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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

H.B. 583  
134<sup>th</sup> General Assembly

## Final Analysis

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**Primary Sponsors:** Reps. Bird and Jones

**Effective date:** September 23, 2022; appropriations effective June 24, 2022

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## SUMMARY

### Substitute teachers

- Extends to the 2022-2023 and 2023-2024 school years, the authorization for public or chartered nonpublic schools to employ substitute teachers according to their own education requirements.
- Establishes the Substitute Teacher Shortages Study Committee to examine the substitute teacher shortage and consider ways to address its causes.

### School financing system

- Makes technical and corrective changes to the school financing system.

### State scholarship and educational savings programs

#### Ed Choice Scholarship Program

##### Correction payments

- Permits a chartered nonpublic school, through December 22, 2022 (90 days after the act's effective date), to request the Department of Education to review for errors any Ed Choice scholarship payments made for students attending that school during the 2020-2021 school year.
- Requires the Department, if it finds that scholarship payments for a student were less than they should have been based on the student's attendance, to pay the school the balance.

##### Ed Choice Expansion scholarships

- Eliminates the progressive proration of an Ed Choice Expansion scholarship amount, and the disqualification of a scholarship recipient to renew that scholarship, based on a rising family income.

- Qualifies for an Ed Choice Expansion scholarship any student whose sibling received such a scholarship for either the school year for which the student is seeking a scholarship or the prior school year.

### **Private school participation in Cleveland Scholarship Program**

- Qualifies a private elementary school located outside Cleveland to enroll students receiving scholarships under the Pilot Project (Cleveland) Scholarship Program if the school meets certain conditions.

### **Rollover of ACE Education Savings Account funds**

- Requires that, if a parent or guardian had an Afterschool Child Enrichment (ACE) educational savings account (ESA) established for FY 2022, any funds disbursed for FY 2023 must be credited and disbursed to that account.
- Requires any funds in an ACE ESA at the end of a fiscal year to remain in that account for the next fiscal year, until the full amount in the account is spent or the student graduates from high school.
- Extends the Department's authority to pay the program's vendor up to 3% of the amount appropriated for a fiscal year from only FY 2022 and FY 2023 to each fiscal year in which the program operates.

## **Community schools**

### **Quality Community Schools Support Program**

- Specifies that a community school first designated as a Community School of Quality for the 2019-2020 school year for the Quality Community Schools Support Program maintains that designation through the 2022-2023 school year.

### **Funding for new remote learning community schools**

- Qualifies for state funding for the 2021-2022 school year a newly opened remote learning community school that meets prescribed requirements.

### **Rating for sponsor that succeeded University of Toledo**

- Requires the Department to consider the Ohio Council of Community Schools to have received the same sponsor rating as the University of Toledo for the 2016-2017 school year.

### **Sponsor ratings for 2021-2022 school year**

- Establishes a safe harbor from penalties and sanctions for community school sponsors based on sponsor ratings issued for the 2021-2022 school year.
- Requires that a sponsor's overall rating for the 2021-2022 school year be either the rating the sponsor received for the 2018-2019 school year or the rating calculated using data from the 2021-2022 school year, whichever is higher.

## **Low-performing community school sponsorship changes**

- Permits a low-performing community school, for the 2022-2023 school year only, to enter into a contract with a new sponsor without regard to the sponsor's ratings or the Department's approval.

## **Sponsor evaluations**

- Prohibits the Department, under the community school sponsor evaluation system, from assigning an overall rating of "ineffective" or lower to a sponsor solely because the sponsor received no points on one of the components of that evaluation.

## **Tutoring and remedial education program**

- Requires the Superintendent of Public Instruction to establish and administer a program to provide tutoring and remedial education services to students in participating public and chartered nonpublic schools.
- Specifies that a participating tutor may be either a retired teacher or substitute teacher or an individual who meets eligibility standards established by the state Superintendent.
- Requires the Educational Service Center (ESC) of Central Ohio, as the "Coordinating Service Center," to employ, or engage as volunteers, tutors and, with other participating ESCs, coordinate placement of tutors in participating schools.
- Includes employed tutors registered under the act in the State Teachers Retirement System and excludes them from the School Employees Retirement System.
- Requires the Department to serve as a fiscal agent for the program, to provide for administrative, implementation, and training costs, to provide technical assistance to the Coordinating Service Center, and to issue prescribed reports.
- Appropriates \$2.4 million in federal American Rescue Plan Act funds for the program in FY 2022, and reappropriates the unexpended, unencumbered balance for FY 2023.

