisory councils</b>	No provision.	No provision.	Designates as a member of the regional advisory council the director of each information technology center that provides services in the region (rather than is <i>located</i> in the region, as under current law) ( <i>R.C. 3312.03(A)(5)</i> ).
<b>Membership of information technology center subcommittees</b>	No provision.	No provision.	Reconstitutes the membership of the information technology center subcommittee of each ERSS regional advisory council to include the site administrator of each information technology center providing services in the region and two school district administrators appointed by each of those centers (rather than the members of the governing authorities of each information technology center located in the region, as under current law) ( <i>R.C. 3312.05(A)(5)</i> ).



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<b>Meetings of State Regional Alliance Advisory Board</b>	No provision.	No provision.	Requires the State Regional Alliance Advisory Board to meet at least four times each year in its first two years of existence, rather than monthly as under current law ( <i>R.C. 3312.11</i> ).
<b>ERSS performance contracts</b>	No provision.	No provision.	Requires the performance contract between a region's fiscal agent and the Department of Education to include an explanation of how regional needs and priorities have been identified by the regional advisory council and the Department ( <i>R.C. 3312.04, 3312.09, and 3312.13</i> ).
<b>Partnership for Continued Learning membership</b>	No provision.	No provision.	Adds to the membership of the Partnership for Continued Learning one representative of a community school sponsor and one teacher or administrator employed by a community school. ( <i>R.C. 3301.41</i> .)



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<b>Study of operation and oversight of community schools and the Educational Choice Scholarship Pilot Program</b>	No provision.	No provision.	Requires the Partnership for Continued Learning to study the operation and oversight of community schools and the Educational Choice Scholarship Pilot Program and to submit recommendations to the General Assembly not later than one year after the bill's effective date. <i>(Section 7.)</i>
<b>Parental involvement policies by community schools</b>	No provision.	No provision.	Requires community schools to adopt parental involvement policies in the same manner as currently required of school districts. <i>(R.C. 3314.03(A)(11)(d).)</i>
<b>State Board recommendations for parental involvement policies</b>	No provision.	No provision.	Requires the State Board of Education to adopt recommendations for the development of parental involvement policies by school districts and community schools and, in doing so, to consult with the National Center for Parents at the University of Toledo. <i>(R.C. 3313.472.)</i>



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<b>Student acceleration policies</b>	No provision.	No provision.	<p>Requires that if the acceleration policy adopted by a school district board is not the model policy adopted by the State Board of Education, the district board must submit its policy to the Department of Education for review and approval.</p> <p>Requires the Department, upon request, to provide technical assistance to a school district board in developing its acceleration policy.</p> <p><i>(R.C. 3324.10.)</i></p>
<b>School safety plans</b>	No provision.	No provision.	<p>Requires public and nonpublic schools, when filing their required school safety plans with the Attorney General for posting on the Ohio Law Enforcement Gateway, to include a floor plan with it (instead of a building blue print as under current law); exempts that floor plan, in so far as it is kept by the Attorney General, from the Public Records Law; and requires filing of the safety plan with all specified</p>



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			recipients within 90 days after the bill's effective date or 90 days after subsequent revisions are made to the safety plan. (R.C. 3313.536.)
<b>School Health and Safety Network</b>	No provision.	No provision.	Specifies that the following schools are not required to comply with the School Health and Safety Network provisions: (1) a state-licensed child care program for preschool children, (2) a child care program for preschool children that is not run by a public or nonpublic school, and (3) a chartered kindergarten that is not operated by a school district, educational service center, or county MR/DD board. (R.C. 3701.93.)

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