## **List of high-quality tutoring programs**

- Requires the Department, by October 1, 2022, to compile and post on its website a list of high-quality tutoring programs provided by public and private entities.

## **Career-technical tax credit administration**

- Permits the Department to request a student's data verification code for the purpose of awarding tax credits under continuing law to employers who provide work-based learning experiences for career-technical students.

## **Dyslexia screening and intervention**

- Delays from the 2022-2023 school year to 2023-2024 the requirement for annual tier one dyslexia screenings of students in grades K-6, but expressly permits a district or school administer the screening prior to that school year.

- Makes other changes regarding dyslexia screening and intervention for K-6 students.

### **Alternative resident educator licenses**

- Until July 1, 2028, prohibits the State Board of Education and the Department from limiting the subject areas in which an individual may receive an alternative resident educator license.

### **Ohio School Safety Month**

- Designates October as “Ohio School Safety Month.”

### **Prelicensure education programs for licensed practical nurses**

- Until February 1, 2028, authorizes a prelicensure education program for licensed practical nurses to use as a member of its faculty any individual who holds a baccalaureate degree in nursing or will receive one within 12 months of the date the program first uses the individual as a faculty member.

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## DETAILED ANALYSIS

### Substitute teachers

#### Educational requirements

The act extends to the 2022-2023 and 2023-2024 school years a temporary provision of S.B. 1 of the 134<sup>th</sup> General Assembly that provides flexibility regarding the educational requirements to be a substitute teacher. Under the provision, a school district, community school, STEM school, chartered nonpublic school, educational service center (ESC), or regional council of governments consisting of one or more ESCs may employ an individual as a substitute teacher if the individual:

1. Meets the district’s or school’s own education requirements;
2. Is deemed to be of good moral character; and
3. Successfully completes a criminal records check.

The State Board of Education must issue a nonrenewable temporary substitute teaching license to an individual who meets those requirements, even if the individual does not hold a post-secondary degree.<sup>1</sup>

#### Legislative study committee

The act establishes in the General Assembly the Substitute Teacher Shortages Study Committee to examine the shortage of substitute teachers and consider ways to address its causes. The committee also must review the temporary substitute licensing provisions

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<sup>1</sup> Section 4 of S.B. 1 of the 134<sup>th</sup> General Assembly, amended in Sections 7 and 8.

prescribed in H.B. 409 of the 133<sup>rd</sup> General Assembly and S.B. 1 of the 134<sup>th</sup> General Assembly. It must produce a report of its findings by December 31, 2022.

The study committee is comprised of three members of the House of Representatives appointed by the Speaker and three members of the Senate appointed by the Senate President. Of the three members from each chamber, two must be from the majority party and one from the minority party. The Speaker and the Senate President must consult with the minority leader of their respective chambers in appointing the minority party members.<sup>2</sup>

## **School financing system – technical and corrective changes**

The act makes a number of technical and corrective changes to the school financing system established by H.B. 110 of the 134<sup>th</sup> General Assembly. The act:

1. Eliminates a redundant statutory requirement that each school district use the Education Management Information System (EMIS) to submit annual reports regarding disadvantaged pupil impact aid (DPIA) spending for FY 2022 and FY 2023.<sup>3</sup>
2. Eliminates the codified requirement that each school district use EMIS to report the average number of community, STEM, and nonpublic school students riding on school buses for FY 2022 and FY 2023 and, instead, requires in uncodified law that similar data be reported in a manner determined by the Department of Education.<sup>4</sup>
3. Requires that any funds remaining after a community school permanently closes be paid to the Department and deposited in the General Revenue Fund.<sup>5</sup>
4. Changes the definitions of educator salary data used to calculate certain elements of the base cost from “the most recent fiscal year for which data is available” to FY 2018 data, to conform with the language used in other base cost calculations.<sup>6</sup>
5. Requires that a student’s English Learner category for funding purposes be determined using the state standardized identification process and the student’s score on the English language proficiency assessments, rather than the English language arts *achievement* assessments as under former law.<sup>7</sup>
6. Requires that a city, local, or exempted village school district’s state share percentage be computed by subtracting the district’s per pupil local capacity amount from the

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<sup>2</sup> Section 11.

<sup>3</sup> R.C. 3301.0714(B)(4).

<sup>4</sup> R.C. 3301.0714(B)(5) to (7) and Section 265.150 of H.B. 110 of the 134<sup>th</sup> General Assembly, amended in Sections 3 and 4.

<sup>5</sup> R.C. 3314.074.

<sup>6</sup> R.C. 3317.011(A) and (E).

<sup>7</sup> R.C. 3317.016.

district's base cost per pupil, and dividing the difference by the district's base cost per pupil.<sup>8</sup>

7. Prescribes a minimum state share percentage of 5%.<sup>9</sup>
8. Removes a city, local, or exempted village school district's supplemental targeted assistance funding for the fiscal year from the calculation of a district's temporary transitional aid for FY 2022 and FY 2023.<sup>10</sup>
9. Requires the Department to add to the enrolled ADM of each city, local, and exempted village school district a number equal to 20% of the students who open enroll into the district and then enroll in a joint vocational school district (JVSD) or a career-technical education compact.<sup>11</sup>
10. Removes from a school district's funding base for FY 2023 the excess cost charged by an educating school district to a resident school district in FY 2020 for services provided to students with disabilities.<sup>12</sup>
11. Removes from a school district's formula transition supplement funding base for FY 2022 and FY 2023 the excess cost charged by an educating school district to a resident school district in FY 2021 for services provided to students with disabilities.<sup>13</sup>
12. Eliminates requirements for the State Board to establish standards and guidelines for:
  - a. Determining approved costs incurred by ESCs transporting students with disabilities whom it is impossible to transport by a school bus on a regular route; and
  - b. Distributing funds to county boards of developmental disabilities for approved transportation costs required for students with disabilities.<sup>14</sup>
13. Requires the State Board to distribute special education transportation funding for ESCs and county boards in an amount equal to their actual costs incurred in the prior fiscal year transporting students with disabilities multiplied by 29 $\frac{1}{6}$ % for FY 2022 and 33 $\frac{1}{3}$ % in FY 2023.<sup>15</sup>
14. Requires the Department to withhold for catastrophic costs 10% of the special education funding provided to a school district, community school, or STEM school,

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<sup>8</sup> R.C. 3317.017(C).

<sup>9</sup> R.C. 3317.017(C).

<sup>10</sup> R.C. 3317.019(A)(1).

<sup>11</sup> R.C. 3317.02(K)(1)(e).

<sup>12</sup> R.C. 3317.02(N)(1)(a) and (O)(1)(a)(ii).

<sup>13</sup> Section 265.225 of H.B. 110 of the 134<sup>th</sup> General Assembly, amended in Sections 3 and 4.

<sup>14</sup> R.C. 3317.024(C) and (F).

<sup>15</sup> R.C. 3317.024(C) and (F).

subject to any funding limitations enacted by the General Assembly, rather than 10% of the amount calculated for the district or school (before any limitations) as under former law.<sup>16</sup>

15. Permits chartered nonpublic schools, in addition to school districts as under continuing law, to claim reimbursement from the Auxiliary Services Reimbursement Fund for mobile units and employee severance.<sup>17</sup>
16. Reappropriates for FY 2023 the unencumbered, unexpended balance of the FY 2022, \$250,000 earmark for transportation collaboration grants and permits the Department to allow grant recipients to carry over funds for expenses incurred in the fiscal year following the fiscal year in which a grant was awarded.<sup>18</sup>
17. Requires that any state funds a school district, community school, or STEM school spent on services related to DPIA, English learners, or gifted students on or after July 1, 2021, but prior to September 30, 2021, be applied to spending requirements for those services for FY 2022.<sup>19</sup>
18. Requires that, in FY 2022 and FY 2023, the statewide average cost per rider and statewide average cost per mile used to calculate state transportation funding and payment in lieu of transportation payments be based on data from FY 2020.<sup>20</sup>
19. Replaces obsolete language included in the funding formula for eligible internet- or computer-based community schools with a calculation of the number of full-time equivalent students enrolled in grades 8-12 multiplied by the formula amount.<sup>21</sup>
20. Makes other technical corrections.<sup>22</sup>

## **Ed Choice Scholarship Program**

### **Correction payments**

The act addresses Educational Choice (Ed Choice) scholarship payment errors for students attending chartered nonpublic schools for the 2020-2021 school year. Through December 22, 2022 (90 days after the act's effective date), it authorizes a chartered nonpublic school to request that the Department review scholarship payments made for students who

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<sup>16</sup> R.C. 3317.0215(A)(1).

<sup>17</sup> R.C. 3317.064(B) and (C).

<sup>18</sup> Section 265.150 of H.B. 110 of the 134<sup>th</sup> General Assembly, amended in Sections 3 and 4.

<sup>19</sup> Section 12.

<sup>20</sup> Section 13.

<sup>21</sup> Section 5 of H.B. 123 of the 133<sup>rd</sup> General Assembly, amended in Sections 5 and 6.

<sup>22</sup> R.C. 3317.011(G)(3)(b), 3317.014(D)(1), 3317.019(A)(1), 3317.0110(D)(1)(e) and (H), 3317.02(N)(1)(b), 3317.024(C)(1)(a), 3317.0212(H)(2) and (I)(1)(b)(i), 3317.051(C), 3317.25(A)(3) and (4), and 3326.39(A).



attended the school during that school year and determine whether there were errors made regarding enrollment counting of scholarship students.

If the Department finds that any student's scholarship payments for the 2020-2021 school year were less than they should have been based on the student's attendance at the school, the Department must pay the school, on the student's behalf, the difference between the scholarship payments made to the student for that school year and the amount the scholarship payments should have been.<sup>23</sup>

### **Eliminate Ed Choice Expansion proration**

The act eliminates law that reduced the scholarship amount, or outright disqualified a student, under the Ed Choice Expansion if the recipient's family income rose above 250% of the federal poverty level (FPL) in years after initially qualifying. As a result, once a student qualifies for an Ed Choice Expansion income-based scholarship, the student's scholarship amount and continued eligibility cannot be affected solely by changes in family income.

It also requires that any student who received a prorated scholarship amount prior to the act's effective date, September 23, 2022, must receive a full scholarship amount on and after that date.<sup>24</sup>

The 2022 FPL for a household of four is \$27,750.<sup>25</sup> 250% of that amount is \$69,375 and 400% of that amount is \$111,000.

### **Ed Choice Expansion for siblings**

The act qualifies for a first-time Ed Choice Expansion scholarship any student, regardless of current family income, whose sibling received such a scholarship for at least:

1. The school year prior to the school year for which the student is seeking a scholarship; or
2. The school year for which the student is seeking a scholarship.<sup>26</sup>

### **Private school participation in Cleveland Scholarship Program**

The act qualifies a private elementary school located outside the Cleveland Municipal School District to enroll students under the Pilot Project Scholarship program, if it:<sup>27</sup>

1. Offers all of grades PreK-8, but not any of grades 9-12; and
2. Is located within the boundaries of another school district that is:

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<sup>23</sup> Section 14, and Section 265.210 of H.B. 110 of the 134<sup>th</sup> General Assembly, amended in Sections 3 and 4.

<sup>24</sup> R.C. 3310.032(E) and Section 15.

<sup>25</sup> U.S. Department of Health and Human Services, [HHS Poverty Guidelines for 2022](https://www.hhs.gov/ashpe/poverty-guidelines), available by conducting a keyword search for "poverty guidelines" at [aspe.hhs.gov](https://aspe.hhs.gov).

<sup>26</sup> R.C. 3310.032(A)(2).

<sup>27</sup> R.C. 3313.976(A)(1)(c).

- a. Located in a municipal corporation with a population of greater than 10,000 but less than 13,000;
- b. Located within five miles of the border of the Pilot Project School District; and
- c. Located in the same county (Cuyahoga) as the Pilot Project School District.

The Brooklyn City School District meets these parameters.

Continuing law has already permitted a private school located in any of 23 other school districts outside Cleveland to enroll students in grades K-12 under the program.

## **Rollover of ACE Education Savings Account funds**

H.B. 110 of the 134<sup>th</sup> General Assembly established the After School Child Enrichment (ACE) Educational Savings Account Program. Under law unchanged by the act, the Department, upon request of an eligible student's parent or guardian, must establish a \$500 educational savings account (ESA) for FY 2022 or FY 2023.

The act revises and extends the operation of the program. Specifically, it requires that:

1. If a parent or guardian had an ACE ESA established for FY 2022 and requests funds for FY 2023, those funds must be credited and disbursed to the existing ESA; and
2. Any funds in an ACE ESA at the end of a fiscal year must remain in it for the next fiscal year, until the full amount in the ESA is spent or the student graduates from high school.

Finally, the act extends the Department's authority to pay the program's vendor up to 3% of the amount appropriated for a fiscal year from only FY 2022 and FY 2023 to each fiscal year in which the program operates.<sup>28</sup>

For background on the ACE Education Savings Account program, see pp. 200-202 of the [Final Analysis for H.B. 110 \(PDF\)](#), which is available at the General Assembly's website: [legislature.ohio.gov](http://legislature.ohio.gov).

## **Community schools**

### **Quality Community Schools Support Program**

For purposes of the Quality Community Schools Support Program, the act provides that a community school first designated as a Community School of Quality for the 2019-2020 school year maintains that designation through the 2022-2023 school year.<sup>29</sup>

Under the program, the Department makes an additional payment to each community school that is designated as a Community School of Quality by satisfying one of several conditions. The program was first established for the 2019-2020 and 2020-2021 school years by H.B. 166 of the 133<sup>rd</sup> General Assembly and was renewed for the 2021-2022 and 2022-2023

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<sup>28</sup> R.C. 3310.70.

<sup>29</sup> Section 265.335 of H.B. 110 of the 134<sup>th</sup> General Assembly, amended in Sections 3 and 4.

school years by H.B. 110 of the 134<sup>th</sup> General Assembly. Under the program, a school may receive up to \$1,750 in each fiscal year for each pupil identified as economically disadvantaged and up to \$1,000 in each fiscal year for each pupil that is not identified as economically disadvantaged. The program permits a school to maintain its designation as a Community School of Quality for two school years following the year it meets the conditions. The act permits a school designated in 2019-2020 to retain its designation for a third school year following the designation.

### **Funding for certain new remote learning community schools**

H.B. 164 of the 133<sup>rd</sup> General Assembly permitted certain public schools, including community schools that are not internet- or computer-based community schools, to adopt a plan to provide instruction using a remote learning model for the 2020-2021 school year. S.B. 229 of the 134<sup>th</sup> General Assembly permitted a district or school, under certain circumstances, to elect to continue using that plan for the 2021-2022 school year. A district or school that used a plan in either year was considered to have met any requirements prescribed under continuing law for state funding, even if those requirements were not actually met.<sup>30</sup>

The act addresses a community school that opened for the first time in the 2021-2022 school year and operated using a remote learning plan during that year. Specifically, it qualifies that school for state funding, even if it otherwise would not meet the requirements to do so, provided the school uses the same plan as a community school that:

1. Has the same sponsor as the newly opened school; and
2. Operated using that plan for both the 2020-2021 and 2021-2022 school year.<sup>31</sup>

### **Rating for sponsor that succeeded University of Toledo**

The act requires the Department, when determining whether a sponsor qualifies to be evaluated every three years rather than annually, to consider the Ohio Council of Community Schools (OCCS) to have received the same sponsor rating as the University of Toledo for the 2016-2017 school year.<sup>32</sup>

The University was eligible to serve as a sponsor in the original Lucas County community school pilot project in 1997.<sup>33</sup> In 1999, the law was changed to permit the University to designate an authority to act as a sponsor in its place.<sup>34</sup> Effective in 2003, the law was further

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<sup>30</sup> Section 16 of H.B. 164 of the 133<sup>rd</sup> General Assembly and Section 4 of S.B. 229 of the 134<sup>th</sup> General Assembly, neither in the act.

<sup>31</sup> Section 16.

<sup>32</sup> R.C. 3314.021(E).

<sup>33</sup> Section 50.52 of H.B. 215 of the 122<sup>nd</sup> General Assembly.

<sup>34</sup> R.C. 3314.02, as amended by H.B. 282 of the 122<sup>nd</sup> General Assembly.

amended to permit to a tax-exempt entity to succeed the University as sponsor of its schools.<sup>35</sup> In 2003, the University also named the OCCS as its independent designee.<sup>36</sup> According to its website, OCCS has succeeded the University as a sponsor.<sup>37</sup> Apparently, the Department, for the 2016-2017 school year, recognized the University and not OCCS as a community school sponsor, and gave the University an overall rating of “effective.”

### **Sponsor ratings for 2021-2022 school year**

The act addresses community school sponsor ratings for the 2021-2022 school year in two ways. First, it establishes a safe harbor from penalties and sanctions for sponsors based on the ratings issued for that year. The act expressly prohibits the use of sponsor ratings for the 2021-2022 school year in determining the revocation of sponsorship.

Second, the act permits a sponsor to elect to have its overall rating for the 2021-2022 school year count toward qualifying it for any incentives for which it was not previously eligible, provided the overall rating is based on all three components of the sponsor evaluation system (academic performance, adherence to best practices and compliance with laws).<sup>38</sup>

### **Low-performing community school sponsorship changes**

Continuing law prohibits a low-performing community school from entering into a contract with a new sponsor unless that sponsor has a rating of “effective” or higher and the Department approves the change. As an exception to that prohibition, for the 2022-2023 school year only, the act authorizes a community school that is low-performing based on the school’s state report card for the 2021-2022 school year to change sponsors without regard to the sponsor’s ratings or the Department’s approval.<sup>39</sup>

### **Sponsor evaluations**

The act prohibits the Department, under the community school sponsor evaluation system, from assigning an overall rating of “ineffective” or lower to a sponsor solely because the sponsor received no points on one of the components of that evaluation.<sup>40</sup>

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<sup>35</sup> Section 12 of H.B. 364 of the 124<sup>th</sup> General Assembly, which was later codified as R.C. 3314.021 by S.B. 2 of the 125<sup>th</sup> General Assembly.

<sup>36</sup> See the [timeline](https://www.ohioschools.org) prepared and posted by the Ohio Council of Community Schools on its website: [ohioschools.org](https://www.ohioschools.org).

<sup>37</sup> See the “[Ohio Council of Community Schools Succeeds the University of Toledo](https://www.ohioschools.org)” press release at the OCCS’s website: [ohioschools.org](https://www.ohioschools.org).

<sup>38</sup> Section 18.

<sup>39</sup> Section 17. See R.C. 3314.034, not in the act.

<sup>40</sup> R.C. 3314.016(B)(1)(c).

## **Tutoring and remedial education program**

The act requires the Superintendent of Public Instruction to establish a program to provide tutoring and remedial education services to students in participating public and chartered nonpublic schools. Tutors placed in schools must provide those services in math, science, social studies, reading, and English language arts. The state Superintendent must administer the program with assistance from participating educational service centers (ESCs) and in consultation with each participating school.

The tutors are not, however, employees of the state Superintendent or the schools in which they provide services. Rather, each tutor is either an employee of, or an unpaid volunteer engaged by, the Educational Service Center of Central Ohio (the “Coordinating Service Center”). In addition to that responsibility, the Coordinating Service Center is authorized to coordinate the placement of tutors with 16 regional ESCs selected under the act (see below) and with other ESCs.<sup>41</sup>

### **Tutors**

#### **Eligibility and application**

An individual qualifies to be a tutor under the program in one of two ways. First, a tutor may be a retired teacher or substitute teacher, regardless of whether the teacher still holds a valid educator license, as long as the teacher has not had an educator license denied, suspended, or revoked by the State Board or entered into a consent agreement with it regarding a disciplinary issue.

Second, an individual may qualify as a tutor if the Coordinating Service Center determines that individual meets eligibility standards adopted by the state Superintendent. The act requires the state Superintendent to adopt those standards by November 22, 2022 (60 days after the act’s effective date).

The act requires individuals who wish to participate as tutors to submit an application to the Coordinating Service Center. The Center must establish application procedures by November 22, 2022.<sup>42</sup>

#### **Registration**

The Coordinating Service Center must require tutors to register with the Department. As a condition of registration, an individual must submit to a criminal records check through the Coordinating Service Center. The Department must enroll the individual in the retained applicant fingerprint database (RAPBACK) in the same manner as a teacher who receives an educator license. In addition, the Department must reimburse the Center for any costs associated with registration, including the cost of the criminal records check. The act expressly

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<sup>41</sup> R.C. 3301.28(A), (B), and (C).

<sup>42</sup> R.C. 3301.28(A), (B)(1) and (2), and (C)(1).

prohibits the Department from charging individuals any fee for registering to be a tutor in the program.<sup>43</sup>

The Department cannot accept the application of any individual if it learns that individual has pleaded guilty to, been found guilty of, or been convicted of any offenses prescribed under continuing law that precludes employment in K-12 schools. Additionally, if the Department receives notification through RAPBACK of the arrest or conviction of an individual registered as a tutor, it must notify the Coordinating Service Center. The act also permits the Department to take any disciplinary action authorized under law against the individual as if the individual were a licensed educator.<sup>44</sup>

### **Training**

The Coordinating Service Center, in consultation with the state Superintendent, must create a training course for tutors who do not have a valid educator license. The Center and the state Superintendent may establish additional training requirements for tutors who provide services to students with special needs or students with an individualized education program (IEP). Furthermore, the Center and the state Superintendent may continue to provide training to tutors after their placement in schools.<sup>45</sup>

### **Compensation**

The act prohibits the Department from compensating the tutors and, instead, expressly states that the Coordinating Service Center is responsible for compensating the tutors it employs. However, it also requires each participating school to transfer funds to assist the Coordinating Service Center in making payments, or paying the costs of other benefits, to the tutors placed in that school. The act requires the state Superintendent, in consultation with the Chancellor of Higher Education, to create a list of benefits.<sup>46</sup>

### **State Teachers Retirement System membership**

The act includes as “teachers,” for State Teachers Retirement System (STRS) membership, tutors employed by the Coordinating Service Center who hold a registration issued by the Department. Conversely, it excludes them from School Employees Retirement System (SERS) membership.

STRS membership generally includes teachers and other school employees who are required to hold a license or registration issued under the law governing superintendents, teachers, and employees (tutor registration under the act is part of a different law). SERS

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<sup>43</sup> R.C. 3301.28(C)(3) and (6).

<sup>44</sup> R.C. 3301.28(C)(6).

<sup>45</sup> R.C. 3301.28(C)(2).

<sup>46</sup> R.C. 3301.28(B) and (C)(3) and (7).

membership includes nonteaching school employees who are not required to hold a license or registration for their positions.<sup>47</sup>

As noted above, a retired teacher is eligible to be employed as a tutor by the Coordinating Service Center. Under continuing law, a teacher who has retired under STRS may be re-employed as a “teacher” for STRS purposes but does not earn STRS service credit toward a retirement or other benefit. Instead, a re-employed teacher continues to contribute to STRS and, on separation from employment, receives a refund of contributions, lump sum payment, or annuity benefit.<sup>48</sup>

### **Participating schools**

The act reserves to participating schools the ultimate authority over how to incorporate tutors into the school setting, but also requires such determinations to be made in cooperation with an ESC.

Furthermore, it specifies that program activities may take place before, during, or after school, as well as on breaks from school such as weekends, holidays, or summer vacation. In addition, it further permits activities to take place online or in person, including on school premises, at a community-based youth development organization, or in another public location that the school and ESC determine appropriate.

A participating school must provide necessary materials, space, and equipment for tutors placed in the school. It also must use its own funds to pay for costs incurred from participating in the program.

Finally, the act expressly states that participation in the program by public and chartered nonpublic schools is voluntary. It also states that a public or chartered nonpublic school is not prohibited from contracting or partnering with another entity for tutoring services.<sup>49</sup>

### **Other ESCs**

In addition to the Coordinating Service Center, the act prescribes responsibilities for other ESCs. Specifically, the ESCs in each of the 16 regions of the Educational Regional Service System must select one ESC in the region to administer the training program for tutors, in conjunction with the Coordinating Service Center. The ESC selected for each region may cooperate with other ESCs in the region to implement that training program. Also, each ESC may coordinate the placement of tutors at participating schools within its service territory.<sup>50</sup>

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<sup>47</sup> R.C. 3307.01 and 3309.01.

<sup>48</sup> R.C. 3307.35 and 3307.352, not in the act.

<sup>49</sup> R.C. 3301.28(C)(7) and (E).

<sup>50</sup> R.C. 3301.28(C)(4) and (5).

## Department responsibilities

The act requires the Department to serve as fiscal agent for the program, including providing for administrative and implementation costs, as well as costs for developing the training course for tutors. Additionally, the Department must provide technical assistance at the request of the Coordinating Service Center.<sup>51</sup>

### Reports

The Department must review the program's effectiveness at the end of each of the 2022-2023, 2023-2024, and 2024-2025 school years. Based on each review, the Department must issue a report with its findings. The report must include the number of participating schools, tutors, and students, as well as whether tutoring in a particular school was provided on online or in-person. The Department is expressly authorized to request and collect data from participating schools and ESCs for the report. The reports must be submitted to the General Assembly by September 30 following the school year the report addresses.<sup>52</sup>

### Appropriation

The act appropriates \$2,415,201 of federal American Rescue Plan Act funds in FY 2022 to the Department to pay its costs associated with the program. It reappropriates the unexpended, unencumbered balance for FY 2023.<sup>53</sup> See the [Final Fiscal Note for H.B. 583 \(PDF\)](#), which is available at the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov), for additional information about the appropriation.

## List of high-quality tutoring programs

The act requires the Department to compile a list of high-quality tutoring programs that have the potential to accelerate learning for students in English language arts, math, science, and social studies. The Department must:

1. Request the qualifications of public and private entities that provide tutoring programs;
2. Establish a rubric to evaluate tutoring programs; and
3. Determine a minimum score for a program to be included on the list.

The act authorizes the Department, in compiling the list, to designate individual programs as more appropriate for certain grade levels, student populations, or subject areas. The Department may establish multiple application periods in any school year for entities to submit their qualifications for consideration. However, the Department must post the initial list on its website by October 1, 2022.

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<sup>51</sup> R.C. 3301.28(C)(3).

<sup>52</sup> R.C. 3301.28(D).

<sup>53</sup> Section 9.



The act expressly prohibits requiring a school district or school to use a tutoring program included on the Department's list.<sup>54</sup>

## **Career-technical tax credit administration**

S.B. 166 of the 134<sup>th</sup> General Assembly authorized a nonrefundable income tax credit for employers who hire students age 19 or younger for a work-based learning experience, internship, or cooperative education program associated with the student's career-technical education program. The credit equals 15% of the wages paid to the student on and after March 23, 2022, capped at \$5,000 per student, per year.

In administering eligibility for the tax credit, the act permits the Department of Education to request a student's data verification code. However, it also prohibits the Department from releasing a data verification code to any unauthorized person and specifies that any document related to the tax credit that the Department maintains in its files that contains both a student's name or other personally identifiable information is not a public record.<sup>55</sup>

## **Dyslexia screening and intervention**

The act delays from the 2022-2023 school year to the 2023-2024 school year the requirement that each school district or other public school administer a tier one dyslexia screening measure to students in grades K-6. However, it expressly permits a district or school to administer a tier one screening measure prior to 2023-2024.<sup>56</sup>

Under continuing law, a district or school that administers a tier one screening measure to students in grades K-6 must identify any student at risk of dyslexia based on the results and notify the student's parent or guardian of that fact. It must monitor the student's reading and writing progress and, for students who are not making progress, administer a tier two screening measure. If the student is identified as having dyslexia tendencies by the tier two screening, the district or school must provide the student's parent or guardian with prescribed information about dyslexia.<sup>57</sup>

In addition, the act expressly permits (but does not require) a district or school to "utilize" any best practices and recommendations developed under continuing law for the guidebook by the Ohio Dyslexia Committee. On the other hand, it also specifically states that a district or school must comply with any statutory provisions cited in the guidebook.<sup>58</sup>

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<sup>54</sup> R.C. 3301.136.

<sup>55</sup> R.C. 5747.057(F).

<sup>56</sup> R.C. 3323.251(A)(1) and (2) and (B)(1).

<sup>57</sup> R.C. 3323.251(A)(3) to (6).

<sup>58</sup> R.C. 3323.251(C).

The act further specifies that the list of training opportunities the Department, in collaboration with the Ohio Dyslexia Committee, is required to maintain under continuing law must pertain to “training” rather than “courses” that fulfill the professional development requirements under continuing law regarding dyslexia. It also exempts teachers who provide instruction in fine arts, music, or physical education from completing those professional development requirements.<sup>59</sup>

Finally, the act removes “multi-sensory” from the description of structured literacy programs in the law regarding dyslexia screenings.<sup>60</sup>

### **Alternative resident educator licenses**

Until July 1, 2028, the act prohibits the State Board and the Department from limiting the subject areas in which an individual may receive an alternative resident educator license.<sup>61</sup>

### **Ohio School Safety Month**

The act designates October as “Ohio School Safety Month.” It states that the designation is made “to increase public awareness of school safety programs and to encourage Ohioans to identify their role in keeping Ohio schools a safe place for students to learn and grow.”<sup>62</sup>

### **Prelicensure education programs for licensed practical nurses**

The act temporarily authorizes a prelicensure education program for licensed practical nurses (LPNs) to use as a member of its faculty any individual who holds a baccalaureate degree in nursing or will receive one within 12 months after the program first uses the individual as a faculty member. The authorization applies until January 31, 2028. During that time, the Board of Nursing is prohibited from refusing to grant or renew approval for an education program solely on the basis that the program uses as a member of its faculty an individual described above.<sup>63</sup>

Beginning February 1, 2028, the Board is no longer required to permit prelicensure education programs for LPNs to use such individuals as faculty members, but it cannot refuse to grant approval or renew approval on that basis if the program applied for or was granted approval prior to February 1, 2028. The act specifies that it does not prohibit the Board from adopting rules on or after February 1, 2028, to continue to permit individuals who will receive a

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<sup>59</sup> R.C. 3319.077.

<sup>60</sup> R.C. 3319.078, 3323.25, and 3323.251.

<sup>61</sup> R.C. 3319.263. See also R.C. 3319.26, not in the act.

<sup>62</sup> R.C. 5.2318.

<sup>63</sup> R.C. 4723.07 and 4723.072(A) and (B)(1).

baccalaureate degree in nursing within 12 months to serve as faculty for LPN prelicensure education programs.<sup>64</sup>

## HISTORY

Action	Date
Introduced	02-28-22
Reported, H. Primary & Secondary Education	03-23-22
Re-Referred, H. Rules & Reference	03-29-22
Reported, H. Finance	03-30-22
Passed House (80-10)	03-30-22
Reported, S. Primary & Secondary Education	05-25-22
Passed Senate (24-6)	05-25-22
House concurred in Senate amendments (56-36)	06-01-22

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<sup>64</sup> R.C. 4723.072(B)(2) and (C). See also Ohio Administrative Code 4723-5-11(A)(3).